

MINUTES OF THE MUNICIPAL COUNCIL MEETING
JULY 12, 2005

Present: Chairman Mayor John P. Prall
 Deputy Mayor Michael E. Trinacty
 Councillor Gary W. Whittier
 Councillor J. Richard Horsburgh
 Councillor Beth Easson
 Councillor Anna Ashford-Morton
 Councillor Donald E. Clarke
 Mr. Craig Burgess, Recreation Director
 Mr. Mike MacLean, Accountant
 Ms. Linda Parker, Chief Administrative Officer
 Ms. Michelle Millett, Recording Secretary

In Attendance: Mrs. Sara Keddy, Berwick Register

1. The Chairman called the meeting to order at 7:16 p.m. and welcomed members of the gallery.
2. **Approval of the Agenda**
The Agenda was approved with the addition of the Appointment of the Acting Chief Administrative Officer under New Business, 5(a)(iii).
3. **Approval of the Previous Minutes**
The Chairman approved the minutes of June 14th, 2005 as circulated.
4. **Presentations**
 - (a) **M & E Legal Services**

Mr. McInroy gave a brief overview of his law practice that includes municipal and environmental law. He was cognizant that municipalities operate with tight budgets and aware of the result large legal bills have on the public purse. He relayed that the Dog By-law prosecution had been an expensive case, but that the prosecution was a matter of public safety and was an involved matter to prosecute.

Mr. McInroy explained that he is the only lawyer in the office and operates without a receptionist or legal assistant that keeps his overhead low. This is reflected in his hourly billing rate of \$175.00 per hour. He explained that other municipalities value his work for the clarity and specialty knowledge provided by his firm. He explained that at times he does call on consultants and make use of a legal researcher to check case law.

Councillors asked Mr. McInroy individual questions following his presentation. Councillor Horsburgh asked if it was the most cost-effective to use specialty legal

advice or for a municipality to have a lawyer on retainer. Mr. McInroy said that very few lawyers are capable of understanding and specializing in all types of law. Mr. McInroy replied that for that reason, Council is wise to use specialty lawyers rather than have a lawyer on retainer. He did acknowledge that it may be more cost effective to handle some legal issues using local solicitors that specialize in other areas such as property law. Ms. Parker noted that in small town's we are lucky to have specialists like M&E Legal Services and 4Site Group to serve the needs of small towns cost effectively on a contract basis.

5. Committee Updates and Recommendations

(a) Committee of the Whole Update and Recommendations

(i) Capital Financial Management Policy

Mr. Burgess read the motion.

IT WAS MOVED and seconded that Council adopt the Capital Financial Management Policy.

Motion Carried

(ii) Amendment of the Hiring Policy

Mr. Burgess read the motion.

IT WAS MOVED and seconded that Council approve amending the Hiring Policy to require a member of Council sit on the Hiring Committee for summer staff in the Recreation Department.

Motion Carried

(iii) Signing Officer ~ Craig Burgess ~ Acting CAO

Councillor Clarke made the motions.

IT WAS MOVED and seconded that Council appoint Craig Burgess, as the Acting Chief Administrative Officer (CAO), effective July 18, 2005 until such time as a CAO is officially hired for the Town of Berwick. The increase in Mr. Burgess's salary for the Acting CAO position is \$578.00 bi-weekly effective July 18, 2005.

Motion Carried

IT WAS MOVED and seconded that Council approve the addition of Craig Burgess, Acting Chief Administrative Officer to the approved list of signing officers, effective July 15, 2005 until such time as a new CAO as been hired.

Motion Carried

(iv) Selection of Paving Tender

Mr. Burgess read the motion.

IT WAS MOVED and seconded that Council approve the selection of R.B. Paving Company for patching and paving streets and sidewalks for the 2005 season.

Motion Carried

Councillor Easson had questions regarding the quality of work done on sidewalks by the tendering companies. It was noted that past experience with the company selected indicated an acceptable quality of work. Mr. Burgess agreed to pass on details of this discussion to Mr. Gould.

(b) Recreation Advisory Committee Update and Recommendations

Councillor Horsburgh reviewed the report. He reported on a meeting that he had attended of the Canada Games final phase, Phase III. He relayed that our areas bid scored 46 of 50 and noted that Phase B would reduce the four bidding regions down to three in the fall of 2005. Councillor Horsburgh indicated that the remaining three bidders would assemble an official bid and the winning site would be selected in the fall of 2006. He noted that the successful bidder will attend the Canada Games in the Yukon in 2007.

(i) Gym Rental Fee Increase

Councillor Horsburgh read the motion.

IT WAS MOVED and seconded that Council approve a Gym rental fee increase from \$10.00 per hour plus tax to \$12.50 per hour plus tax effective September 1, 2005.

Motion Carried

Deputy Mayor Trinacty asked about youth rental rates and Mr. Burgess replied that those rates are less than the regular rate and will not change. Discussion took place regarding the increase and Mr. Burgess reported that there will be further increases to room rentals and changes to field rental rates as well.

(c) Public Open Space Committee Report

Councillor Easson relayed that the Open Space Committee met July 11, 2005 and would have another meeting in September. She relayed that the group wanted to prepare a survey for distribution to obtain public input regarding open spaces. Councillor Easson had been selected as Chairperson of this group.

(d) Audit Committee Recommendations

Mr. Mike MacLean reported that the year end audit, by Morse and Brewster, was complete. He noted that this is the second year that the financial statements had

been prepared under the PSAB standard. In addition, he noted that the Town finished the year with a small surplus of \$251.00 due in part to a freeze in discretionary expenses. He noted that the freeze was possible because the Management Committee and Committee of the Whole reviews financial results on a monthly basis.

Mr. MacLean discussed various aspects of the financial statements in detail. He briefed Council on the Berwick Electric Commissions (BEC) deficit of just over \$2,700.00 which was related to a lag in the Nova Scotia Utility and Review Board's approval of the BEC Rate Study last fall.

IT WAS MOVED and seconded that Council approve the March 31, 2005 financial Statements as presented.

Motion Carried

Deputy Mayor Trinacty congratulated staff for their efforts towards moving a forecast deficit to a surplus for the year. Mr. MacLean was congratulated by the Mayor and Councillors for a job well performed and describing the financial statements with such clarity.

7. New Business

(a) Economic Development Strategy

Mr. Burgess reviewed his report. He relayed that eight proposals had been received. He reported that Ms. Erin Beaudin, Executive Director of Kings CED had developed a scoring chart to evaluate the proposals. Following a meeting between Mr. Burgess and Ms. Beaudin the selection was reduced to two proposals and reference checks were completed.

Ms. Parker explained the importance of sharing the selection with the Board of Trade as they had formed an Advocacy Committee and this information would be valuable to them. She suggested that the Board of Trade be copied the Request for Proposals document to make them aware of the scope of the RFP. Mr. Burgess indicated that promotion and marketing, attraction of businesses and Town beautification were highlights of the RFP.

IT WAS MOVED and seconded that Council approve the selection of John Hockins and Associates at a cost not to exceed \$17,250.00, including HST, to facilitate the Economic Development Strategy.

Motion Carried

Mayor Prall expressed the positive asset we now have in the Kings CED with Ms. Beaudin as the new Executive Director. Ms. Parker relayed that with Ms. Beaudin's experience and leadership the Town will benefit from utilizing her skills through our membership with Kings CED.

(b) Private Property Drainage Policy

Ms. Parker reviewed the report. She explained that Council may deal with the request for funding for drainage upgrades from Daniel Drive residents as an anomaly for two reasons. Ms. Parker noted that at the time of Mr. Oxby's request there was no policy in place during installation of the drainage pipe. In addition, Ms. Parker noted that the Town has a vested interest in obtaining ownership of that part of the system through an easement. Ms. Parker recommended that as private property drainage issues arise opportunities would be created to work with property owners to put in place grants of easements for Town drainage systems.

IT WAS MOVED and seconded that Council consider the request by Daniel Drive property owners, Salley Horsnell, Mary Patten and Bill Oxby, in the spirit of the Private Property Drainage Policy by providing 50% to a maximum of \$1,500.00 to each individual as cost sharing on all approved submitted invoices for the upgrade and alteration to the stormwater system that passes through their property in exchange for the property owners providing an easement for the systems.

Motion Carried

Discussion ensued as to the amount of payment that the Town should provide to the three property owners based on a portion of \$3,000 each reported. Deputy Mayor Trinacty was not in favor of paying any amount to property owners as the improvements were not required by the Town and the work served only to raise their own property value. Mayor Prall reminded Council that the system through the three properties was part of the Town's storm drainage system. Mayor Prall commented on the expense of the easements and Deputy Mayor Trinacty replied that were we to take ownership through an easement the Town would take ownership of a potentially faulty pipe system as not all drainage pipes installed were of the recommended capacity.

Councillor Easson thought that this case was an anomaly and should be dealt with as such. Ms. Parker provided Councillors a copy of a letter to Mr. Gary Gould from Hiltz and Seamone that had been copied to property owners that recommended the pipe size as 24".

IT WAS MOVED and seconded that Council amend the Private Property Drainage Policy by adding the following language under the Section dealing with Cost Sharing to Resolve Drainage Problems on Private Property: as follows: *In those cases where cost sharing by the Town is appropriate under the requirements of this Policy, the property owner must satisfy all the conditions as set out under the Ownership of Systems on Private Property section of this policy before payment is made by the Town.*

Motion Carried

Ms. Parker noted that in future cases such as this, the Town would have AMEC assess the concern and advise Council on what party should bear the burden of cost of storm drainage. She noted that Council may always override recommendations of staff, or engineers.

(c) Equalization Grant

Mr. MacLean reviewed his report. He noted that instead of receiving the Foundation Grant this year (\$50,000.00), the Town would receive an Equalization Grant in the amount of \$76,123.00. This would provide the Town \$26,123.00 more than budgeted for in the 2005/06 year. He summarized his report noting that the most significant contributing factor in the increase was the impact on the Town's Uniform Assessment from the closure of the Avon Foods facility and that Council had included a transfer from operating surplus to help compensate for loss business occupancy taxes and balance the 2005/06 Operating Budget.

IT WAS MOVED and seconded that Council approve the removal of the \$23,200 transfer from operating surplus required by the 2005/06 Operating Budget.

Motion Carried

Mr. MacLean noted that the impact on the Equalization Grant for this budget year was related to the drop in Business Occupancy assessment last year and the drop in commercial assessment on the 2005 Assessment Roll, due to a reassessment of Avon Foods, would not impact the Town's equalization grant until 2006/07.

10. Next Meeting Date

The next meeting of Council would be held September 13, 2005 at 7:00 p.m.

Mayor Prall made note that this was Ms. Parker's last meeting and thanked her for her service to Council over the years.

11. Hearing of no further business the Chairman adjourned the Council meeting at 9:35 p.m.

John P. Prall
Chairman

Michelle Millett
Recording Secretary