

MINUTES OF THE MUNICIPAL COUNCIL MEETING
SEPTEMBER 13, 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. Bob Ashley, Chief Administrative Officer
 Ms. Michelle Millett, Recording Secretary

In Attendance: Mrs. Sara Keddy, Berwick Register

1. The Chairman called the meeting to order at 7:01 p.m. and welcomed Ms. Sara Keddy and Mr. Bob Ashley, the new Chief Administrative Officer of the Town of Berwick to the Municipal Council Meeting.
2. **Approval of the Agenda**
The Agenda was approved with the addition of the Assessment Management Board under Correspondence Item 7(b) and Update on the Transportation Symposium under New Business item 6(c).
3. **Approval of the Previous Minutes**
The Chairman approved the minutes of July 12th, July 26 and August 16, 2005 as circulated.
4. **Committee Updates and Recommendations**
 - (a) Committee of the Whole Update and Recommendations
 - (i) Signing Officers
Mr. Ashley read the motion.

IT WAS MOVED and seconded that Council approve the addition of Bob Ashley, Chief Administrative Officer to the approved list of signing officers and deletion of Craig Burgess who served in the interim months as Acting Chief Administrative Officer effective immediately.

Motion Carried

Deputy Mayor Trinacty and Mayor John Prall thanked Mr. Burgess for his efforts and performance during his tenure as Acting Chief Administrative Officer.

(ii) Public Works Equipment Tender Selection

Mr. Ashley read the motion.

IT WAS MOVED and seconded that Council approve accept the following bids for supply of public works equipment: Bruce Chev Pontiac GMC Ltd. ~ 2006 model 3500 Cab & Chassis @ \$33,400 and Del Equipment ~ Plow @ \$11,750.

Motion Carried

Discussion ensued regarding the purchase delay that may occur with the purchase of the newer model (2006) 3500 Cab & Chassis. Deputy Mayor Trinacty requested that staff investigate the purchase of equipment under recently advertised promotions of 0% interest and the offer of automobile dealership employee purchase discounts now available from a number of dealers. Mr. Ashley agreed to direct staff in this matter.

(iii) Municipal Finance Corporation ~ Pre-Approval Resolution

Mr. Ashley read the motion.

IT WAS MOVED and seconded that Council approve the Municipal Finance Corporation's Pre-Approval Resolution not to exceed \$100,000 for the Kings Transit buses with the stipulation that the borrowings be for a period not to exceed ten years.

Motion Carried

Deputy Mayor Trinacty asked if this type of debenture was standard for each of the municipal units and if ten years was the standard borrowing term for buses. Mr. Ashley agreed to discuss this matter with Mr. Mike MacLean, the Town's Accountant.

(iv) Avon Foods Signage

Mr. Ashley read the motion.

IT WAS MOVED and seconded that Council approve the Apple Dome Committee to utilize the former Avon Foods signage at the north entry of the Town of Berwick to promote the Century Centre and related fundraising activities for a period of one year. The Committee would be required to re-apply for use of the sign each subsequent year.

Motion Carried

Councillor Horsburgh asked if there would be a time limit on the signage and fundraising activities. Mayor Prall thought that fundraising may go on for a period of two years to 2007, at which point the Century Centre would be

constructed. Discussion ensued regarding the maintenance of the sign and it was agreed that it should be the responsibility of the Apple Dome Committee.

(b) Planning Advisory Committee Update

Deputy Mayor Trinacty reviewed the report. He relayed that the Moody's had no imminent plans for the recently purchased Avon Foods facility and thus zoning was not an issue at this time.

Deputy Mayor Trinacty discussed the PAC's newly identified mandate of educating the public on the economic benefits of industrial development within the Town. He explained that a process would be developed by PAC to undertake this education. Mayor Prall noted that the M2 zone (heavy industrial) had certain land use restrictions. He indicated that were the industrial base to continue to remain low in Berwick an increase in taxes would be the resulting outcome. Councillor Easson reiterated the importance of buffer zones between residential properties and M2 zones.

(c) Police Services Advisory Committee Update

Mr. Whittier reported on a meeting with members of the Nova Scotia Department of Justice, the Municipality of the County of Kings and RCMP. He relayed that the meeting held on September 6, 2005 involved examining the statistics that the Department of Justice and the RCMP would be using as the basis of the study. Mr. Ashley suggested that perhaps the statistics should be analyzed on a per capita basis as the County had a higher population and wider geographical area.

Mayor Prall indicated that the study would attempt to determine the best options for the Town both financially and in terms of protective services for the residents of the Town.

Councillor Whittier reported that the police service to the public had improved with the arrival of Corporal Buglar and the hiring of an administrative assistant in the Berwick detachment. Mayor Prall agreed that with a full complement of officers the detachment was running smoother and service had improved noticeably in the Town.

5. Business Arising

(a) Subdivision By-law

Mr. Ashley reviewed the report. He noted that these items were mainly of a housekeeping nature to update the by-law in relation to the BEC and assign inspection services to the BEC Superintendent.

IT WAS MOVED and seconded that Council approves the second and final reading of amendments to the Subdivision By-law.

Motion Carried

6. New Business

(a) Community Fibre Network

Mr. Ashley reviewed his report. He relayed that Berwick had supported the proposed fibre optic network to date and relayed that the Valley CFN had submitted an application to ACOA for financial assistance. Mr. Ashley reported that certain funding partners had requested that the governance structure and signed documentation be implemented prior to the approval for funding being issued.

Mr. Ashley reported that the partners would form an Authority as a corporate body. He reported that the County of Kings and West Hants had voted in favor of the motions in his report. Mr. Ashley had discussed the governance documents with municipal counterparts and had consulted with our legal counsel, Peter McInroy.

Mr. McInroy had expressed concerns with the haste and sense of urgency for forming a broadband network corporate body. Mr. Ashley indicated that in a subsequent e-mail, Mr. McInroy expressed a softening of his view for a municipal partner-operated broadband networks following further investigation. Mr. McInroy did continue to express concerns regarding the potential cost to the taxpayers over an extended time in regard to contingent liabilities of the partnership.

Discussion ensued regarding the level of funding required of the Town of Berwick if further municipal partners were not to participate in the Authority and the absence of agreements from Acadia University and the Nova Scotia Community College.

Deputy Mayor Trinacty relayed that he had thought that Kings CED was the entity that would be applying for funding for the network and expressed concerns that under this proposed document the Town would be responsible for capital and operating costs of the network that had not been the initial intent of the project.

Mayor Prall noted that the Town was not fully aware of the implications of signing on as partners in this operation and he requested further information regarding the partnership and potential liabilities. He noted the importance of the network to economic development and said that the advantages were clear for the installation and existence of the network. Councillor Horsburgh noted his concern with the veto power of the Authority according to the governance document. The management structure and operating structure were of concern to Deputy Mayor Trinacty and not the authority itself. Councillor Clarke requested assurance that the Town would not be responsible for deficits that may occur.

Council requested that there be another presentation from the group to address questions and concerns discussed at this meeting. Mr. Burgess suggested that Kevin Matheson and Mr. Fage be invited to address Council.

(b) Council Committee Citizen Representatives

Ms. Millett reviewed the report. Mayor Prall requested that an advertising search be initiated once the citizens currently serving as committee representatives had been notified of the completion of their term and surveyed for re-offer. Discussion ensued regarding the process of the search for citizen representatives and the timeline to be followed.

It was agreed that the Audit and Administration Committee would serve as the Selection Committee for citizen representation on Committee's of Council. The committee would review applications at a meeting to be held prior to October Committee of the Whole and would recommend committee citizen representatives to the October Committee of the Whole. Citizen representatives would be ratified at the November Council meeting and their term would begin during December 2005 committee meetings and continue until October of 2009.

(c) Report on Transportation Symposium

Councillor Easson reported that a panel of those involved in the transportation industry and different levels of government were present at the Transportation Symposium. She noted that discussion took place regarding the state of the roads in Nova Scotia. Ms. Easson relayed that the federal government, who subsidized roads had not thought that the province thought roads to be a priority in Nova Scotia.

Councillor Easson reiterated that importance of lobbying Nova Scotia's MLA's to relay the importance of roads and infrastructure to the federal government. She noted that a strategic plan should be implemented that would be effective for a period of years and not change as governments were elected. Councillor Easson noted the difficulty in this type of plan.

Councillor Easson relayed that the poor state of our roads had affected economic development and tourism within the province.

7. Correspondence

(a) Kenneth Walker Letter

Mayor Prall reviewed the letter received from Mr. Kenneth Walker regarding servicing of Lot #28 on Hayden Drive. He relayed that Mr. Gary Gould, Public Works Superintendent had investigated options for the lot in Spicer Park. He had told Mayor Prall that the elevation of the lot would require the installation of a lift station or the lot could be built up to allow it to be serviced by the Town's sewer.

Mayor Prall discussed the history of the lot and how during it's development Roscoe Construction had sold the lot without the proper sewer service. Mr. Gould had provided Mayor Prall with another option that included servicing the lot with a connection to the driveway at Lot 29. This connection would not require the installation of a lift system. Mr. Gould had discussed with Mayor Prall the unbudgeted expense that would arise were the Town to take responsibility for servicing this lot.

Council directed the Mayor to inform Mr. Walker that the Town would not be responsible for servicing the lot. Mayor Prall agreed to indicate to Mr. Walker that Council was unable to help him with this issue.

(b) Assessment Management Board

Mayor Prall reviewed the letter from the Nova Scotia Assessment Management Board. Councillors were in support of an Assessment Management Board that would be ratified at the Fall UNSM Conference. Mayor Prall explained that current mandate of the Board would be to bring recommendations for the establishment of a Board that would be responsible for setting assessments.

Mayor Prall relayed that this Board would allow municipal representation to Assessments. He explained that the formation of the board would take place in the future, but the Board requested input on members. Mayor Prall reiterated that the Board would be at arms length to the Province.

IT WAS MOVED and seconded that Council approves the establishment of an independent municipally-controlled assessment agency for all municipalities in Nova Scotia.

Motion Carried

8. Next Meeting Date

The next meeting of Council will be held October 11, 2005 at 7:00 p.m.

9. Hearing of no further business the Chairman adjourned the Council meeting at 9:08 p.m.

John P. Prall
Chairman

Michelle Millett
Recording Secretary