

MINUTES OF COUNCIL MEETING
11 SEPTEMBER 2001

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

Absent: Councillor Gary W. Whittier

In Attendance: Ms. Sara Keddy, Register

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

2. **Approval of Agenda**

Mayor Prall added under Business Arising, 6(c) Federal Infrastructure Program Tender, 6(d) Tax Billing, three items under Correspondence, and an In Camera Meeting. Hearing of no further changes,

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

Motion Carried

3. **Approval of Previous Minutes**

Hearing of no errors or omissions the Chairman approved the previous minutes of July 10, 2001 as circulated.

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

a) Valley Region Solid Waste-Resource Management Bylaw

IT WAS MOVED and seconded to approve first reading of the amended Valley Region Solid Waste-Resource Management Bylaw.

Motion Carried

Second reading is scheduled for the regular meeting of Council in October.

b) Agreement with GasWorks

IT WAS MOVED and seconded to enter into an agreement with GasWorks as a participant in the completion of a co-generation feasibility study.

Motion Carried

c) Natural Gas Distribution Franchise

IT WAS MOVED and seconded that the Town of Berwick proceed with an application for a natural gas distribution franchise with a submission to the Nova Scotia Utility and Review Board by September 30, 2001.

A brief discussion followed regarding the Town's previous application and the groups currently interested in applying for a distribution franchise.

Motion Carried

d) Sewer Charges Bylaw

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

Mayor Prall gave a brief update on meetings held yesterday between the Town and the two industries. The discussions went very smoothly, with the purpose to allow input to the Bylaw by both Larsen Packers and Avon Foods. It was agreed to amend the Bylaw by changing the term residential to basic user.

Motion Carried

e) UNSM Fall Conference

IT WAS MOVED and seconded to register Mayor Prall, Councillor Horsburgh and Ms. Parker to attend the UNSM Fall Conference in Sydney, October 17-19, 2001.

Motion Carried

5. Recommendations from Other Committees

a) Planning Advisory Committee

Councillor Trinacty reviewed the report on the rezoning application by Mr. Penner for a property located on Brown Street.

IT WAS MOVED and seconded that the Town of Berwick Land Use Bylaw be amended by rezoning the lands of Stirling Apples on the east side of Brown Street, PID #55238042, from Industrial Light M-1 to Two Family Residential R-2.

A brief discussion followed regarding the land use currently found in the area of the property in question.

Motion Carried

A public hearing for the matter will be held on October 9th, prior to the regular Council meeting at 7:00 p.m.

6. Business Arising

- a) Minor Variance and Nonconforming Use – 2nd Reading

IT WAS MOVED and seconded to accept second reading of the amendments to the Municipal Planning Strategy and Land Use Bylaw regarding variance and nonconforming use provisions.

Motion Carried

- d) Tax Billing

Councillor Trinacty noted that the final tax bills for 2001/02 have been sent out to residents and the due date is September 30th. He inquired whether there is a regulation that requires the Town to provide a minimum of 30 days prior to a bill being due for payment. Ms. Parker noted that, under the Municipal Government Act, the municipal unit has the authority to set the date of payment at its discretion. The billing went very smoothly and the staff has received positive feedback regarding the format of the bills.

- e) WadePro Advertising

It was noted that, along with the benches to be provided by WadePro Advertising, there were to be two bicycle racks to be placed in the Town. Staff will look into where these racks will be placed and when they are likely to be available.

7. Correspondence

- a) Governance of Assessment Services: Service Nova Scotia & Municipal Relations – Ms. Parker reviewed the correspondence, noting that the documents provided to Council are a summary. The complete document is available for review in the Mayor's office as well as the CAO's office. The Department will be presenting the paper at the AMA Conference next week and Ms. Parker will be able to more fully discuss the issue at that time. It was noted that the delivery of assessment services has

been allocated as a municipal service, therefore, municipalities wish to determine how it will be delivered since they have to pay for it. For the information of Council.

- b) Town Crier – Mrs. Turner noted that an email had been received by Mr. Gary Long, Town Crier, reporting that during the recent annual Nova Scotia Guild of Town Criers Championship, Mrs. Long was awarded the Best Dressed Escort and Mr. Long place third in a field of ten. Ms. Parker has responded with congratulations on behalf of the Town. For the information of Council.
- c) Alzheimer’s Society – Mrs. Turner noted that the week of September 17-23 has been dedicated for the support of those with Alzheimer Disease, and for their families and caregivers. Mayor Prall will be hosting a Coffee Break in Council Chambers on September 20th at 9:00 a.m. to raise awareness as well as funds for the Alzheimer Society of Nova Scotia. Everyone is welcome and encouraged to attend. For the information of Council.

A short break was called at 7:43 p.m. Regular Council reconvened at 7:49 p.m. Discussion followed regarding the Smoke Free Indoor Public Places Bylaw. It was agreed to go into an In Camera meeting to discuss the funding for the Infrastructure Program with the intention that Councillor Whittier would arrive in time to join the discussion on the Bylaw.

Council went into an In Camera Meeting at 7:50 p.m. and reconvened at 8:45 p.m.

6. **Business Arising**

- (c) Infrastructure Program Tender

IT WAS MOVED and seconded to award the contract for sewer, sidewalk and street upgrades for Commercial Street and Maple Avenue to Mid Valley Construction, based on option #6 as presented.

Motion Carried

Staff was instructed to contact Service Nova Scotia and Municipal Relations for application for additional funding for the project due to the high bids received for these projects.

- (a) Smoke Free Indoor Public Places Bylaw – 2nd Reading
Mayor Prall noted that, with the absence of Councillor Whittier, Council has the option to table this issue until the next Council meeting or open the floor for discussion. The Town of Wolfville has passed this bylaw and has indicated that it will go ahead with implementation regardless of where the other municipal units in Kings County stand. It was noted that the Bylaw could be repealed at a later date or amended to bring it in line with the other units.

Ms. Parker noted several comments made previously by Mr. McInroy regarding the Bylaw that should be taken into consideration, specifically:

- specify an amount for “reasonable distance”;
- the title should delete the reference to “indoor” as section 3(d) refers to “outside”;
- remove the definition for “proprietor” as it is not used within the Bylaw; and,
- the section outlining fines should include a minimum and maximum fine allowed.

After a rounded discussion,

IT WAS MOVED and seconded to table the discussion on the Smoke-Free Indoor Public Places Bylaw until October Council meeting.

Motion Carried

Mayor Prall thanked the members of Smoke Free Kings for attending and showing their support. To make the process truly democratic, Council will discuss the issue with all members present at its next scheduled meeting.

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

John P. Prall
Chairman

Rachel L. Turner
Recording Secretary