

MINUTES OF THE MUNICIPAL COUNCIL MEETING
9 NOVEMBER 2004

Present: Chairman Mayor John P. Prall
 Deputy Mayor Michael E. Trinacty
 Councillor Donald E. Clarke
 Councillor Gary W. Whittier
 Councillor J. Richard Horsburgh
 Councillor Danny Lecky (left the meeting at 7:00 p.m.)
 Councillor Murray Bezanson (left the meeting at 7:00 p.m.)
 Councillor Beth Easson
 Councillor Anna Ashford-Morton
 Ms. Linda Parker, Chief Administrative Officer
 Ms. Michelle Millett, Recording Secretary

In attendance: Mr. Jason Smith, Berwick Register
 Mr. Wade Morton
 Mrs. Brenda Trinacty
 Mrs. Shirley Horsburgh
 Justice Don Hall
 Mr. Bailey Easson
 Mr. Chris Easson
 Mr. Cain Easson
 Mr. Phillip Easson
 Mrs. Ferne Easson
 Mr. Frank Bezanson

1. The Chairman called the meeting to order at 6:42 p.m. and welcomed everyone in attendance at this evening's meeting.

2. **Approval of the Agenda**

The Agenda was approved with the addition of Kings Partnership Steering Committee Joint Council Workshop, a joint Council, Fire Department and Fire Commission Meeting, Board of Trade/Town of Berwick Joint Christmas Party, and the Berwick Legion's Remembrance Day Ceremony as items under New Business. A letter from the Town of Richmond was added as item 8(b) under Correspondence. The Agenda was approved as amended.

3. **Approval of the Previous Minutes**

The Chairman approved the minutes of October 12, 2004 as circulated.

4. Presentation of Gifts to Previous Councillors

Mayor Prall thanked outgoing Councillor Danny Lecky for his work during the last year on various Council initiatives including the Skateboard Park and encouraged him to keep working with these initiatives. Mayor Prall next thanked outgoing Councillor Murray Bezanson for his participation on various Committees of Council and efforts during his term as Councillor. Mr. Bezanson thanked the Town for the opportunity to work with the Mayor and other Councillors and commended the Town as a well run organization. Both Councillors were presented with gifts from the Town for their service on the Berwick Town Council.

5. Declaration of Office

Ms. Parker declared the following candidates as elected during the Municipal Elections held on October 16, 2004. Those elected included Mayor John P. Prall, Councillor Don Clarke, Councillor Richard Horsburgh, Councillor Mike Trinacty, Councillor Gary Whittier, Councillor Anna Ashford-Morton, and Councillor Beth Easson.

Justice Don Hall administered the Oath of Allegiance and of Office to the members of the new Council. Councillors Beth Easson and Anna Ashford-Morton were administered the Oath of Allegiance and Office by Judge Hall separately. The remaining Councillors were administered the Oath of Office and sworn in as a group.

Mayor Prall and Ms. Parker congratulated all Councillors and thanked the previous Councillors for their work during their term in Council. There was a break for photographs by the press.

6. Election of Deputy Mayor

Ms. Parker reviewed the procedure for election of Deputy Mayor in the Meetings and Procedures By-law and gave a brief description of the duties of the Deputy Mayor. She relayed that if more than one member of Council was nominated there would be a secret ballot. Councillor Trinacty was nominated for the position of Deputy Mayor and was declared by acclamation.

7. Recommendations from Other Committees

(a) Recommendations from Planning Advisory Committee

Deputy Mayor Trinacty read the motions.

IT WAS MOVED and seconded to proceed to a Public Hearing on December 14, 2004 at 6:45 p.m. for the rezoning of the W.O. Easson property located at Cottage Street from residential to recreational.

Motion Carried

IT WAS MOVED and seconded to amend the existing MPS and LUB to facilitate the rezoning of the lands of W. and P. Easson from Residential to Parks and Recreation.

Motion Carried

IT WAS MOVED and seconded to proceed to a Public Hearing on December 14, 2004 at 6:30 p.m. to gather input on the proposed amendments to the MPS and LUB regarding the management and protection of groundwater resources within the Town.

Motion Carried

IT WAS MOVED and seconded to approve the proposed amendments to the MPS and LUB that would generally have the affect of: promoting awareness and public education about groundwater resource management; promotion of intergovernmental cooperation in matters of groundwater resource management and the regulation of specific land uses which have been identified as being high risk with respect to groundwater quality protection.

Motion Carried

Councillor Horsburgh had concerns that the public be aware that Development Agreements would be required for future service/gas stations. Ms. Parker explained that through the process of Public Participation Meetings and Public Participation Hearings when a Development Agreement is being considered by Council, the public would be notified and afforded the opportunity for input. Councillor Easson reported a shed being erected on the corner of Main and Cottage Street for the purpose of housing animals and relayed concerns about hobby farms. Discussion ensued regarding prohibited uses under the new amendments to the MPS and LUB with respect to Development Agreements.

8. New Business

(a) Appointment of Building and Fire Inspectors

Ms. Parker reported that under provincial legislation, municipalities are required to provide Fire Inspection Services and Building Inspection Services. Due to the small case loads involved, the Town contracts both of these services from the Municipality of the County of Kings. Since both inspectors are officials of the Town, it is necessary that their appointment be made by Council resolution.

Councillor Horsburgh asked what the yearly cost was and Ms. Parker noted that there was a cost sharing formula in place that was based on the actual number of cases handled for Berwick. The 2004-05 budget was approximately \$2,000 for each service.

IT WAS MOVED and seconded that Council approve the appointment of Mr. Rick Corkum as the Municipal Fire Inspector for the Town of Berwick.

Motion Carried

IT WAS MOVED and seconded that Council approve the appointment of Mr. Charlie Crocker as the Municipal Building Inspector for the Town of Berwick.

Motion Carried

(b) Joint Steering Partnership Committee Workshop

Ms. Parker relayed that on November 30 and December 1, 2004 a Joint Council workshop sponsored by the Joint Partnership Steering Committee would be held. She reported that municipal partners such as Kings Transit, Valley Waste Resource Management and Kings CED would be included as agencies providing information sessions. As well, speakers would be making presentations on effective community communication and consultation, as well as municipal legal issues. The KPSC will be providing an update on the priorities set by the Councils during the June 2004 joint workshop and Mr. Dwight Bishop, the Provincial Ombudsman would be speaking, as well.

Ms. Parker requested that Councillors respond to her regarding their ability to attend the workshop and each provided her with the sessions they would be able to attend. Councillor Easson agreed to introduce a Speaker during the workshop.

(c) Joint Meeting of Fire Hall/Fire Commission/Town of Berwick

Ms. Parker noted that the purpose of the planned meeting was to allow the Committee to present the work completed to date regarding a site for the new Fire Hall. She relayed that the committee would present options for two sites identified. Ms. Parker noted that the mandate of the committee had been to identify sites for the new Fire Hall. Councillor Clarke noted that all sites identified would be discussed at the meeting. Councillors were invited to attend the meeting at 7:30 p.m. on November 24, 2004. Mayor Prall relayed that this meeting should allow for input from the stakeholders on the siting of the new Fire Hall.

(d) Board of Trade/Town of Berwick Joint Christmas Party

Mayor Prall relayed that the Town would co-host a Christmas Party with the Board of Trade. He relayed that December 3, 2004 had been set as the date.

(e) Remembrance Day

Mayor Prall requested that Councillors attend and march in the Remembrance Day Ceremony at the Legion.

9. Correspondence

(a) Canadian Crossroads International

Mr. Scott Saunders requested a donation from Council in his letter from Canadian Crossroads International. The funds were requested to support international travel and development. The request was denied due to not meeting criteria set out under the Town's Grants to Organizations Policy.

(b) Canadian Federation of Independent Business

A letter from The Municipality of the County of Richmond was distributed regarding their support for the elimination of the Business Occupancy Tax (BOT). Mayor Prall explained the background to the support for elimination of the Business Occupancy Tax and the support of the UNSM in eliminating the tax. The Municipality of the County of Richmond had passed a resolution supporting the elimination of the tax at the request of the Canadian Federation of Independent Business. Councillor Trinacty asked if an individual municipality could eliminate the BOT and Ms. Parker replied no. She explained that municipal assessment classifications were set in the Assessment Act and an amendment to the Act to eliminate the Business Occupancy Tax classification would be required by the Province.

Mayor Prall relayed that this issue had been identified as a priority of the UNSM during this coming year. Ms. Parker relayed that the full background regarding the support to eliminate the BOT can be accessed through the UNSM website. She relayed that the tax is outdated, antiquated and difficult to collect. Ms. Parker reported that the lost revenue from eliminating the Business Occupancy Tax would have to be recovered and it is very likely the commercial tax rate would be increased.

10. Mr. Frank Bezanson

Mr. Frank Bezanson, a citizen of Berwick wanted to discuss the large bill incurred by the Town to prosecute a dog owner in violation of the Town's Dog By-law and why a lawyer from outside town had been utilized. Mayor Prall relayed that the Town has a bank of lawyers and the lawyer selected depends on the case and their area of expertise. Councillor Clarke noted that the lawyer utilized specialized in municipal law.

Ms. Parker explained that a child had been injured and much of the bill was incurred to prepare the child as a witness in court proceedings. Mr. Bezanson asked if the Garvock family had been approached regarding the issue and Mayor Prall and Ms. Parker replied that the owners had been approached on numerous occasions and refused to cooperate.

11. Next Meeting Date

The next meeting of Council would be held December 14, 2004.

12. Hearing of no further business the Chairman adjourned the Council meeting at 8:02 p.m.

John P. Prall
Chairman

Michelle Millett
Recording Secretary