

**MINUTES OF THE REGULAR COUNCIL MEETING**  
**8 MAY 2001**

Present:           Chairman       Mayor John P. Prall  
                                  Deputy Mayor Donald E. Clark  
                                  Councillor Gary W. Whittier  
                                  Councillor Bruce H. Morse  
                                  Councillor Thomas S. Banks  
                                  Councillor J. Richard Horsburgh  
                                  Councillor Michael E. Trinacty  
                                  Ms. Linda Parker, Chief Administrative Officer  
                                  Mrs. Rachel Turner, Recording Secretary

In attendance:                   Ms. Sara Keddy, Berwick Register  
  Members of the public

1.   The Chairman called the meeting to order at 7:00 p.m. and welcomed members of the public and press in attendance.

2.   **Approval of Agenda**

Mayor Prall added Item 2(a) Kings Transit Presentation, and a third item of correspondence was also added. Hearing of no further changes, the Agenda was approved as amended.

2(a) **Kings Transit – Mr. Ron Reeves**

Further to the presentation of the Kings Transit Authority Budget in February, Mr. Reeves circulated a document regarding the cost of the purchase of an additional bus. The purchase of a new bus will allow for maintenance and operational costs to decrease, although to what extent it has not been determined yet. An additional bus will also allow for refurbishing of the older buses for continued use and the Authority will be in a position to budget over the next four years for a second additional bus without a sudden large cost for the municipal units.

**IT WAS MOVED and seconded to refer the issue to be included in  
the budget process for 2001/02.**

**Motion Carried**

3.   **Approval of Previous Minutes**

Hearing of no errors or omissions the Chairman approved the minutes of 10 April 2001 as circulated.

4.   **Recommendations from Committee of the Whole**

a)   **Berwick Tree Program**

**IT WAS MOVED and seconded to adopt the Berwick Tree  
Program to help in both the environmental benefits and the  
beautification of our Town.**

**Motion Carried**

- b) Debenture Issuance – Fire Truck  
**IT WAS MOVED and seconded to approve the Resolution for the Pre-Approval of the Debenture Issuance subject to interest rate for long term funding of the recently acquired fire truck.**  
**Motion Carried**
- c) Debenture Issuance – Town Hall Ventilation System  
**IT WAS MOVED and seconded to approve the Resolution for the Pre-Approval of the Debenture Issuance subject to interest rate for long term funding of the Town Hall ventilation system.**  
**Motion Carried**
- d) Debenture Issuance – Cottage Street Sidewalk  
**IT WAS MOVED and seconded to approve the Resolution for the Pre-Approval of the Debenture Issuance subject to interest rate for long term funding of the Cottage Street Sidewalk.**  
**Motion Carried**
- e) Public Appointees  
**IT WAS MOVED and seconded that each public appointee representative provide an annual report to Council regarding the activities of their respective organization and that Mrs. Anderson be replaced on the Annapolis Valley Regional Library Board as soon as a replacement is available.**  
**Motion Carried**
- f) Court/Jury Attendance Policy  
**IT WAS MOVED and seconded to approve the Court/Jury Attendance Policy.**  
**Motion Carried**
- g) Retention of Employment Applications Policy  
**IT WAS MOVED and seconded to approve the Retention of Employment Applications Policy.**  
**Motion Carried**
- h) Terminated Personnel Files Policy  
**IT WAS MOVED and seconded to approve the Terminated Personnel Files Policy.**  
**Motion Carried**

5. **Recommendations from Other Committees**

- a) **Planning Advisory Committee – LUB/MPS Amendment – 1<sup>st</sup> Reading**  
Councillor Trinacty reviewed the report, noting the proposed amendments. Discussion followed regarding the number of yard sales allowed per year on each property and the hours of operation as compared to other local municipal units. It was agreed that staff would bring back that information for consideration. For the purposes of the Town's Bylaw, the number of times a yard sale can be held per property was increased to four (4) times per year.

**IT WAS MOVED and seconded to approve the proposed amendments to the Town of Berwick's Municipal Planning Strategy and Land Use Bylaw and accept first reading.**

**Motion Carried**

6. **New Business**

- (a) **Vending Bylaw – 2<sup>nd</sup> Reading**  
Mayor Prall reviewed the issues behind the drafting of the Vending Bylaw. Complaints from residents and local businesses have been received in the past stating that the situation is not fair between mobile vendors setting up in Town and local businesses who pay taxes to operate within Berwick. A great deal of time has been spent by staff, Council and legal counsel in developing the Bylaw to where it is now. There have been concerns raised by the former Berwick Police Department and the RCMP regarding traffic and parking hazards. The intent of the Bylaw is not to eliminate vending in Berwick, but to remove it from public areas, specifically streets and sidewalks. The intent of the permit fee is to bring mobile vendors in line with other commercial operators in Berwick.

Mr. John Smith, who sells fish from his truck on Commercial Street, began the discussion by noting his concerns and opinion of the Bylaw. A lengthy discussion between the members of the public and Council ensued. The main points raised were:

- the decision of the Town to charge a fee to vendors who are located on private property;
- possible designation of a specific area for vendors to locate within the Town;
- legislative authority of the Town to implement the Bylaw and the fees within the Bylaw;
- how to properly regulate vendors within the Town.

**IT WAS MOVED and seconded to accept second reading of the Vending Bylaw.**

The issue of permit fees was further discussed.

**IT WAS MOVED and seconded to amend the Bylaw by deleting section 6, Fees.**

**A vote was taken on the amendment.**

**Motion Carried**

Further discussion followed regarding the administration of the proposed Bylaw, as well as the General Regulations section.

**IT WAS MOVED and seconded to amend the Bylaw by deleting section 11 (b), (c), (f), (g), (j), and (l).**

**A vote was taken on the amendment**

**Motion Carried**

**IT WAS MOVED and seconded to amend the Bylaw by adding an effective date of June 15, 2001.**

**A vote was taken on the amendment.**

**Motion Carried**

**A vote was taken on the amended motion.**

**Motion Carried**

**7. Correspondence**

- (c) A letter received from Mrs. Polly Scott, Candle Inn the Window Bed and Breakfast, was read aloud. In her letter, Mrs. Scott thanked Councillor Whittier for correcting the street signage issue to better help guests locate her Bed and Breakfast.

**6. New Business**

- (b) Emergency Measures Bylaw

**IT WAS MOVED and seconded to accept second reading of the Emergency Measures Bylaw.**

**Motion Carried**

Ms. Parker noted that two people have expressed an interest in the Emergency Measures Coordinator position.

(c) Dog Bylaw

Ms. Parker reviewed the report and brought forward a number of comments from Mr. McInroy that were received after the Agenda was distributed. After discussion, it was agreed to include the following items in the Bylaw:

- Section 23: increase impounding fee for repetitive offenders (i.e. \$50 for second offence and \$75 for third offence within 210 days of first offence);
- Re-insert a section to provide for a peace officer to obtain a warrant in order to go on private property to seize a dog;
- Section 26 and 27, increase hours to 96, and that the municipality shall attempt to contact the owner by registered mail;
- Insert a section to provide for a voluntary payment, which will eliminate the need to go through the Department of Justice process.

**IT WAS MOVED and seconded to accept first reading of the Dog  
Bylaw as amended.**

**Motion Carried**

**7. Correspondence**

- a) A letter was received from Inspector Pat McCloskey of the RCMP Kings Detachment advising of the date and times of the Police Week Open House and Static Display, inviting all Councillors and staff of the Town of Berwick to attend. In light of the members transferring out of the Berwick Office, it was agreed that letters thanking those members for their time and service will be sent under the Mayor's signature on behalf of the Town.
- b) A letter from the Nova Scotia Department of Environment and Labour was received, noting that a series of meetings will be held throughout the Province to encourage municipal input on the recently released Sewage Management Discussion Paper entitled "We all have a Part to Play." For the information of Council.

**8. Other Business**

- Mayor Prall reminded Council of the upcoming Ladies Night at the Berwick and District Fire Hall, Saturday, May 12<sup>th</sup>. Mayor Prall, Deputy Mayor Clarke, Councillor Morse and Councillor Horsburgh and their spouses will be attending. Staff will RSVP on their behalf.
- Ms. Parker noted that an in camera Committee of the Whole meeting is scheduled for Tuesday, May 15<sup>th</sup> at 7:00 p.m. for a preliminary review of the 2001/02 Budget.
- Staff will send a notice to the Rice's Parking Lot group noting that the meeting, originally scheduled for the 15<sup>th</sup> at 7:00 p.m., has been changed to 6:00 p.m. to accommodate the Budget meeting.

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- Mayor Prall noted that Kings County Council is holding an EMO tabletop exercise on May 10<sup>th</sup>, at 6:30 p.m., in the County Council chambers. All councillors are invited and encouraged to attend.
- Mayor Prall gave a brief report on last evening's Regional UNSM Meeting, held in Windsor. Mayor Bob Stead was elected as the region's alternate representative.

**10.** Hearing of no further business the Chairman adjourned the meeting at 9:25 p.m.

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John P. Prall  
Chairman

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Rachel L. Turner  
Recording Secretary