

MINUTES OF COUNCIL MEETING
8 JUNE 1999

Present: Chairman Mayor John P. Prall
 Deputy Mayor Michael J. Munday
 Councillor Gary W. Whittier
 Councillor Donald E. Clarke
 Councillor Thomas S. Banks
 Councillor Michael E. Trinacty
 Councillor Bruce H. Morse
 Mr. Rick Ramsay, Acting Town Clerk
 Ms. Rachel Jones, Recording Secretary

In Attendance: Mr. Bob Stewart, Town Solicitor
 Ms. Sarah Keddy, Register
 Chief Alan DeWolfe
 Constable Bob McWhinney, RCMP
 Mr. Ken Pineo

1. The Chairman called the meeting to order at 7:05 p.m.

2. **Approval of Agenda**

Mr. Ramsay noted the following items to be added to the regular agenda under New Business: (b) VSWA Intermunicipal Agreement; (c) FCM Resolution – National Aboriginal Day; (d) Update on Orchard Hill Estates Subdivision; (e) PANS Advertising Request; and (f) Town Representative on Kings CED Agency. Councillor Banks also noted that he had one item to add to the Committee-of-the-Whole Agenda.

Hearing of no further additions, the Chairman approved the Agenda as amended.

3. **Approval of Previous Minutes**

Hearing of no errors or omissions the Chairman approved the previous minutes of 11 May 1999 as circulated.

4. **Committee Reports**

(a) **Licensing and Bylaws**

Councillor Morse noted that there has not been a recent Licensing and Bylaw Committee meeting.

(b) **Future Development**

Councillor Morse reported that the Future Development Committee met on May 25th with more members absent than in attendance. The next meeting is scheduled for June 22nd with a one-item agenda to determine the direction of the Committee.

(c) Recreation

Councillor Banks reported that the Recreation Committee is working on setting up a trail system within the Town, with the Summer Intern taking on the project. The Committee has assisted the Director in decreasing her external committee commitments to help ease the workload for the Director and the Department. The Visitor Information Centre is open in its new location in the Old Margeson Building.

Councillor Trinacty noted that he was pleased to see the Recreation facilities being used, however would like to see the lines placed on the soccer fields in order to be utilized fully. Councillor Banks assured Council that this would be completed.

Councillor Morse noted that the signs for the old Visitor Information Centre/Tourist Bureau needed to be taken down.

(d) Tree

Councillor Banks noted that a Tree Committee would be scheduled for later this month.

(e) Kings CED Agency

Councillor Banks reported that the Kings CED Agency Annual General Meeting is scheduled for tomorrow. There seems to be a push to disband the Western Kings Sectoral Committee and divert the issues being dealt with by the Committee to other Sectoral Committees. Concern was expressed that this was one Committee that the Town could apply for funding from. There may not be adequate representation for the Town if this Committee disappears.

(f) Fire

Councillor Clarke stated that the Fire Commission meetings have not been regular and that he missed their meeting last evening due to his attendance at the FCM Conference in Halifax.

(g) VSWA

Councillor Clarke noted that the Authority has been kept very busy with policy issues. A draft of their Bylaws has been produced. Councillor Clarke attended a tour of the Eastern Management Centre, which is now 99% completed. The compost carts are being distributed and will be coming to Berwick very soon. Council will deal with acceptance of the Intermunicipal Agreement later on the Agenda.

(h) Hall of Fame

Councillor Trinacty reported that the first Induction Ceremony for the Hall of Fame was a success and enjoyed a good turnout. Congratulations to Councillor Whittier for being inducted as an athlete and to Mayor Prall as coach of girls' basketball.

(i) Personnel

Councillor Trinacty reported that the Personnel Committee met on May 31st. The vacancy remains on the Planning Advisory Committee. Members are now trying to find someone to fill the position. The Personnel Committee is continuing to review policies and employee benefits for the Town, along with job descriptions and performance evaluations.

(j) Public Works

Councillor Whittier noted that a written report had not been submitted from the Superintendent, however the Department was running smoothly. The main issue being discussed is a revised job description for the Public Works Foreman. Councillor Trinacty inquired if the Public Works Department was continuing to pick up items after the stated clean-up period, and if there were charges for this service now that the VSWA has taken over this function. Councillor Whittier advised that this was not an issue at this time, as items being left at the roadside are brush and leaves that can be dealt with by the chipper. Notification needs to be made to the public regarding this new policy prior to the fall cleanup.

(k) Berwick Electric Commission

Mayor Prall reported that landscaping and general cleanup is being done in Spicer Park after the underground cable work that was completed last fall. The electrical work has been completed for Orchard Hill Estates except for the streetlights. After a brief discussion,

IT WAS MOVED by Councillor Clarke and seconded by Deputy Mayor Munday that appropriate street lighting, to the maximum of 10 street lights, be installed in the subdivision at the expense of the Berwick Electric Commission with the Town of Berwick to pay for the ongoing electricity costs.

Motion Carried

The work at the Factorydale dam has not yet begun but will be completed during the summer months.

Mr. Ramsay inquired if the Berwick Electric Commission had ever considered protecting the area around the dam in order to ensure the quantity of water available. Mayor Prall agreed that the Planning Advisory Committee should look into this issue with the Commission.

(l) Police Commission

Mayor Prall reported that the Working Committee met earlier this evening and made a recommendation to Council to accept the RCMP Policing Proposal. Mayor Prall read aloud the motion from the Working Committee for the benefit of Council. Mr. Stewart suggested that obtaining resignations from the employees of the Berwick Police Department in order to effectively disband the Department. After further discussion,

IT WAS MOVED by Councillor Morse and seconded by Councillor Whittier that Council accept the recommendation from the Police Working Committee that the Berwick Police Department be disbanded and request through the Province of Nova Scotia the services of the RCMP, with the understanding there is no significant adverse affect to the Town as a result of employment matters.

Motion Carried

A letter has been received from the Province detailing the requirements needed to complete the process. Mr. Ramsay noted that the Town has received advice from Mr. John MacPherson that the outstanding issues with the current PANS Agreement will be resolved.

(m) FCM Conference

Councillor Clarke, Councillor Banks and Mayor Prall attended the conference in Halifax over the last weekend. Councillor Banks noted that the conference had been interesting. The Federal Government has announced a Smart Community Program, where one community in each province/territory is chosen as a 'smart' community with innovative technology, etc. Perhaps this idea should be forwarded to the Future Development Committee for consideration. An idea was also suggested by Water Can to include pamphlets in water/electric bills to educate the public about conserving and protecting water supplies. Mayor Prall noted that it might be a good idea to send Department Heads to the trade show and conference next year. Councillor Clarke felt the conference had been worthwhile although some of the presentations lacked substance.

6. Correspondence

- (a) Received from Ms. Gail Archibald, Executive Director of VON Canada, Kings Branch, a letter outlining two charitable programs offered by the VON to residents of Kings County. One is the Adult Day Program where clients are transported to and from the WKM Health Centre to participate in activities which promote a range of social and physical skills. It is a program for older adults to help give family caregivers a break. The VON subsidizes this program in the amount of \$53,000 a year. The second program is the PEP Program (Promoting Elders Participation). This program offers services such as Meals on Wheels, yard work, transportation, etc. to residents in Kings County through volunteers. The volunteer transportation program alone costs \$55,000 a year. The VON Kings Branch is requesting an investment from the Town in the amount of \$2,000. For the decision of Council. It was agreed to forward this request to the Finance Committee for further review.
- (b) Received notice from Mr. Gordie Gavin, Chairman of the Second Annual Macdonald Chisholm Charity Golf Open, being held on Wednesday, July 14th. This year the tournament is supporting the "Screening for Wellness" Mobile Breast Screening Campaign. Registration is open to the first 144 entries. The fee is \$150 per person, which includes 18 holes of golf and a barbecue steak dinner at the Club facilities. Tee-off time will be at 12 noon and play will consist of the scramble variety, teams of four. For the information of Councillors.

7. Bill and Accounts

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Banks that the Bills and Accounts for the month of May 1999 be approved in the amount of \$101,778.64.

Motion Carried

Councillor Trinacty inquired as to the topic of the Town continuing to contribute to the Apple Blossom Booster Club. Mayor Prall noted that as a princess and a float were entered into the Festival and parade, the Town was obligated to contribute to the fund. The suggestion to consider withdrawing from the Festival was not dealt with early enough in the year. It was agreed that a report be forwarded from the Recreation Committee to Council for a decision by January 2000.

8. New Business

(a) 1999/2000 Operating and Capital Budgets

Mr. Ramsay reviewed the changes made to the budget document from the last meeting, particularly that the police vehicle should be removed from the Capital Budget, the commercial tax rate should read \$2.61 in the year 2001/2002, and noted that if the Town does not receive provincial assistance on the STP Upgrade Project and the paving projects it will make a large impact on the final figures.

Councillor Clarke noted that the budget does not reflect consideration for the promised improvements to the Fire Hall. A formal plan from the Fire Department was never submitted to Council but Mr. Ramsay noted that he could include the adjustment for the Fire Department in the commentary with the budget.

Deputy Mayor Munday noted that the process to determine the budget followed a different method this year. All involved did an excellent job. After discussing the proposed Budgets at length, the following motions were made:

(i) 1999/2000 Budgets

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Banks that Council approve the Budgets as follows:

1999/2000 Operating	\$ 2,159,900
1999/2002 Capital	\$ 1,447,800

Motion Carried

(ii) 1999/2000 Tax and Sewer Rates

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Trinacty that Council approve the following Tax Rates and Sewer Rates for the 1999/2000 fiscal year:

Residential (general)	\$1.33
Commercial (general)	\$2.38
Sewer (residential)	\$0.125
Sewer (commercial)	\$0.125

Motion Carried

(iii) Tax Exemption Resolution

The following resolution was put forward by Deputy Mayor Munday, seconded by Councillor Trinacty, and was approved in the following motion:

THAT an exemption from taxes for 1999/2000 be granted pursuant to Part IV Section 69 of the Municipal Government Act in the amount of \$200.00 (TWO HUNDRED DOLLARS);

THAT the exemption be granted to every person assessed with respect to taxable property in the Town of Berwick whose total income from all sources (and including the income of all other persons of the same family residing in the same household as the applicant ratepayer) for the year preceding the year for which the exemption is sought (i.e. 1998) is \$18,000.00 or less (EIGHTEEN THOUSAND DOLLARS) excluding War Veteran's Allowance or War Pension, and who is a resident of the Town of Berwick;

THAT the exemption be granted only in respect of property occupied by the application ratepayer as his/her home;

WHERE property is jointly owned, only one Tax Exemption shall be allowed;

THAT no application for an exemption will be considered unless made on or before the 1st day of September A.D. 1999.

THAT proof of income MUST be submitted along with application, (i.e. photocopy of Income Tax Return for the 1998 tax year).

Motion Carried

(iv) Tax Billing

IT WAS MOVED by Deputy Mayor Munday and seconded by Councillor Clarke that the Tax Billing for September be rendered on October 1st, with a due date of October 31st; rather than on September 1st with a due date of September 30th, at the request of the Clerk.

Motion Carried

Interest Rate on outstanding taxes to remain at 15% per annum or 1.25% per month.

Deputy Mayor Munday thanked Council and staff for their effort in determining the Budgets and asked Mr. Ramsay to distribute a memo to Department Heads noting Council's appreciation in their part of the budget process.

(b) VSWA Intermunicipal Agreement

After a lengthy discussion regarding the proposed Intermunicipal Agreement with the Valley Solid Waste Authority,

IT WAS MOVED by Councillor Clarke and seconded by Councillor Banks that Council approve the Intermunicipal Agreement presented by the Valley Solid Waste Resource Authority.

Motion Carried

(c) FCM Resolution – National Aboriginal Day

Mr. Ramsay noted that a letter had been received from the FCM requesting recognition from the Town of Berwick for June 21st as National Aboriginal Day. After a brief discussion and a suggestion that the Mayor place a call to the local band office for their input into the issue,

IT WAS MOVED by Councillor Whittier and seconded by Councillor Clarke to issue a proclamation for June 21, 1999 as National Aboriginal Day, to be signed by Mayor Prall.

Motion Carried

(d) Orchard Hill Estates Subdivision

Mr. Ramsay informed Council that a draft Subdivision Agreement has been received for Orchard Hill Estates. A copy has been forwarded to Online Investments and a meeting with Mr. Warden, Mr. MacKenzie, Mr. Saunders and Mr. Ramsey is scheduled for tomorrow morning. Further information will be forthcoming as it is obtained.

(e) PANS Advertisement

A request has been received from the Police Association of Nova Scotia to place an advertisement in their community guide, with emphasis this year being placed on promoting alcohol and drug abuse awareness. After a brief discussion, it was agreed to decline the request at the present time.

(f) Kings CED Agency

Mr. Ramsay reported that a letter has been received from the Kings CED Agency requesting the name of the Town representative on the Board of Directors. There has been difficulty in obtaining a public representative since Mr. Colin MacDonald resigned his position. Mayor Prall advised that Mr. Joe

Maund had approached him in taking over the position on behalf of the Town, as he already attends the meetings. Therefore,

IT WAS MOVED by Councillor Clarke and seconded by Councillor Whittier that Mr. Joe Maund be appointed as the Town of Berwick's representative on the Board of Directors for the Kings CED Agency; and that Councillor Banks be re-appointed as the Town Council's representative to the Board of Directors.

Motion Carried

9. Any Other Business

(a) KPMG Audit

Mr. Ramsay noted that the auditors have been working at the Town Office since May 31st and should have a report ready in another two weeks time.

Mayor Prall adjourned Council for a short break at 9:56 p.m.

10. Committee-of-the-Whole

Regular Council reconvened at 10:00 p.m. and went into Committee-of-the-Whole to discuss matters of a confidential nature.

Regular Council reconvened at 10:19 p.m.

11. Hearing of no further business the Chairman adjourned the meeting at 10:20 p.m.

John P. Prall
Chairman

Rachel L. Jones
Recording Secretary

Committee of the Whole at 10 pm

Restructure of Public Works>rr and gg met and discussed draft of foreman position. To go to personnel this month.

Wage rate - Martin Cudmore. See memo. It works with the budget figures now. MT>brought him in high to public works when there was a wage restraint. Forward to Personnel. MM>get from Jill in writing that it has been considered in her budget (From Thom).

3. TB>Recreation Assistance called in this afternoon and cannot return according to her doctor's opinion. RR>she has indicated in the last month that she is not well enough to do her job. Meeting with LTD people on 17th regarding this. Has 1-2 days sick leave and 4 weeks accumulated vacation. TB>Carol Boylan will assist when not in the general office. RR will help Jill to look at job description etc. to advertise. MT>make sure description is ready, take the time. Perhaps job is more programming rather than administration. Fill in with casual work until the description is developed.

4. JP>ongoing - Sidetrack. They have served notice of intended action. Have given it to our insurer and will select a solicitor to file a defence on our behalf. Normally attempt is made to settle it first. JP>whole thing seems to be resolving itself between the solicitor and insurer.

5. MT>Rick's status? RR>Officially Judith back on July 12. Don't know if that will happen at all. He will stay until end of July. By beginning of July, meet with Judith. If prognosis is another three months, make other arrangements. MM>follow this plan through. Should not talk about it with Judith at all, perhaps her doctor, not sure who to talk to. Need direction.

Rough notes:

Police>recommendation from the commission, JP read aloud the motion. BM moved to accept motion as recommended by Commission, GW seconded. BS concerned with the current union contract. IF there is a proviso dealing with the resignation of the current members. MM> the union contract calls for six months disbandment. Four officers have agreed not to push this, one part time has resigned, the other part time will have to be dealt with. BS>should have resignations from everyone. RR>advise from John MacPherson, include in the motion (BM, TB) with the understanding that all issues with the PANS contract to be resolved for the benefit of the town. BS>also need signatures from solicitor general and attorney general.

Letter from the province stating requirements. RR>need to go with MacPherson's advice. If he advises that issues are resolved, go on that. MT>we don't have anything on paper from Macpherson, employees, union, etc. Want those assurances in writing, especially when we are violating the contract that we have signed, unless we get it in writing.. DC>motion says we're disbanding PD. Need resignations from all, pending employment with the RCMP, so no dates are needed. make in coincide, then labour issues are resolved with full time, doesn't set a date due to need for SG. Would resolve labour issues.

Budget:

MT>the process used this year is different, done an excellent job. But Finance Committee usually goes through with a fine tooth comb. That opportunity did not happen. The tree committee hoping to have a budget, only item shows as half of what we spent last year. BEC has a separate budget line for trimming etc. Licensing and Permits for revenues. RR>building permits go to the County. Contingency? None put in this year? Need close tracking of the budget over the next year, get monthly reports. MT>Council needs to watch approving of overexpenditures more than department heads. MT>Tourist Bureau - increased cost related to the move to the Margeson building? Facilities, salary, etc.

RR>discussion regarding proposed agreement, how to deal with accounting with capital accounting and debt charges, RR comfortable with methods of how to record these items. Section 38 stated the authority shall be a body corporate and shall register with joint stock(?) but by signing this it gives the VSWA the ability to incorporate. RR uncomfortable with this. If they incorp. they will have more authority and may want to go more on their own. DC> some of the confusion came from MGA where that power came from to incorporate. BS> by incorporating, creating another legal person. One real advan. is that it provides some measure of protection to future liability, such as dump closures coming back on them. Right now, if someone sued VSWA, they would name the municipal units. Is there enough built in control? There are some built in protections even if they decided to become a body corporate. All mun. units must approve budgets prior to fiscal year. Control of budget, borrowing. MT>trade of control for responsibility and liability.