

SPECIAL COUNCIL MINUTES  
29 JULY 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 Stewart, Town Solicitor  
  Ms. Arleen Lively, Berwick Register

1.       The Chairman called the meeting to order at 6:00 p.m.

2.       **Second Reading of Bylaws**

After a brief introduction by the Licensing and Bylaw Chairman, the following motions were put forth

a)       Hawkers & Peddlars Bylaw

IT WAS MOVED by Councillor Morse and seconded by Councillor Trinacty that the Amendment of the Hawkerc and Peddlars Bylaw go to Second Reading for discussion by Council, (and if suitable, proceed to Third Reading later on at this meeting.).

Motion Carried

It was noted that the object of the Amendment is to amend the penalty for violation of the Bylaw from \$50 to \$1,000; to allow the issuance of Licenses upon receipt of a completed application and required Licensing Fee, as specified in the amended Bylaw; and to allow for special provisions in regard to the issuance of Licenses during the annual Gala Day Celebrations; specifically that the License Fee for an applicant selling food and beverages shall be \$1,000 per day, and the License for an applicant selling other wares and merchandise shall be \$200 per day, with such fees collected to be turned over to the Berwick Gala Days Organization. As well, any Gala Day Vendors who are clearly identified as bona fide Gala Day Vendors shall be exempt from any Licensing Fee.

It was also noted that products of the farm, forest, or sea are exempt from Licensing at this point, but the tentative Municipal Government Act proposes that this distinction be removed and that they be licensed. As well, the proposed Municipal Government Act may grant statutory authority to

Municipal Units to designate a specific area or location for Hawkers and Peddlars to sell from.

As far as identifying "bona fide" Gala Day Vendors, someone from the Gala Days Committee will have to send a list to the Clerk each year.

b) Skateboard Bylaw

IT WAS MOVED by Councillor Morse and seconded by Councillor Whittier that the proposed Skateboard Bylaw go to Second Reading for discussion by Council, (and if suitable, proceed to Third Reading later on at this meeting).

Motion Carried

It was noted that the object of the Skateboard Bylaw is to prohibit the use or operation of a skateboard in that section of Commercial Street (including all sidewalks) that is bounded by the intersection of Cottage Street and Commercial Street on the one end; and on the other end bounded by the intersection of Mill Street and Commercial Street. Basically, the downtown core is prohibited.

Councillor Trinacty suggested that the Town promote the new bylaw to youth by posters around Town, school bulletins, newsletters, etc., in addition to the usual newspaper advertisements. The Town Solicitor also suggested a warning period, perhaps to September 30th, with tickets to be issued thereafter.

c) Deed Transfer Tax Bylaw

IT WAS MOVED by Councillor Morse and seconded by Deputy Mayor Munday that the proposed Deed Transfer Tax Bylaw go to Second Reading for discussion by Council, (and if suitable, proceed to Third Reading later on at this meeting).

Motion Carried

It was noted that the object of the proposed Bylaw is to enact the Deed Transfer Tax for the Town of Berwick under the authority of the DEED TRANSFER ACT, CHAPTER 121, of the Revised Statutes of Nova Scotia 1989, to become effective as soon as possible. Basically, the tax is a fee on every deed of one half of one per cent of the value of the property being conveyed, subject to certain exclusions spelled out in the Act. The fee is

collected by the Registry of Deeds' Registrar and submitted once a month to the Municipal Unit. Other local areas that have the Deed Transfer Tax in effect are Windsor, Wolfville, Annapolis County, etc., (i.e. the majority of Municipal Units have it in place). This bylaw will require Ministerial Approval before it can be enacted.

3. **Third Reading of Bylaws**

There being no members of the public in attendance to comment on, or raise objections to, the said Bylaw amendments; and the Clerk having duly advertised and received no written response from the public, nor any members of the public asking for a copy of the said Bylaws (which were available at the Town Hall); it was agreed to proceed to Third Reading for all three bylaws.

a) **Final Reading: Amendment of Hawkers & Peddlars Bylaw**

Councillor Morse read the object of the Amendments to the Hawkers & Peddlars Bylaw aloud for all present to hear.

Therefore, IT WAS MOVED by Councillor Morse and seconded by Councillor Trinacty that Council approve the Third Reading of the Amendment to the Hawkers and Peddlars Bylaw.

(Copy of bylaw attached to formal copy of minutes).  
Motion Carried

b) **Final Reading: Skateboard Bylaw**

Councillor Morse read the Object of the Skateboard Bylaw aloud for all present to hear.

Therefore, IT WAS MOVED by Councillor Morse and seconded by Councillor Banks that Council approve the Third Reading of the Skateboard Bylaw.

(Copy of bylaw attached to formal copy of minutes).  
Motion Carried

c) **Final Reading: Deed Transfer Tax Bylaw**

Councillor Morse read the Object of the Deed Transfer Tax Bylaw aloud for all present to hear.

Therefore, IT WAS MOVED by Councillor Morse and seconded by Councillor Whittier that Council approve the Third Reading of the Deed Transfer Tax Bylaw for the Town of Berwick; to be in effect from the date of July 29, 1998, or the date of approval of the Minister of Municipal Affairs, whichever is later.

(Copy of bylaw attached to the formal copy of the minutes).

Motion Carried

4. Margeson Museum Issue

The Town Solicitor presented copies of two Resolutions to Council (copies attached) and reviewed them for all present. The first resolution relates to the Town acquiring the property on Commercial Street, known as the H. E. Margeson Building, as a donation from Mrs. Evaline Margeson in exchange for a receipt from the Town issued for the assessed value of the property: \$49,800. The resolution outlines the intended use of the property, and acknowledges the intention of the Town to then donate the property to the Apple Capital Museum Society for use as a museum. The second resolution enables the Town to transfer the property to the Apple Capital Museum Society, and further stipulates, that should the Apple Capital Museum Society become defunct, the property reverts back to the Town for the sum of \$1.00, (at Town's discretion). All liability for the building rests with the owner (Mrs. Margeson), and will be assumed by the Apple Capital Museum Society. The Town merely writes a receipt and transfers the property in and out of the Town's books.

Per Mr. Stewart, the consent of the Municipal Affairs' Minister is not required for properties valued at less than \$100,000. In regards to environmental concerns with this property, a report has been received by Mr. Stewart from MGI in Halifax certifying that the property is now in satisfactory condition. Department of Environment (DOE), however, will no longer issue clearance letters, even though they were involved closely with the cleanup company while tests were done at the site. MGI's report concludes that final tests did not detect any hydrocarbon samples. Two sampling pits were free of hydrocarbons as well. The DOE has a copy of this report on file.

After rounded discussion by Council, IT WAS MOVED by Councillor Whittier and seconded by Councillor Trinacty to receive the property from the Margeson family as per the attached Resolution, with a recognized value of \$49,800. Conditional to the Town not

receiving title for the property until such time as the Apple Capital Museum Society is duly incorporated and capable of taking title to the land in question.

Motion Carried

(Copy of Resolution to be attached to the formal copy of the minutes).

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Morse that the Town convey the said Margeson property to the Apple Capital Museum Society for the sum of \$1.00, per the attached Resolution, (once the above conditions have been met).

Motion Carried

(Copy of Resolution to be attached to the formal copy of the minutes).

5. Bicycle Safety Issues

Concerns were raised that some adult bicycle riders have been driving down the sidewalk on Commercial Street; recently, one pedestrian was almost run over. Need to get message out to public that this is illegal and Police Department may have to keep a specific watch for it.

It was agreed after discussion that the public needs to be better educated about bicycle safety. While school age children benefit from Police Bicycle Rodeos, some adults are in need of better bicycling habits. Helmets are also a concern: not everyone is wearing theirs. Also discussed: at what age should children start driving on the street and not on the sidewalk. Need to look at a bicycle-friendly community: many streets have barriers, potholes, drains with lateral slats, etc. that make bike-riding difficult, if not dangerous. Cycle touring is becoming big business in Kings County. There may be opportunities to encourage the cycling trade by introducing bicycle lanes of 3' width along certain streets (like path to new school on Cottage Street). Need to consider the global picture, but also, let public know that the rights of pedestrians, motorists, and cyclists all have to be respected, (and be respectful of each other).

6. Council took a short break at 6:50 p.m., followed by Committee-of-the- Whole at 6:55 p.m. to discuss matters of a confidential nature. Regular Council resumed at 8:04 p.m.

7. Ratification of PANS Contract

After a brief discussion, IT WAS MOVED by Councillor Trinacty and seconded by Councillor Whittier that Council accept the recommendation of the Police Commission that the Collective Agreement be approved, with amendments as noted. The Clerk and Mayor are hereby authorized to sign the Collective Agreement only after fully ratified and signed off by the PANS Local 214 and the PANS Executive.

Motion Carried

Note: The amendments are as follows:

- (i) amend eight hour shift for Secretary to agree with Appendix, (i.e. seven hour day with a half hour lunch).
- (ii) amend Worker's Compensation Board clause to tie in to existing provincial legislation on Worker's Compensation Board Act.

8. Waste Resource Cycle

For the information of Council, the Solid Waste Representative, Councillor Don Clarke, distributed material about the Waste Resource Cycle (for future reference).

9. There being no further business, the Chairman adjourned the meeting at 8:10 p.m.

John P. Prall  
Chairman

Judith Mitchell  
Town Clerk/Treasurer