

**MINUTES OF THE COUNCIL MEETING**  
**9 OCTOBER 2001**

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

In attendance:                   Ms. Sara Keddy, Register  
  Mr. Ken Crighton, Hants Kings Business Development Centre  
  Members of the public

1.     The Chairman called the meeting to order at 7:00 p.m.

2.     **Approval of Agenda**

The following changes were made to the Agenda: add 4(b) Feed My Lambs presentation; delete 8(a) Sewer Discharge Bylaw and 8(d) Temporary Borrowing Resolution; add under New Business a Natural Gas Update; and, add 9 (b) Letter from the Board of Trade. Hearing of no further changes,

**IT WAS MOVED and seconded to approve the Agenda as amended.**

**Motion Carried**

3.     **Approval of Previous Council Minutes**

Hearing of no errors or omissions the Chairman approved the minutes of September 11, 2000 as circulated.

4.     **Presentations**

(a)    Hants Kings Business Development Centre - Mr. Ken Crighton

Mr. Crighton circulated the annual report of the Centre and reviewed it for the benefit of Council. He noted that if there were anyone in this area looking for commercial financing, the group would be interested in discussing it with them. Council thanked Mr. Crighton for the presentation, who then left the meeting at 7:15 p.m.

(b)    Feed My Lambs Child Advocacy Group - Mr. Greg Hubbert

Mr. Hubbert noted that he is a co-chairperson of the Group and that a public education campaign about child poverty is about to be launched in the Province. At this time, the group is asking for support from Council to assist in launching this campaign in Berwick on November 24<sup>th</sup>. It is hoped to raise a large banner on scaffolding notifying the public of the Feed My Lambs group and it will be rotating through the Province in the attempt to educate and gain support for this cause. Among other activities, the group would like to issue a press release noting the support of Council and the Town of Berwick. A follow up public meeting will be held next spring, and provincial, federal and municipal government representatives will be invited. Ms. Parker noted that if Mr. Hubbert could provide more information, the Town would be happy to post the information on its website.

**IT WAS MOVED and seconded that Council support the Feed My Lambs Child Advocacy Group by permitting the banner to be placed on Town property, and to use the name of the Town of Berwick as a supporter of the Group.**

**Motion Carried**

Mr. Hubbert thanked Council for the opportunity to make his presentation and left the meeting at 7:25 p.m.

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

(a) Sewer Discharge Bylaw - 1<sup>st</sup> Reading

Mayor Prall noted that the original Bylaw was passed in January 2001, and it is now under review for changes regarding testing, sampling and voluntary payments. Consultation has taken place with the industries and there has been tremendous cooperation from them in gaining input on these changes.

Ms. Parker noted the main changes, specifically section 2.4(c) and (d) dealing with maximum flows and averaging those volumes over six consecutive days, with a total of 250,000 IGAL allowed in one calendar day. Section 5.2(a) allows for an automated composite sample or a manually compiled composite sample. Sections 8.2 and 8.3 outline daily limits for BOD and TKN, and six-day limits of BOD. Section 6.8 may become more generic to include all industrial users. It was noted that officials from Environment Canada should start attending the meetings held for consultation with the industries about this bylaw. After a brief discussion,

**IT WAS MOVED and seconded to approve first reading of the Sewer Discharge Bylaw.**

**Motion Carried**

(b) Local Government Leadership Development Program

**IT WAS MOVED and seconded to submit Ms. Parker's name to the UNSM for consideration as a candidate to attend the Local government Leadership Development Program.**

**Motion Carried**

(c) Grand View Manor

**IT WAS MOVED and seconded to approve the request to provide municipal sewer services to the proposed 30-unit apartment complex at the Grand View Manor.**

It was noted that the Department of Environment, in consultation with Hiltz and Seamone, has approved this addition to the Town's sewage collection system pending Council's approval.

**Motion Carried**

6. **Recommendations from Other Committees**

(a) Police Services Advisory Committee

Mayor Prall reviewed the RCMP Annual Report as presented. After a brief discussion,

**IT WAS MOVED and seconded to accept the 2001 Annual Report as presented.**

**Motion Carried**

7. **Business Arising**

(a) Smoke-Free Indoor Public Places Bylaw – 2<sup>nd</sup> Reading

Ms. Parker raised a number of issues in this Bylaw that have been noted by legal counsel. The items are as follows:

- Private Clubs: the bylaw currently does not include such clubs within it
- Reasonable Distance: should be defined with a specific measurement
- Bylaw Title: should it contain the word “indoor” in light of section 3(b)
- Penalties: the bylaw notes a maximum fine but does not include a minimum amount to provide guidance should a case go before the courts
- Bylaw Enforcement: who will be responsible for this
- Administration Issues
- Implementation Date

A rounded discussion followed regarding the inclusion of private clubs within the Bylaw. It was noted that the purpose of the Bylaw was to regulate public places, and that private clubs fall outside the mandate of the Bylaw. It was agreed to leave private clubs out of the Bylaw.

With respect to the reasonable distance from an entry/exit place, it was agreed to stipulate a one metre radius as the distance required for smokers to be outside an entrance area. Maximum penalties have been identified, however, most bylaws provide a minimum penalty as well. It was agreed to insert minimum fines of \$50 for individuals and \$200 for businesses. Under the MGA, there is an option for a voluntary payment. A provincial constable or a bylaw enforcement officer must issue a summary offence ticket. Administratively, the CAO’s office would issue a letter indicating the voluntary payment for an alleged offence. At this time, there is nothing in place to support this practice.

Despite the one metre area outside an entrance where smoking is banned, all agreed to leave the word “indoor” in the title of the bylaw. A further discussion prompted the removal of the definition for “proprietor” due to the legal connotations associated with the word.

Councillor Trinacty spoke strongly in favour of the Bylaw, noting that this is, indeed, under the mandate of municipal government to consider the health and well being of the Town’s residents, including the environment and the air that we breathe. The facts supporting the hazards associated with tobacco smoking and exposure to second hand smoke fully support the Council’s need to deal with the matter at a local level. The Province has made statements on this issue for over 11 years and nothing has been put in place.

It was further agreed to develop a pamphlet for public distribution which contained a similar preamble that the Town of Wolfville has which provides information on the authority for municipal units to put such a bylaw in place. It was also agreed that second reading should be contingent on the other municipal units in the County passing similar bylaws. An implementation date of April 1, 2002 was added to the Bylaw with this stipulation.

**IT WAS MOVED and seconded to accept second reading of the Smoke Free Indoor Public Places Bylaw.**

**Motion Carried**

- (b) Valley Waste-Resource Management Bylaw – 2<sup>nd</sup> Reading

**IT WAS MOVED and seconded to accept second reading of the Valley Region Solid Waste-Resource Management Bylaw.**

**Motion Carried**

- (c) Sewer Charges Bylaw – 2<sup>nd</sup> Reading

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

It was noted that the industrial users of the system are very comfortable with the Bylaw as it stands now. It was explained that the design load is different from capacity and Hiltz and Seamone should be consulted prior to any changes in these values. The design of the plant is based on the levels indicated in the bylaw and goes to calculate capital costs. The capacity has changed from the original design due to the addition of air, chemicals and bacteria. Specific numbers are required in sections 6 and 12 to justify the percentages for capital costs. User costs are based on actual loads.

**Motion Carried**

It was agreed to invite Mr. Seamone to the next Committee of the Whole meeting to better explain and clarify the Bylaw.

- (d) Governance of Assessment Service

Ms. Parker briefly reviewed the issue and presented a draft letter outlining the Town's position regarding the delivery of assessment services. A discussion followed regarding the points made in the letter. It was agreed to send the letter as is, under Mayor Prall's signature.

## **8. New Business**

- (a) Willow Avenue Street Lighting Request

A brief discussion followed regarding the request by Michael and Connie Morse to have municipal street lighting installed on Willow Avenue. Ms. Parker noted that, while not included in this year's budget, the cost is minimal and would follow the Town's past practice of providing lighting to all Town streets.

**IT WAS MOVED and seconded to install streetlights on every second power pole to the end of Willow Avenue.**

**Motion Carried**

(b) Tentative Agreement - CUPE Local 2618-03

Ms. Parker updated Council on the recent negotiations with CUPE. A tentative agreement has been struck with the Bargaining Unit. This agreement would be retroactive to April 1, 2001 when the last agreement expired.

**IT WAS MOVED and seconded to approve the tentative agreement reached with CUPE Local 2618-03 retroactive to April 1, 2001.**

**Motion Carried**

In the past, the Foreman's position has always received the same increase as the STP Operator's position. Through the bargaining process, the Foreman was removed from the Bargaining Unit and therefore is not included in wage increases. The remaining non-unionized employees were given a 3% raise on April 1, 2001. Therefore,

**IT WAS MOVED and seconded to increase the Foreman's salary by \$0.29/hour with an additional 2.3% increase retroactive to April 1, 2001.**

**Motion Carried**

(c) Natural Gas

Deputy Mayor Clarke reported that, since Sempra Atlantic has withdrawn their application to provide province-wide natural gas distribution, the Nova Scotia Utility and Review Board has extended the deadline for applications. Municipal units are making a concentrated effort to put forward a joint application. More information on this is expected after the UNSM Annual Conference later this month. It is intended to meet with the UARB and other government departments to discuss current regulations on the application process.

**9. Correspondence**

(a) Nova Scotia Sport and Recreation Commission

Councillor Trinacty reviewed the issue, noting that a major consultative process was taking place in the province to provide insight on how to ensure our youth begin and maintain healthy lifestyles. Deputy Mayor Clarke and Councillor Banks will attend the upcoming meeting on October 15<sup>th</sup>.

(b) Berwick and District Board of Trade

A letter was received proposing a partnership between the Board of Trade and the Town in providing and maintaining the flowing baskets located in the downtown core during the summer months. Staff was instructed to respond favourably to the Board of Trade and to set up a meeting with Councillor Whittier, Mr. Gould, Ms. Parker, Mr. Burgess and Mrs. Scott to further discuss the issue.

**10. Other Business**

- Councillor Whittier noted that the shelter for the post office boxes on Orchard Street has been put in place. It would look much more attractive if it could be painted prior to winter. He also noted that the benches that have been placed within Town are being used but all advertising placed on them are for out of town businesses. Ms. Parker noted that all businesses located in Berwick were given the first opportunity to place advertising in those spaces before other businesses were approached. The benches are in place for a one-year trial period.

**MINUTES OF THE COUNCIL MEETING  
9 OCTOBER 2001  
PAGE 6**

- Ms. Parker noted that the updates to the web page have been completed and encouraged everyone to visit the site to see the changes. She also noted that only three out of seven councillors have provided home email addresses to be included on the web page.
- The date for the next strategy session of Council, including the Management Committee, has been scheduled for October 30, 2001.
- Councillor Morse noted that there have been complaints of discarded mail and flyers littering the area by the post boxes near the trailer park. Staff was instructed to place an appropriate waste receptacle in the area.

Council took a short break at 9:25 p.m. and went into an In Camera meeting to discuss RCMP policing issues. Regular Council reconvened at 9:42 p.m.

11. Hearing of no further business the Chairman adjourned the meeting at 9:43 p.m.

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John P. Prall  
Chairman

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Rachel L. Turner  
Recording Secretary