

MINUTES OF THE MUNICIPAL COUNCIL MEETING
FEBRUARY 14, 2006

Present: Chairman Deputy Mayor Donald E. Clarke
 Councillor J. Richard Horsburgh
 Councillor Beth Easson
 Councillor Gary W. Whittier
 Councillor Anna Ashford-Morton
 Councillor Michael E. Trinacty
 Mr. Bob Ashley, Chief Administrative Officer
 Ms. Carol Boylan, Recording Secretary

In Attendance: Summer Valentine, Valley Waste Management
 Frank Lee, Berwick Food Bank
 Stan Maynard, Vice Chairman, Berwick Foodbank
 Mr. Jim Keith, Berwick Foodbank
 Jack Hogensen, Director, Berwick Foodbank
 Shirley Hogensen, Volunteer, Berwick Foodbank
 Mr. Don Regan, Superintendent, Berwick Electric
 Commission
 Mrs. Sara Keddy, Berwick Register
 Ms. Jenna Reeves

Absent with Regrets: Mayor John P. Prall

1. The Chairman called the meeting to order at 6:35 p.m. Deputy Mayor Clarke welcomed everyone and introduced himself as Deputy Mayor chairing the meeting in the absence of Mayor Prall who was on vacation.
2. **Approval of the Agenda**
The Agenda was approved with the addition of the following two items: Under New Business (c): Town of Berwick Congratulatory Letter to new Premier of Nova Scotia and Under Committees add: (f) Kings Transit – update from Councillor Whittier. The Agenda was approved as amended.
3. **Approval of the Previous Minutes**
The Chairman approved the Council minutes of January 10, 2006 as circulated.
4. **Presentations**
 - (a) **Summer Valentine – Valley Waste Management**
Ms. Valentine introduced herself and gave a presentation on “The One Tonne Challenge” which is attached. Ms. Valentine invited Council to contact her if they required more information on her presentation and also to make use of the website which has a lot of valuable information on it. Ms. Valentine thanked Council for opportunity to give the presentation and asked for questions.

Councillor Ashford-Morton inquired as to why The Berwick School was not involved in the project to which Ms. Valentine replied that all schools were approached, but sometimes the schools are extremely busy and elect not to participate in certain projects. Ms. Valentine said that if funding is renewed for the project, they are planning to approach The School Board regarding participation rather than go through the individual schools. This may increase participation. When a school opts to participate, Ms. Valentine makes a presentation to each class (Grades 3-5), assigns homework which is completed by each student and then sent back to her for evaluation. It was asserted that the youth need to be “on board” as they often educate their parents on these initiatives.

Councillor Trinacty questioned the funding for the program to which Ms. Valentine replied that federal funding for the project runs out in March 2006 and they are in the process of reapplying for new dollars to continue the project, but it will depend on whether the new political party that was recently elected continue to support this initiative. If federal funding does not continue other funding will be sought in the hopes of continuing the program.

(b) Frank Lee – Berwick Food Bank

Councillor Easson informed the Committee that as a volunteer and Director of the Berwick Foodbank she has a community interest in this presentation, but if Council felt she has was in a conflict of interest position, she would leave the meeting. It was agreed by all members of Council that Councillor Easson should remain at the meeting.

Frank Lee, Chairman of The Berwick Food Bank gave a presentation and reviewed information contained in his recent letter to Council. Mr. Lee thanked Council for the opportunity to address them and bring them up to date on what has been happening with this valuable and viable community service. The Berwick Food Bank has been in operation since 1983/1984 and has been housed in four locations since it's inception. Several churches have made space available and each time the Food Bank outgrew these facilities. Four years ago (August 2002) the Food Bank had to look for new premises and they decided to lease a property. They looked for the cheapest and most practical facility in town. The present facility has served them well, but they now have to seek another location with more square footage or seek a land base where they can erect a facility for their use. With the help of their Board of Directors, they have uncovered a favourable piece of land in the Town that could fulfill their needs on the surface and that is the purpose of this presentation. The land is on Orchard Street and is owned by the Town. As a community service the Food Bank would like to have access to the land and would like to negotiate or work with the Town to obtain the use of the land. The Food Bank is a totally volunteer

organization. All revenues are derived from community donations and they have not had to go to businesses to seek funding to date. Mr. Lee talked about numbers served by the Berwick Food Bank and 44% of those served were children. The number of people served from Town were 34.5% and outside of town residents 65%. Following his presentation, Mr. Lee asked for questions.

Deputy Mayor Clarke replied that Council's intent would be to refer this matter to COTW. The date to begin construction of a new facility was questioned by Councillor Whittier to which Mr. Lee explained that their present lease expires at the end of July. If the Food Bank were to vacate by that time they would need to start construction in April of this year at the latest. Councillor Whittier explained that there is a process that Council would have to go through in order to approve their request and this may take some time.

Councillor Trinacty noted his appreciation for the work that the Food Bank does and the service that is provided. He asked whether or not there was a design for the building yet, to which Mr. Lee responded that until land is secured, this cannot be done, although they have individuals who have volunteered their services to design the facility. The Food Bank Committee would like to provide for potential growth in the design and would like to keep in mind other community services, ie clothing, furniture and other services that could be provided at one facility. The Food Bank has a small amount of capital accumulated and they feel that with that and a piece of secured land, they would be looked at favourably by financial institutions to obtain financing for the project. Councillor Trinacty asked whether the Food Bank planned to make the same presentation to County Council to which Mr. Lee replied that he has spoken informally with the Warden, but with five food banks in the County already, he doesn't feel that they can depend on County support, but they will do what they can.

Boundaries for the Berwick Food Bank were explained by Mr. Lee, as well, Mr. Lee noted that they are now paying \$465 per month rent and that they don't like to see funds go towards rent when that money should be going to feed the hungry.

The site on Orchard Street is on the Kings Transit route and is already zoned institutional.

Deputy Mayor Clarke thanked Mr. Lee and his volunteers for the service they provide and said that we want to help the Food Bank.

IT WAS MOVED and seconded to direct Staff to prepare a report for presentation to COTW regarding the Hiltz Property.

Motion Carried

5. **Accolades**

(a) William E. Cannon

For the information of Council.

(b) Debbie Joudrey

For the information of Council. The Crosswalk Guards do a great job in this Town. Councillor Easson noted takes Ms. Joudrey took her job very seriously and she gave parents peace of mind.

(c) Fellow Councillors

Councillor Easson thanked her fellow councillors for their help and guidance over the past year.

6. **Committee Updates and Recommendations**

Committee of the Whole

Bob Ashley read the motions.

- (i) **IT WAS MOVED and seconded** that Council designate that 1/3 of remuneration paid to Mayor, Deputy Mayor, Councillors and Commissioners pursuant to Town Policy #5.002 in the calendar year 2006 be deemed a non-taxable allowance for expenses incident to the discharge of duties.

Motion Carried

- (ii) **IT WAS MOVED and seconded** that Council to renew the \$400,000 Operating Fund Line of Credit with the Royal Bank.

Motion Carried

- (iii) **IT WAS MOVED and seconded** that Council to accept the proposal by MacDonald Chisholm Insurance for the provision of the Town's and Electric Commission's insurance portfolio for a term of four years commencing on or about March 31, 2006 .

Motion Carried

Mike MacLean did some research and replied to Council and they were pleased with Mr. MacLean's efforts in this regard.

- (iv) **IT WAS MOVED and seconded** that Council the selection of the following individuals to form the 2006 Berwick Princess Committee consisting of: Nicole and Donna Lee and volunteers to be named by the February Council Meeting.

Motion Carried

- (v) **IT WAS MOVED and seconded** that Council support the overarching philosophy driving the proposed inter municipal REMO agreement.

Motion Carried

Bob Ashley explained further. Discussion followed.

- (vi) **IT WAS MOVED and seconded** that Council that the appropriation of up to \$1,000 towards the cost of the KPSC Fire Task Force Study.

Motion Carried

Bob Ashley provided an update. A successful candidate has been chosen, and references are being checked now. An announcement is expected to take place the week of February 20th.

(b) RCMP and the Expanded Zone

Bob Ashley reviewed his report.

IT WAS MOVED and seconded that Council declares its intention to conclude the Berwick and Area Police Study and return to a Town-only RCMP force.

Motion Carried

Discussion followed on the number of RCMP officers living within Town limits. It was noted by Councillor Trinacty that we need to keep in mind that if conditions change, we may be able to change back to Extended Zone and that the County is aware of this. The timing of the change was also discussed.

IT WAS MOVED and seconded that Council direct staff to advise authorities of RCMP and the Nova Scotia Department of Justice to immediately undertake the needed administrative steps to reinstate a Town-only RCMP force.

Motion Carried

(c) Planning Advisory Committee

- (i) Monthly Report of Planning Advisory Committee
Chairman of the PAC, Councillor Trinacty reviewed his report.

Councillor Easson reported that the next meeting for the Open Space Committee is February 22nd at 6:30 pm.

(ii) Main Street Renaming Survey

Councillor Trinacty thanked everyone who assisted in this process. It provided us with the information that made our decision easy to make. The people appreciated having a say in the process and some very good alternatives were provided via the surveys. The results are included in the attached report.

IT WAS MOVED and seconded that Council re-commit the Main Street renaming matter to the Veterans Memorial Sub-Committee to explore alternatives and to make a recommendation and that the name Main Street remain as Main Street.

Motion Carried

The Veterans Memorial Subcommittee meet on Thursday, February, 16th and they will have a recommendation to Council after that meeting.

(iii) Zero Lot Line Provisions

Councillor Trinacty reviewed his report and explained zero lot lines.

IT WAS MOVED and seconded that Council approves first reading of amendments to the Berwick Municipal Planning Strategy as follows:

1. That the following new policy be inserted after Policy P-1-14

“It shall be the intent of Council to include in the Land Use By-law provisions for the regulation of development within the residential zones consistent with this Strategy including but not limited to minimum lot area, minimum lot frontage and yard set back requirements. These provisions will vary according to the specific use and the specific zone. Notwithstanding however it will be the intent of Council to enable zero lot line development in the R-2 and R-3 Zones and by Development Agreement for residential uses containing four or more units as provided for in Policy 1-1.7.”

IT WAS MOVED and seconded that Council approves first reading of amendments to the Land Use By-law as follows:

That the following new provision be added to Part 9, Residential Two Family R-2 Zone

9.4.1 Zero Lot Line

Notwithstanding Part 9.2 the minimum side yard requirement for the common lot line may be reduced to zero (0) for semi-detached dwellings.

Motion Carried

IT WAS MOVED and seconded that Council approves first reading of amendments to the That the following new provision be added to Part 10, Residential Multi-Unit R-3 Zone.

10.3 Zero Lot Line

Notwithstanding Part 10.2 the minimum side yard requirement for the common lot line may be reduced to zero (0) for Row house dwellings.

Motion Carried

Deputy Mayor Clarke asked whether the Open Space Committee was dealing with the excess lots of land that the Town may want to dispose of, to which it was responded to that the Committee was in fact dealing with this issue.

(iv) Commercial Development in Industrial Zones

Mike Trinacty – reviewed Mr. Ashley’s Report. The Planning Advisory Committee realized there needed to be some discussion around an industrial strategy for the Town. It was decided to put this on hold as it would fit with Economic Development Strategy. At this point the PAC will move ahead with looking at Industrial Zone Strategy.

Mr. Ashley noted that it has come up in conversation that awareness of the uses of existing in the M2 zone might have been know to H & G Properties in the fall, and they might have come to us sooner. They had just purchased the property and may have not realized what they would require at that time. They now have a much better feeling for potential tenants. M2 Zone as it is now allows for 25% of commercial space within.

IT WAS MOVED and seconded that the requests by H & G Properties be forwarded to the Planning Advisory Committee for review and recommendation.

Motion Carried

It would go to March PAC and eventually come back to Council and this needs to be done in a timely manner.

Mr. Ashley noted that it would be advantageous for Mr. Millier to do some research on this and look into whether or not other areas that have encountered this problem where similar development has an effect on the town down core. Mr. Millier is familiar with Digby, Yarmouth, Windsor and Dartmouth and he will provide an analysis. Mr. Millier has indicated that any more than 50% would constitute commercial rather than industrial.

(d) Alternative Energy Proposal

Bob Ashley reviewed the Report and informed Council that he felt it was important to keep them apprised on a regular basis on what is happening with The Berwick Electric Commission exploring the purchase of alternative energy.

Councillor Trinacty questioned when alternate energy uses on-line. Mr. Ashley replied that he felt it would probably be more than two years, but much less than 10 years.

(e) Valley Waste Report

Councillor Horsburgh reported that there is a meeting on February 15th. Wage increases were discussed. There are other partners not in agreement with the manner in which they are coming up with the figure for wage increases. Valley Waste are very good in their delivery of service, they do their job well and try to come in on budget.

IT WAS MOVED and seconded to postpone until next Council meeting.

Motion Carried

Councillor Horsburgh will report back to Council on the outcome of February 15th's meeting.

(e) Kings Transit

Councillor Whittier reported that he and Bob Ashley, CAO attended a meeting on January 17th. Kings Transit's ridership is up throughout their whole territory and they now have a Purchasing and Tendering Policy in place. The meeting they attended was actually December's meeting that was postponed until January. The next meeting is February 21st and meetings will be held on the third Tuesday of the month thereafter.

Councillor Horsburgh pointed out that it's good that the Town has representation by way of a Councillor on the Kings Transit Committee.

7. **New Business**

(a) **Berwick Building Supplies/J. Nichols' Re-Zoning Request**

Councillor Whittier asked if there was a conflict of interest as he has only been retired from his position at Berwick Building Supplies for eight months. Council felt it wasn't a conflict and requested that Councillor Whittier be present for this item of business.

Councillor Easson said that she doesn't feel this item should be recommended to PAC. She has spoken personally to 50% of the people in that area and they don't want R2 zoning in their subdivision. Councillor Trinacty replied that there is a process to go through and asked Councillor Easson how she was able to come to the conclusion that this number of citizens were not in favour of the rezoning to which she replied that she made contact by telephone to those residents that would be affected by the rezoning. There will be a Public Meeting and these people will have full access to all councillors and will be able to voice their opinions at that time.

Deputy Mayor Clarke noted that everyone has the right to have their request heard. The covenants in the subdivision were also discussed. It's up to the developer to enforce the covenants when selling the land. These covenants do have expiry dates. Traditionally these items are referred to PAC for study.

Bob Ashley noted that it's important for Councillor Easson to pass on the concerns of the residents, but to keep in mind that the developer should be considered and all he has done for the Town. The plans for the units that Mr. Nichols wants to build are available in Mr. Ashley's office for anyone who wishes to see them.

IT WAS MOVED and seconded that Council refer the matter of Berwick Building Supplies Limited's residential rezoning request as written by Mr. Nichols, to the Planning Advisory Committee

Motion Carried

(b) **FCM Safe Communities Survey**

Bob Ashley reviewed his report. This was timely because we are going back to "Town-Only" Police Force.

IT WAS MOVED and seconded that One Councillor, (Anna Ashford Morton) be appointed to complete and return the official survey conducted Federation of Canadian Municipalities.

Motion Carried

IT WAS MOVED and seconded to direct Staff to administer the FCM survey to all members of Council and to all members of the Police Services Advisory Committee and to report back to Council on the results.

Motion Carried

Mr. Ashley will ensure the surveys are completed and returned to him.

IT WAS MOVED and seconded to send a letter to Premier Elect, Rodney MacDonald and congratulate him on his new position and advise him that as a Council we are looking forward to working with him in the future.

Motion Carried

8. Correspondence

(a) Berwick Food Bank and the Hiltz Property

(b) NS Assessment Management Board Update

Bob Ashley will ask Mike MacLean to circulate some information on this matter as Councillors are looking for clarification on this matter.

(c) Amendments to the NS Building Code Regulations

These are in Mr. Ashley's office if Council wishes to see them.

(d) AVRSB Priority Plan

Mr. Dray will be invited to speak at the March Council meeting.

(e) Other Items

Councillor Easson brought up the fact that when leaving Halifax, the mileage to Berwick is not on any signs other than in Coldbrook and asked how the Town could have this changed.

Councillor Horsburgh noted that since the last Town Council meeting, The Berwick Register has ceased to exist and suggested that the Town send a letter to the ownership of The Register thanking them for being here all these years and wish them well in the future. Sara Keddy of The Register reported that all of the past issues of The Register were going to be stored in temperature controlled facilities at Acadia University. These papers go back to 1896. It was felt that the Town should also point out in the correspondence that we regret that the Berwick Office has moved out and if in the future they wanted to come back, the Town

would welcome them back. Deputy Mayor Clarke ended the conversation by noting that it is disappointing to see The Register office leave town and congratulated Sara Keddy on doing a great job.

9. Next Meeting Date

The next meeting of Council would be held March 14, 2006 at 6 pm.

- 10.** Hearing of no further business the Chairman adjourned the Council meeting at 9 pm p.m.

Donald Clarke
Chairman

Carol Boylan
Recording Secretary