

MINUTES OF THE MUNICIPAL COUNCIL MEETING
10 FEBRUARY 2004

Present: Chairman Mayor John P. Prall
 Deputy Mayor Donald E. Clarke
 Councillor Gary W. Whittier (left the meeting at 6:55 p.m.)
 Councillor Michael E. Trinacty
 Councillor J. Richard Horsburgh
 Councillor Murray Bezanson
 Councillor Danny Lecky
 Ms. Linda Parker, Chief Administrative Officer
 Ms. Michelle Millett, Recording Secretary

In attendance: Mrs. Sara Keddy, Berwick Register
 Mrs. Gloria Cunningham
 Mr. Mike Kenny, EFR Distribution Ltd.(left the meeting at
 8:17 p.m.)
 Mr. George Moody, Apple Dome Funding Committee (left
 the meeting at 7:00 p.m.)
 Mr. Bruce Morse
 Mr. Bob Best, Apple Dome Funding Committee (left the
 meeting at 7:00 p.m.)
 Mrs. Catherine Kersten, Wolfville and Kings County Safe
 Communities Association
 Mrs. Connie Archer, Berwick Library Representative
 Mr. Ross Maybee, VWRMA (arrived at 7:31 p.m and left
 at 8:17 p.m.)
 Mrs. Madeline Rice (arrived at 6:54 p.m.)
 Mr. John Charest (arrived at 6:49)

1. The Chairman called the meeting to order at 6:36 p.m.

2. **Approval of the Agenda**

The Agenda was approved as circulated with the addition of a presentation by the Apple Dome Committee by Mr. George Moody as item 4(a), Gloria Cunningham, 4 (b) and Connie Archer, Berwick Library Representative as item 4 (d). Under Correspondence items 8 (a) (b) and (c) a letter from the Office of the Prime Minister, AVRSB National Science Fair Bursary, and Association of Municipal Administrators, were added respectively.

3. **Approval of the Previous Minutes**

Hearing of no errors or omissions the Chairman approved the previous minutes of 13 January 2004.

4. Presentations

a) Apple Dome Committee Report ~ Mr. George Moody

Mr. Moody accompanied by Mr. Best spoke to Council on behalf of the Apple Dome Committee. Mr. Moody gave a brief historical description of the concept of the Apple Dome and discussed a feasibility study that had been completed. He relayed that funding for the feasibility study had been partially funded by the Apple Dome Committee, the Town of Berwick and the Province of Nova Scotia. The Apple Dome Committee was at Council this evening to request funding of \$500,000.00 from the Town of Berwick. Mr. Moody reported that announcements for further donations would be made at a fundraising dinner to be held at the end of the month. Facility construction should begin by 2006, but Mr. Moody relayed that sod will not be turned until money for the project is secured.

Mr. Moody described a facility that would be primarily an arena with the addition of other functions as funding allowed. A curling club, outdoor pool, walking track and tie in to the Western Kings Health Centre were possible extra functions discussed as add-on's to the arena. Councillor Bezanson noted that during a recent meeting with Minister Barnett, he had indicated it would be hard for the Province to turn down funding for the Apple Dome with such a small community raising such a large amount of funding towards it.

Mr. Moody asked Mayor Prall to consider a \$500,000 Town of Berwick commitment to the facility and noted that it would be a positive factor in future provincial funding commitments.

b) Mrs. Gloria Cunningham

Mrs. Cunningham spoke to Council regarding a number of items. She inquired why a four way stop sign could not be installed at Cottage and Commercial Streets and why a flashing green light had not been installed at Union and Commercial Streets. Mayor Prall explained that a traffic study had been done in 2001 and noted that with the increase in traffic over the years, a flashing light at Union and Commercial would be warranted in about a year's time, according to the study.

Mrs. Cunningham also complained about the crows in her neighborhood and described how one neighbor had set off firecrackers to move the crows. Ms. Parker noted that discharging of starter pistols, clapping devices, and a trial of the Phoenix Wailer borrowed from the Town of Kentville were means taken by the Town in order to disperse crows during the past number of months. She described how the wailer is stationary for four days and then moved to another location to follow the movement of the crows. Ms. Parker said that the wailer could be moved to her area

during the next change in site. She relayed the experience of the Town of Kentville and noted that it may take years to move the crows due to their habitual nature.

Mrs. Cunningham also commented on the misuse of “handicapped” signs on automobile mirrors and said that people should be fined if they were continuously displayed. She reported a perceived abuse of the handicapped card by some individuals driving with handicapped signs affixed to the mirror’s of cars and had discussed the issue with a RCMP member.

c) Connie Archer ~ AVRLB Representative

A letter was distributed from the Annapolis Valley Regional Library Board to request \$200.00 from Council towards the regional library conference to occur in April 2004 in the Valley area. Mrs. Archer presented the request to Council and noted that other municipalities had been asked to provide funding towards the conference, as well.

IT WAS MOVED and seconded to provide \$200.00 to the AVRLB request for funding towards the Library Board Association of Nova Scotia conference.

MOTION CARRIED

d) Safe Communities Coalition Presentation ~ Ms. Catherine Kirsten

Ms. Kersten gave a brief overview of the Safe Communities program and discussed awards and designations received by the program. She described various facets of the program and requested funding from the Town of Berwick at a rate of \$1.00 per person in the Town. The program was working towards self-sufficiency after a period of three years funded through municipalities. Deputy Mayor Clarke asked Mrs. Kersten about the national designation that could be attained for municipalities, to which she replied that thirty-nine communities in Canada had achieved the national designation of a “Safe Community”. She said that as programs were offered throughout Kings County and Berwick was a part of Kings County, the Town had the designation as a “safe community”.

Mrs. Kersten described how the Town of Kentville and the County of Kings had offered “in-kind” support towards the program through office space, communication tools and human resources. Businesses within Kings County were also involved as Board members and relayed information back to their respective workplaces. Ms. Parker added that she had seen a presentation by the Safe Communities founder that was extremely moving and she supported the program fully. Mrs. Kersten also described an international designation that could be achieved, although only two communities in Canada had achieved this designation.

5. New Business

a) Valley Waste Resource Management Authority (VWRMA) Budget

Councillor Horsburgh introduced Mr. Ross Maybee, General Manager of Valley Waste Resource Management Authority (VWRMA). He discussed items from the budget with the first question relating to capital expenditures as a separate item from capital costs. Mr. Maybee replied that with reduced costs during this coming year a capital reserve could be established and the money could be accessed with permission from the members of the Inter-municipal Agreement in the future.

Ms. Parker noted that one of the questions in the letter to VWRMA from the Town of Berwick was in respect to an operating surplus and questioned the rationale for not allowing this surplus to build at a reasonable rate to be used in future years to offset any deficits the Authority may experience. She noted that the practice of automatically rolling a surplus into next year's revenue from one year to the next should be revisited and the operating surplus managed. She pointed out that both are critical tools for municipal financial management. Ms. Parker indicated that the proactive management of the operating surplus would preclude the need for an operating reserve.

Councillor Horsburgh briefly discussed other questions addressed by Mr. Maybee in a previous letter to Council, noting that many of the questions had been answered during the joint Council session held last week.

IT WAS MOVED and seconded to approve the VWRMA 2004/05 Budget as presented.

MOTION CARRIED

6. Business Arising

a) VWRMA By-law Amendment

Councillor Horsburgh introduced and thanked Mr. Maybee and Mr. Kenny for their attendance at the meeting to answer questions regarding the passing of the amendments to the VWRMA By-law.

Mr. Maybee reported that the loss of dollars in diverted tonnages would equal net revenue of \$600,000 to VWRMA. Unfortunately, municipalities would be responsible to make up these lost dollars if private haulers were permitted to haul waste outside of the region. Mr. Maybee noted that this situation was a potential threat to the business plan of VWRMA and the by-law amendment would protect taxpayers from future cost increases.

Mr. Kenny noted that the amount of waste he would haul outside the region was in his estimation a loss of \$82,000 to VWRMA per year. He reported he

had no intent of hauling all waste carried by EFR Disposal Ltd. outside of the region, but wanted to create an atmosphere of competition and prevent monopolies.

Mr. Maybee raised concerns regarding the potential of high volumes of waste that would be destined for an operation outside of this region and the waste that is on the business plan of the applicant moving to a new second generation landfill. His concerns were mainly for the years after 2006 and the destination of waste for Chester or another second generation landfill that is outside VWRMA's region. Mr. Maybee reiterated that the Authority was in business for the taxpayers and had no intent to infringe on commercial haulers.

Diversion credit funding was a concern to Mr. Maybee as baseline tonnages had been established for each region. VWRMA was rewarded for tonnages recycled and not destined for landfills. The opportunity would be lost to recycle if this commercial waste was diverted to another management centre under existing provincial legislation.

Councillor Horsburgh recommended approving the by-law with the exception of sections 3.5 and 3.6 that related to waste leaving the region for review in 2006. Ms. Parker noted that if other municipalities passed the by-law in its entirety that Berwick would have a different by-law than the other inter-municipal partners. Mr. Maybee did not think this would pose problems if the clauses regarding waste diversion were effective in 2006.

IT WAS MOVED and seconded to approve second and final reading of the Bylaw to Amend the Valley Region Solid Waste Resource Management By-law with clauses 3.5 and 3.6, relating to waste diverted from the region to be effective in the year 2006.

MOTION CARRIED

7. Recommendations from Other Committees

(a) Recommendations from Committee of the Whole

(i) Regional Emergency Measures By-law

Ms. Parker gave a brief background regarding the REMO By-law and the Inter-Municipal Agreement. She relayed that upon the implementation of REMO there would be only one Regional Emergency Measures Organization for Kings County. Councillor Trinacty voiced his displeasure again, regarding the absence of CFB Greenwood as a partner in this by-law. Councillor Clarke questioned the need to carry out a tabletop exercise if REMO was to come into effect. Ms. Parker pointed out that the experience of a tabletop exercise was invaluable training for all involved and a

potential disaster would not wait for the REMO by-law to be approved by all four partnering municipalities.

IT WAS MOVED and seconded to approve first reading of the Regional Emergency Measures By-law.

MOTION CARRIED

IT WAS MOVED and seconded that subject to the approval of the REMO By-law (second reading by all municipal units), the Mayor and Chief Administrative Officer be authorized to enter into the Kings Regional Inter-Municipal Emergency Service Agreement on behalf of the Town of Berwick.

MOTION CARRIED

IT WAS MOVED and seconded that Council appoints Mayor Prall and Deputy Mayor Clarke to the REMO Advisory Committee.

MOTION CARRIED

(ii) Berwick Princess Committee

IT WAS MOVED and seconded to select the following group to form the 2004 Berwick Princess Committee consisting of: Chantal Atwood, Debbie Bent, Anna Morton, and Allyson Burgess.

MOTION CARRIED

(iii) Encroachment By-law

Ms. Parker gave some background on the development of the by-law, noting that there was no current mechanism for a developer to apply to use any portion of a public right-of-way. Ms. Parker noted that the \$175 application fee was to process the application and the \$50.00 annual renewal fee would be to ensure continual compliance to cover administrative and contracted inspection fees. Discussion took place regarding annual renewal fees for encroachments with Deputy Mayor Clarke and Councillor Horsburgh stating they were not in favor of the proposed annual renewal fee.

IT WAS MOVED and seconded to pass first reading of the Encroachment By-law.

MOTION CARRIED

IT WAS MOVED and seconded to amend the Development Control and Planning Applications Fees By-law to add a \$175 encroachment application fee.

MOTION CARRIED

(iv) Vacation Policy Amendment

Councillor Horsburgh noted that all permanent employees should have the same vacation amounts initially. Other Councillor's disagreed and noted that this amendment was a hiring incentive only and allowed the Town the flexibility, if required, to attract the best people to the organization.

IT WAS MOVED and seconded to amend the Town's Vacation Policy by including the following sentence under the Policy section of the policy: "*Council reserves the right to award additional vacation entitlements when deemed appropriate.*"

MOTION CARRIED

6. Business Arising (con't)

b) Occupational Health and Safety Manual

Ms. Parker described to Council and attendee's of the meeting the responsibility of employers and liabilities for all public sites that must be compliant under the Nova Scotia Occupational Health and Safety Act. Councillor's had the opportunity to review the Joint Occupational Health and Safety Manual at length and had signed off to say they were in agreement and understood it. Councillor Trinacty requested that similar formatting be instituted throughout the manual and that any incorrect references be corrected.

IT WAS MOVED and seconded to approve the Occupational Health and Safety Manual as presented.

MOTION CARRIED

5. New Business (con't)

b) Communication Strategy – Public Information Bulletins

Ms. Parker reported that there were a number of topics that could be communicated to the public via informational brochures. Previous brochures distributed by the Town had proved to be of positive use in public education and Council members could also use these types of brochures for personal public information distribution.

Ms. Parker noted that during the past six months she had identified nine areas that Council had suggested bulletins be completed for. She

recommended that the Council Winter Newsletter be put highest on the topics to be covered, as it could cover a number of items brought forward by Council. It was decided that a Winter Council Newsletter would be distributed by the end of March. A Spring newsletter along with information brochures on Water Source Protection (i.e. Drinking Water) and Town Staff and Structure be completed by mid April for distribution by Councillors on a door-to-door canvas.

c) Operating Line of Credit

Ms. Parker reviewed the report for Mr. Mike MacLean, the Town's Accountant noting that the line of credit with the Royal Bank was due to expire and required renewal.

IT WAS MOVED and seconded to renew the \$400,000 Operating Line of Credit with the Royal Bank.

MOTION CARRIED

d) Signing Officer Ratification

Ms. Parker reviewed the report and recommended that with the resignation of Mr. Ryan and a change in Deputy Mayor, Mr. MacLean and Deputy Mayor Clarke be added as signing authorities.

IT WAS MOVED and seconded to authorize Mayor John Prall, Deputy Mayor Don Clarke, Linda Parker (CAO) and Michael MacLean (Accountant) to act as signing officers for the Town of Berwick.

MOTION CARRIED

8. Correspondence

a) AVRSB National Science Fair Bursary

Council reviewed Ms. White's request for funding for the Science Fair Bursary and decided not to fund the request due to budgetary constraints and the level of educational funds municipalities were currently paying.

b) Office of the Prime Minister

For the information of Council.

c) Association of Municipal Administrators

A letter had been received noting the accomplishment of Ms. Parker to Council for achieving the status of Certified Municipal Manager and the level of commitment required to achieve the designation. Mayor Prall congratulated Ms. Parker on her accomplishment.

4. Presentations (con't)

e) Mrs. Madeline Rice

Mrs. Rice reported to Council that an osprey on her property had killed her pheasants and two ducks in her pond. She requested the permission of Council to allow her to shoot the bird that had killed her pheasants. Ms. Parker relayed to Mrs. Rice that it was an extremely sensitive issue to shoot wildlife but noted that she would contact the Department of Natural Resources to enquire as to her request.

Council took a short break at 9:20 p.m. to go into an In Camera meeting to discuss a confidential matter. Regular Council reconvened at 9:49 p.m.

9. Hearing of no further business the Chairman adjourned the Council meeting at 9:50 p.m.

John P. Prall
Chairman

Michelle Millett
Recording Secretary