

MINUTES OF THE REGULAR COUNCIL MEETING
MAY 12, 1998

Present: Chairman Mayor John P. Prall
Deputy Mayor Michael J. Munday
Councillor Bruce H. Morse
Councillor Thomas S. Banks
Councillor Donald E. Clarke
Councillor Michael E. Trinacty
Councillor Gary W. Whittier
Judith Mitchell, Town Clerk

In attendance: Mr. Bob Chute, Lion's Club
Various Lion's Club members (11 in all)
Mr. Andy Paterson, Kings Transit Authority Mayor Gary
Pearl, Kings Transit Authority
Mr. Robert Stewart, solicitor
Ms. Sara White, Berwick Register

The chairman called the meeting to order at 7: 02 p. m., and welcomed all in attendance.

APPROVAL OF PREVIOUS MINUTES

- (a) Hearing of no errors or omissions, the Chairman approved the minutes of the Regular Council Meeting of April 14, 1998, as circulated.
- (b) The following minutes were circulated for the information of Council:
 - (i) Police Commission 22 April 1998, circulated
 - (ii) 75th Birthday committee 27 April 1998, circulated
 - (iii) Streets committee 4 May 1998, to be circulated
 - (iv) Streets Committee 4 May 1998, to be circulated
 - (v) Personnel committee 5 May 1998, to be circulated
 - (vi) Recreation Committee 6 May 1998, circulated

GUEST SPEAKERS:

- (a) Mr. Bob Chute: Berwick & District Lion's Club: Margeson Museum

Mr. chute informed council about a committee of the Lion's Club that had been formed in the fall to look into the possibility of forming a local Museum. Since that time, the Margeson family had offered to donate the H. E. Margeson vacant storefront building on Commercial Street, if they could obtain a tax receipt, and certain conditions were met.

The Lion's club committee then met with the Kings Historical Society in Kentville to see what would be involved. The structural integrity of the building has not been determined as yet, but the Lion's Club members proposed that they could probably do most of the work with local members and local resources/donations. There are many articles and artifacts of historical

significance that the Lion's Club are aware of, in and around the Berwick area probably enough to fill a small museum. Felt it was important to safeguard these items before they leave the area or disappear. The Province may also have artifacts in storage at the Archives Building from Berwick and area.

Mr. Chute then suggested that the Town issue a tax receipt and help facilitate the creation of a museum, which could be called the Margeson Memorial Museum.

Council raised concerns about what the liability issues might be if the Town were to issue a tax receipt and assume ownership of the building, as had been suggested. It was also unclear what the criteria would be to issue a tax receipt. According to the Dept. of Housing & Municipal Affairs, under the Towns Act, the Town does not have authority to make expenditures on a Museum; although it can make donations to a non-profit society if it fits within the policy for Grants to Organizations. After further discussion, it was agreed to find out more about what was involved, and to try and gauge public support for such a project.

The Mayor thanked Mr. Chute, and the Lion's Club members, for bringing the matter to Council's attention. (All left at 7: 25pm) .

(b) Mr. Paterson and Mayor Pearl: Kings Transit Authority(KTA)

Mr. Paterson and Mayor Pearl reviewed the final draft of the Kings Transit Authority's 1997/98 Financial statements for the benefit of Council. The past year of operations has resulted in a surplus of \$ 26000 for KTA, for the first time ever. This was attributed to increased ridership (up 9%) and increased revenues (up 19%). Many recommendations of the Consultant's study from last year have been implemented, as well as the continuation of the Berwick to Greenwood run. Both of which appear to have made a significant difference to the bottom line. It was also noted that this transit company, for its size, had one of the best records in Canada for recovering operating expenses from the farebox: approximately 75% of expenses were covered by fares.

Mayor Pearl also thanked Council for allowing Mr. Ron Reeves to continue to sit on the KT A Board as a citizen representative for Berwick. Mr. Reeves acts as Vice-Chair, and his input is invaluable to the organization. As far as the surplus goes, this can be requested by the participating Municipal Units, or put towards 1998/99 Capital contributions. Mayor Prall thanked both Mr. Paterson and Mayor Pearl for their presentation, which was certainly good news for all Kings Transit Authority users and stakeholders. (Both Mr. Paterson and Mayor Pearl left the meeting) .

4. **BUSINESS ARISING FROM PREVIOUS MINUTES**

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

5. COMMITTEE REPORTS

(a) 75th Birthday Committee

Councillor Morse indicated he had lots to report: the new parade banner has arrived, it's 10' x 3' and is yellow with a red apple logo, and was used at the Fun Fair, the Police Open House, and the roast for Mr. Bill Wilson. In between events, the banner will be on display in the corridor of the Town Hall. Trying to contact the Chair of the Apple Blossom Parade to see if they can carry it in the parade.

In the Berwick Register next week there will be a full page of 75th Birthday Events being published to clip and save for future reference. Mr. Terry Thomas of A VR will be interviewing Councillor Don Clarke about the upcoming Town Criers event on May 23rd, as well as tree-planting ceremonies and display of dances by Mary's Islanders. Also plan to put up ten yellow street banners in the downtown core, similar to Village Fair banners.

Councillor Morse also requested that Councillors wear their 75th Birthday lapel pins at every opportunity, especially at Special Events.

(b) Social Services Committee

Councillor Banks advised that he had no recent figures to report regarding Social Services expenditures for the month of March. Will be looking into any outstanding amounts, owing or owed, as part of the Year-End process. May have to make some inquiries then.

(c) Kings CED Agency

Councillor Banks suggested that there was not enough publicity surrounding the activities of the Kings CED Agency to make the public fully aware of what the organization was all about, or what it could offer. He also indicated that many of the same questions being raised now were also raised in 1995, when the Agency was in its formative stages.

Although the level of funding from the Town will be determined when the Town's 1998/99 Budget is prepared and approved, (probably July), the Town may be obligated to fund at least a portion of the new fiscal year, as two months have already elapsed, and no notice has been given as to whether the Town plans to withdraw funding or not.

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Therefore, IT WAS MOVED by Councillor Morse and seconded by Councillor Whittier that the decision of whether or not to fund the Kings CED Agency for the 1998/99 fiscal year be made as part of the Town's budget deliberations; and that the Town acknowledges an obligation to fund the first quarter.

Motion Carried.

Two Nay Votes recorded: Deputy Mayor Munday and Councillor Trinacty.

It was noted by the Clerk that the decision to withdraw funding to the Kings CED Agency should not be a hasty one, as the Regional Development Agency structure is the almost the only way to access Provincial and Federal monies for economic initiatives. As well, the \$ 10,000 paid by the Town is matched by the two other levels of government, so a \$ 10,000 cut will result in a loss of \$ 30,000 in annual funding.

(e) Fire Committee

Councillor Clarke reported that he had been unable to attend the most recent Executive Committee meeting of the Berwick and District Volunteer Fire Department. Waiting to attend a joint meeting with Mr. Randy Edwards and associate from the Frank Cowan Insurance company to discuss liabilities and risk management with Fire Service providers.

(f) Valley Solid Waste Authority

Councillor Clarke advised that the Authority is moving ahead rapidly. Hiring a General Manager and an Education Officer. Trying to meet bans put in place by the Dept. of Environment. Looking at having solid waste residual hauled to Queens or another area. As mentioned before, fairly hefty capital budget is being planned: \$ 6, 180,000 for Region 5.

Probably will not proceed with compost Facility in next fiscal year, so capital budget is being revised to \$ 4,380,000. The Town of Berwick is responsible for 2.83% of that or just under \$ 124,000. A lot to add to existing commitments: all Towns are finding this difficult to fund. Rural Municipal Units, (ie- the Counties), appear to be in a better position, although there will be offsets from Authority's revenues, etc... The Clerk then reviewed Long Term Debt figures for the Town and the implications of additional long term debt commitments, as well as a brief update of a meeting with the Town Clerks/CAO's and the Municipal Advisor to suggest that only the 'net' rather than 'gross' LTD be recorded.

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Therefore, IT WAS MOVED by Councillor Clarke and seconded by Deputy Mayor Munday to approve the Valley Solid Waste Authority's 1998/99 revised Capital Budget of \$ 4,380,000; with Berwick's share being 2.83% or \$ 123,954. It was also recommended that a letter be written to Dept. of Housing & Municipal Affairs requesting that only the net amount of Long Term Debt owing, after Authority Revenues, be reflected on the Town's ability to borrow.

Motion Carried

(g) Workshop: Wellhead to Burnertip:>Natural Gas

Councillor Clarke updated Council on a recent workshop he had attended on Natural Gas, which was like a three-day-seminar all rolled into one. The Province seems to be proceeding without clear rules. Alberta advises that there may be real problems with the way gas is franchised if it all ends up in the hands of one or two businesses. How it is regulated will become critical. Lots of information is available on this: Natural Gas is so much cheaper, it's just amazing. If distribution continues the way it looks right now it will divide the province into 'haves' and 'have-nots'.

Motion Carried

(h) Personnel committee

Councillor Trinacty indicated that the Committee had reviewed the second draft of the Hiring Policy: Dept. Heads did an excellent job of putting it together, very few revisions required. Also looking at a Voluntary Exit Interview form on a pilot basis to see if the Town can get some constructive feedback from departing employees. Next meeting will focus on Performance Appraisals. Plan to have a Guest Speaker attend to discuss the subject.

(i) Streets Committee

Councillor Whittier reported that it had been "business as usual" for the Public Works Dept. working on leaves and brush pickup. Spring Cleanup started yesterday. Preparations on this year's Apple Blossom Float are underway. Have applied for several grants to hire Summer Students; to date, one application has been approved. An Arborist Company will be hired in the next week or two to do some specialised tree work with an extra-extension bucket truck.

Councillor Whittier indicated that he had been approached to add a 'poop and scoop' provision to the Town's current Animal Control Bylaw. (To be passed onto Licensing & Bylaw Committee for future consideration). Also looking at sample Street Signs with an apple logo on them, at least for the most visble areas in Town such as Main Street and Commercial Street. The SubCommittee on Tourism has also suggested that some existing street names be changed to ones with a more pronounced apple theme, for instance, Apple Tree Lane.

(j) Finance Committee

Deputy Mayor Munday advised that the Finance Committee had not met since the last meeting of Council. The auditors have been booked for June 1st, the Accountant and Clerk are working to meet that deadline. Once the year-end is finalised, Budget committee meetings will commence shortly thereafter.

There are a couple of items of business to attend to: one to proceed with a website for the Town, and another to purchase the banners for the 75th Birthday Celebrations. After discussion of both matters,

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Trinacty that Mrs. Gloria Armstrong be paid a fee of \$500 to design and implement a WEBSITE for the Town of Berwick, and to keep it updated for a period of one year.

Motion Carried

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Morse that 75th Birthday Celebration BANNERS be purchased for the sum of \$850 plus tax for one 10' x 3' banner, and for the sum of \$70 each plus tax for ten 5' x 2' banners (to be hung from streetlight(" posts) .

Motion Carried

As well, it appears that the Town needs to implement a Resolution concerning the use of non-owned automobiles, for insurance coverage over and beyond the owner's insurance, when used for Town Business, (per the new Frank Cowan Insurance Policy). Therefore, the following Resolution was moved by Deputy Mayor Munday and seconded by Councillor Morse.

Motion Carried

RESOLUTION

BE IT HEREBY RESOLVED THAT the Town of Berwick accept the agreement of the subscription policy to insure the liability assumed by this Resolution, as follows:

The Town of Berwick hereby:

- 1/ Assumes the liability for bodily injury to or death of any person or damage to or destruction of property to others, imposed by law upon:**
 - (a) Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees, or Volunteer Workers of the Town of Berwick for liability which arises out of the use or operation by such person of a licensed motor vehicle, or**
 - (b) The owner of any licensed motor vehicle, for liability which arises out of use or operation of such licensed motor vehicle by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees, or Volunteer Workers of the Town of Berwick.**

- 2./ Declares that such assumption of liability be subject to the following limitations, exclusions, and conditions:**
 - (a) This assumption of liability applies only to the use of or operation of a licensed motor vehicle in Canada or the United States of America by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers on behalf of the Town of Berwick including travel to and from work and attendance at meetings.**

 - (b) This assumption of liability applies only in excess of existing insurance carried by the owner of the licensed motor vehicle which was being used or operated by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers at the time of the accident and does not apply unless the licensed motor vehicle which was being used or operated by such person at the time of the accident is insured for not less than the minimum Third Party Liability Limit required by the Insurance Act for the Province of Nova Scotia.**

 - (c) This assumption of liability is subject to the agreements, conditions, terms and limit of liability insured in the Non Owned Automobile Policy issued by the subscription policy and shall terminate whenever such Non-Owned Automobile Policy is terminated.**

(k) Planning Advisory Committee

Deputy Mayor Munday reported that the Planning Advisory Committee is scheduled to meet on May 20th to discuss the Sign Proposal submitted to the Municipality of Kings by the Ad Hoc Sign Committee. Also invited to attend this meeting are representatives of the Board of Trade, Dept. of Transportation, and Planning staff from the Municipality of County of Kings' Planning Dept.

As far as the proposed Golf Course for Berwick goes, Mayor Prall advised that he plans to check with the landowners to see if there's any official news on the status of the project.

(l) Police Commission

The Mayor informed Council that the Commission had recently met; also had the first meeting of the Building Subcommittee, with Mr. Charles Parlee of Dept. of Justice in attendance. Made plans to meet and tour the existing Police Building; also plan to look at the possibility of a joint structure to be shared with the Fire Dept. The Province says there are 'no standards', but won't specify requirements needed to meet Justice Dept. 's expectations, which makes the process somewhat confusing.

The Police Open House went over very well: good attendance, lots of demonstrations, lots of fun. The Mayor noted that the Town is very proud of the Police Dept., and appreciates all the work done by Cst. Tucker and the other officers to prepare for it. Also had a draft horse show and fun fair that same weekend, so there was a lot of activity and a lot of people in Berwick that Saturday.

(m) Berwick Electric Commission

The Mayor advised that the Rate study prepared by Mr. George Baker has been approved by the Commission and has been forwarded to the N. S. Utility & Review Board for a hearing date to be set. The N. S. Municipal Electric Utilities Co-operative met on April 24th in Berwick. Trying to keep abreast of the gas issue and how that will affect the cost of electricity.

(n) Mayors/Warden/CAO's Meeting

The Mayor informed Council that the Mayors and Warden and Clerk/ CAO's had met recently at the Town of Kentville to exchange ideas and opinions and come up with new strategies for dealing with

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certain items. It was a good meeting: lots of discussion and a full agenda. One large concern is the escalating cost of Education and its impact on Municipal units. The next meeting will be hosted by the Municipal of County of Kings, location not determined yet.

(o) Fire Dept: Ladies' Night Banquet

The Deputy Mayor reported that he had attended the Ladies' Night Banquet in place of the Mayor on the evening of May 9th. Also in attendance were Councillor Trinacty, councillor Morse, and Councillor Banks. It was an enjoyable time; tried to promote the Town, as well as the upcoming 75th Birthday events.

6. CORRESPONDENCE

(i) A thank you note from Ms. Cathy Margeson, Assistant Curator for the Old Kings Courthouse Heritage Museum for permitting the photographs of Berwick's Mayors to be loaned to the Museum.

For the information of Council.

(ii) A letter from Mr. Mike Myette of the N. S. Emergency Measures Organization advising that the Province intends to introduce civic addressing regulations to the 911 Act, and is encouraging feedback and suggestions from Municipal Units.

For the information of council.

(iii) A letter from the Honourable Wayne Gaudet, Minister of Housing & Municipal Affairs announcing the signing of a Federal/Provincial Housing Agreement and listing contact names. The Housing Service Regional Office for the Valley area is in Middleton, under the direction of the Western Region Manager, Mr. Gordon MacPherson, 1-800-564-3483.

For the information of Council.

(iv) A letter from Warden Ray Leslie of the Municipality of the County of Kings extending congratulations to the Town of Berwick on its 75th, as follows:

" The Council members at our meeting of the Committee-the-Whole on April 28th paid particular tribute to the leadership and co-operation of your Council and Citizens in promoting the Annapolis Valley through the 'Apple Capital'. In addition, the Town has played a significant role in joint ventures with the Municipality of Kings and have always provided excellent leadership. Councillor Fred Whalen took the initiative to move that we acknowledge this milestone and confirm that the Town

is always willing to include the citizens of surrounding areas in your celebrations.

May I, on behalf of Council, extend our sincere congratulations and may our future joint ventures be as successful as those achievements that have occurred over the past 75 years.

For the information of Council.

- (v) A letter from Mr. Dan MacDougall, Director of Advisory Services for the Department of Housing & Municipal Affairs, notification that the Corrections payable for 1998/99 for Berwick will be increased by 1.6% to an amount of \$ 35,498.

For the information of Council.

- (vi) Received from Department of Agriculture & Marketing, a document entitled Siting and Management of Hog Farms in Nova Scotia... Guidelines. This document is intended to provide guidance on acceptable management practices for hog farms as well as on the siting of farms in relation to other land uses.

For the information of Council.

The balance of correspondence was of a routine nature or passed to Committees for action.

7. **BILLS AND ACCOUNTS**

IT WAS MOVED and seconded by Deputy Mayor Munday and Councillor Banks that the attached list of bills and accounts in the amount of \$87007.47 be approved for payment.

Motion Carried

NEW BUSINESS

- (a) Angled Parking

Councillor Banks inquired whether there was anything new to report on the issue of Angled Parking on Union Street in front of the Post Office. The Mayor indicated that he had made inquiries at the Police Department: there are no complaints on file and no accident reports for that particular area. After discussion, it was agreed that the area is congested at times, and that it may be looked into further.

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(b) Signs on Power Poles

Councillor Banks inquired about the liability or safety of Electric Commission employees who have to work on poles in the Bezanson Extension subdivision area where the poles have street signs mounted on them. Felt it would be more appropriate to have the street signs erected on their own signposts. Councillor Whittier suggested that this was a matter for the Public Works Superintendent and will bring it to his attention.

(c) Need to Change the Flag at Town Hall

Councillor Whittier asked when the flag would be changed outside of Town Hall. It's getting old and weatherbeaten. The Clerk indicated that she had set up a regular schedule of flag replacement with the Public Works Superintendent and thought that the matter had been looked after.

9. There was a short break at 9: 30 p. m. followed by Committee-of-the-Whole at 9: 35 p. m. to discuss several matters of a confidential nature. Regular Council resumed at 10: 15 p. m .

10. ANY OTHER BUSINESS

(a) Agreement of N. S. Municipal Electric Utilities Co-operative to follow-up on Sable Gas Interests

The Mayor indicated that there was a certain level of concern being expressed by both Municipal units and Municipal Electric utilities about the way the Sable Gas issue was being handled, and several meetings had been planned to hear of other ways of proceeding for the widest benefit of all Nova Scotians. To that end, an Agreement had been drafted by the N. S. Municipal Electric Utilities Co-operative to further explore possibilities under the collectiveness of the Co-operative. The agreement is intended to be exploratory in nature, with 'off-ramps' provided for any utilities who do not wish to become further involved. Such an Agreement also serves as a vehicle to raise concerns directly with the N. S. Utility & Review Board. Therefore, after discussion,

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Whittier **that the Town enter into the Agreement with the other Municipal Electric utilities** as discussed. (Copy attached to the formal copy of the Minutes).

Motion Carried

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(b) Provincial Capital Assistance Program: Funding Application

Councillor Whittier advised that the Streets committee had met on May 4th to firm up plans for a Sewer Treatment Plant upgrade to install disinfection treatment capability to the existing plant in conformance with Department of Environment regulations, at an estimated cost of approximately \$ 580,000. In order to do a project of this scope, cost-sharing with 50c dollars from the Province would be necessary. Therefore, after further discussion,

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor whittier **that the Clerk be instructed to make written application to the Minister of Housing & Municipal Affairs for P. C . A. P. Funding to enable the Town to proceed with this mandatory upgrade.** (Application to be copied to Mr. Bob Rowe, Dept. of Environment).

Motion Carried

(c) Flow Meter & Sampling Equipment

The Mayor spoke on the need for the Town to install Flow Meter and sampling Equipment to accurately measure volumes and record sampling data for both industrial food processing plants. After discussion, therefore,

IT WAS MOVED by Councillor Clarke and seconded by Councillor Whittier **to approve the installation of Flow Meters and Sampling Equipment for both Industrial Food processors under the direction of Hiltz & Seamone at a cost not to exceed \$30,000, including HST.**

Motion Carried

(d) Computer SubCommittee

The Mayor noted for the benefit of Council that the Clerk had been researching the Town's and Electric's requirements for a new Computer System to replace the existing system (circa 1989) which is not Year 2000 compliant. To that end, the need for a formal Computer SubCommittee to be struck has become apparent. After brief discussion,

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Whittier **that a Computer SubCommittee be formed with the Town Clerk, the Electric Superintendent, and councillor Clarke on it, to further research the Computer Replacement issue and bring a recommendation back to Council in due course.**

Motion Carried

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(e) Installation of Internet at Town Hall

The Mayor advised that he and Councillor Clarke had been involved in some inquiries to see if the Town could access the Internet using its existing system, (at least until a new system is up and running in the fall/winter). Not sure yet of exact installation requirements: may have to install modems and/or phone line to accommodate a hook-up. Once on the Internet, the website prepared by Mrs. Gloria Armstrong for the Town of Berwick can be installed, which would allow the public to stay updated with the 75th Birthday and other upcoming Town events.


IT WAS MOVED by Mayor Prall and seconded by Deputy Mayor Munday **to look at an Internet Provider and to proceed with installation at the most reasonable price for the level of service and Internet package required for the Town's existing system.**

Motion carried

11. There being no further business, the Chairman adjourned the meeting at 10:32 p.m.

John P. Prall

Chairman


Judith Mitchell
Town Clerk