

TOWN OF BEDFORD

Regular Session

Tuesday, September 10, 1991

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, September 10, 1991, at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. **LORDS PRAYER**

Mayor Christie opened the Session by the leading of the Lord's Prayer.

2. **ATTENDANCE**

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Barry Zwicker, Acting-Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Ron Singer, Director of Finance; Francis MacKenzie, Director of Bedford Economic Development Commission (BEDC); Peter Dickinson, Fire Chief; and H.A. MacKenzie, Chief of Police.

3. **APPROVAL OF MINUTES**

The minutes of Regular Session #116 (August 20, 1991) were previously circulated.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to approve the minutes of Regular Session #116 (August 20, 1991) of the Town Council of the Town of Bedford as circulated. **The motion was unanimously approved.**

4. **ADDITIONS/DELETIONS TO ORDER OF BUSINESS**

At the request of Councillor Kelly, Town Council agreed by consensus to move forward item #8.1 (Mr. D. Boudreau - Delegation) such that it would be the first item of business following Approval of the Order of Business.

At the request of Councillor Draper, Town Council agreed by consensus to add item 11.1.2, Update from the School Board.

At the request of Mayor Christie, Town Council agreed by consensus to add item #17.1, Update re Metropolitan Authority.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to add item #10.8, Police Facility to the agenda. The motion was unanimously approved.

By consensus, it was agreed to move item #10.8, Police Facility, forward as the first item under New Business.

At the request of Councillor Walker, it was approved by consensus to add item #10.9, Terry Fox Run/Walk, to the agenda.

5. **APPROVAL OF THE ORDER OF BUSINESS**

ON MOTION of Councillor Draper and Councillor Walker, it was moved to approve the Order of Business as amended. The motion was unanimously approved.

8. **PETITIONS AND DELEGATIONS**

8.1 **Mr. Dennis Boudreau - 116 Rocky Lake Drive re Fencing - C.P. Allen High School**

Mr. Boudreau addressed Town Council seeking support in erecting a fence between 116 Rocky Lake Drive and Waverley Road School in an effort to minimize neighborhood vandalism by the children using the walkway between Oakmount & Oakridge subdivisions and the local schools. Mr. Boudreau also submitted a petition signed by property owners of 112, 114 and 106 Rocky Lake Drive who also requested the erection of a fence. Mr. Boudreau noted that he has spoken both to the principals of the schools as well as the School Board and no action to-date has been taken.

Ms. Somers, a resident of 116 Rocky Lake Drive, also addressed Town Council. She commented with regard to the extent of property damage they and their neighbours have experienced.

In answering questions from Council, it was noted that the tenants of an adjacent property were reluctant to sign the petition as well as a property owner who used a driveway access through the school property. Deputy Mayor Huntington indicated that four individuals called him and voiced concern against the fence.

In discussion, it was noted that Town Council had previously addressed an issue regarding fencing and had moved that a tripartite agreement between the property owners, school board and Town be negotiated regarding the erection of a fence. Council noted that the circumstances were similar as in both instances the Town did not own the land on which the proposed fence is to be erected.

At the request of the Mayor and with consensus of Town Council, Councillor Draper agreed to pursue the issue with the School Board in terms of Mr. Boudreau's previous correspondence and what action the School Board is willing to undertake.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to *DEFER* further discussion on the fencing issue as raised by Mr. Boudreau until Councillor Draper can report that the School Board has placed the item on their agenda and that the School Board has reviewed the issue. **The motion was unanimously approved.**

Councillor Draper noted that the next School Board meeting is not scheduled until after the Town Council Meeting scheduled for September 17, 1991.

17. **ADDED ITEMS**

17. **Metropolitan Authority Update**

Mayor Christie reported that Metropolitan Authority had recently agreed on the siting criteria and public ownership for the incinerator. A copy of the siting criteria is available from the Director of Planning and it was suggested that Councillors review the material. The consultants will report to Metropolitan Authority in two weeks time with possible locations for the incinerator.

With respect to the issue of ownership for the incinerator, Mayor Christie noted that although he and the Deputy Mayor voted against it, the Metropolitan Authority agreed that public ownership of the incinerator would be advantageous. Mayor Christie indicated that his reasons for voting against public ownership were based on the potential impact on the Town's capital borrowing.

In discussion, Councillor Kelly asked for clarification as to why decisions related to the siting and start-up of the incinerator were being made so quickly. Mayor

Christie indicated that decisions were made in an attempt to meet all the necessary time deadlines related to providing power to Nova Scotia Power Corporation. Councillor Kelly expressed concern that not all the necessary information was available and that decisions with respect to the incinerator were being made too quickly.

There was also discussion related to the fixed price for power which has been negotiated. At the request of Councillor Walker, Mayor Christie noted that prices for sale of power from the incinerator to N.S.P.C. could not be renegotiated until the end of the current contract.

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Proposed Bedford Highway Improvements -- Oakmount Dr - Bicentennial Interchange

By memorandum of September 4, 1991, Mr. Paynter provided an update regarding negotiations with Department of Transportation and Communications as to a concept plan for improvements to the section of Bedford Highway from Oakmount to Bicentennial Interchange. Schematics of three concept plans were available for review (A) - original plan, similar to Akerley Blvd, submitted by Bedford & refused by DOT; (B) - suggestion by DOT to Bedford, similar to Cole Harbour; (C) - compromise suggested by Bedford to DOT).

Concept C reduces the number of curbed islands along the highway yet retains enough of the physical changes to achieve the change in environ deemed necessary to reduce existing traffic speeds to the posted limit and create a safer environment for traffic turning into and existing the commercial businesses as well as for the pedestrians walking in this area. The revised proposal has a construction cost estimate of \$225,000. Mr. Paynter suggested that given the time of the year, the Engineering Department recommends deferral of the project until the 1992 construction season pending DOT approval.

Mayor Christie reported that he recently had a meeting with the Minister of Transportation in late August and it was suggested that Bedford's Engineering Department and Provincial Traffic Authority work together over the winter to develop a satisfactory solution for construction in 1992.

It was also noted that signalization at the Oakmount intersection has not been addressed during recent discussions with DOT as the focus has been on the overall concept plan. However, Councillor Kelly pointed out that the signalization of this intersection may have a significant impact on the effectiveness of a concept plan.

There was a suggestion that the Bedford Place Mall access bridge be re-aligned

with Oakmount; however, Mr. Paynter indicated that this would add at least \$300,000 to the cost of the project.

ON MOTION of Councillor Kelly and Deputy Mayor Huntington, it was moved that Town Council request Engineering staff to pursue Concept A (Akerley Blvd) as the proposed plan for Bedford Highway improvements between Oakmount Drive and Bicentennial Interchange.

In discussion of the MOTION, Councillor Goucher expressed his concern that the original plan, Concept A, was more favourable and that he could not support a five-lane concept (Plan B). Deputy Mayor Huntington agreed with Councillor Goucher and indicated that Concept A works well in Dartmouth and should be pursued as a solution in this circumstance.

The MOTION was put to the meeting and CARRIED unanimously.

6.2 Peerless Parkland Equipment

By memorandum of August 27, 1991, Mr. Singer reported on the status of the Special Reserve fund, parkland section, as requested by Town Council on August 20, 1991. Following a request from residents for parkland improvements, various funding options had been reviewed and Town Council inquired whether the requested funds (\$3,000) for the purchase of playground equipment for Peerless Subdivision might be available from the Parkland Acquisition Fund (Special Reserve).

Mr. Singer reported a balance in the Special Capital Reserve, of \$9,000 in excess of the budgeted amount and suggested these funds could be available to fund parkland improvements such as the \$3,000 request.

ON MOTION of Councillor Walker and Councillor Draper, it was moved that Town Council REFER the Peerless request for parkland improvements to the Bedford Recreation Advisory Committee for comment. **The MOTION was CARRIED** (Mayor Christie, Councillors Walker, Draper, and Cosgrove voted in favour; Deputy Mayor Huntington, Councillors Goucher and Kelly voted against the motion).

At the request of Councillor Goucher, an up-date was provided regarding the recent delay in the development of the parkland. Mr. Zwicker indicated that following a recent site visit, a misunderstanding in the contract had been addressed and work is resuming.

6.3 Town of Bedford Appointment - Halifax-Dartmouth Port Development Commission

Following a MOTION approved by Town Council on August 20, 1991 which requested the Chief Administrative Officer in collaboration with Cpt. Bathurst to define suitable technical qualifications for candidates and that the vacancy be advertised, the Town of Bedford vacancy was advertised and subsequently Mr. English circulated by September 10, 1991 memorandum the six expressions of interest. The memorandum also noted that additional interest (one written and one verbal) were received after the deadline. At the meeting, information pertaining to Cpt. Walsh and Mr. Palmer was circulated to Council.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Town Council permit those expressions of interest received after the nomination deadline (Walsh and Palmer) be accepted and reviewed with the original six expressions of interest.

In discussion of the MOTION, Councillor Goucher indicated that he had provided a potential nominee with incorrect information related to the deadline for submission and apologized to Council for causing the delay. Mayor Christie noted that the Halifax-Dartmouth Port Commission appointments expire at the end of September.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to DEFER the naming of a Town of Bedford Appointment to the Port Commissions until the Special Session scheduled for September 17, 1991. The motion was unanimously approved.

6.4 Unsafe Conditions - Walkway to LeBrun Centre

By memorandum of September 5, 1991, Mr. Paynter provided follow up with respect to Councillor Draper's inquiries pertaining to the condition of the Town park area situated behind the Lebrun Centre and the pedestrian walkway from Basinview Dr. to the Lebrun Centre. At the August 20 Council meeting, it was agreed to DEFER the items regarding the pathway and dumping raised in Mr. Hepworth's letter of August 2, 1991 pending a staff report at the September Regular Meeting.

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved to approve the modifications and cleaning as proposed by Mr. Paynter in his memorandum of September 5, 1991 such that:

- 1. general site area cleanup of dumpings and garbage be performed by Recreation Department personnel;*

2. Placement of two "No Dumping" signs along park strip on Basinview Dr. by Public Works personnel;
3. General landscaping works to a ten foot wide strip of parkland frontage on Basinview Dr. by Recreation Department;
4. Cleanup by concrete stairs and the placement of a short section of wooden guardrail prohibiting bicycle passage down the walkway by Public Works personnel;

and further that a maximum expenditure of \$1,500 be approved which is to be funded through the Special Reserve Fund. The motion was unanimously approved.

6.5 Application for Substantial Alteration - Fort Sackville Lands

By memorandum of August 28, 1991, Donna Davis-Lohnes, Planning Department, reported on comments from Brian Cuthbertson, head of the Heritage Division for the Province. These comments were provided as additional information and clarification on the Tolson application for substantial alteration which Town Council DEFERRED on August 20, 1991.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that the application from Mrs. Elsie Tolson dated July 12, 1991 submitted pursuant to Section 17(2) of the Heritage Property Act, to permit a substantial alteration to the appearance and use of lands contiguous to the Tolson Manor House which are registered as municipal heritage property, be approved by Council subject to the following conditions:

- a. The substantial alteration is permissible only to carry out the provisions of the development agreement approved by Council on May 17, 1991; and
- b. No substantial alteration is to be made to the Manor House, the Fort Sackville site (25,856 sq. ft.), and the land associated with the Manor House (53,170 sq. ft) as shown on the plans attached to the development agreement unless addressed through an application as per Section 17 of the Heritage Property Act.

In discussion of the MOTION, Mr. Zwicker, Director of Planning, clarified that this motion does not 'de-register' any portion of the currently Municipal Registered lands.

The MOTION was put to the meeting and CARRIED (Councillor Goucher abstained).

6.6 Bedford Recycling Depot - Financial Report

Following a MOTION on August 20, 1991, Mr. Singer provided further information with respect to the review and substantiation of financial figures from Bedford Recycling Depot.

In discussion of the information provided by Mr. Singer, Councillor Kelly expressed concern regarding the lack of actual substantiation of figures although Mr. Singer noted that the figures "seemed reasonable". Councillor Goucher also indicated that he was unsatisfied with the information provided by Bedford Recycling Depot.

ON MOTION of Councillor Goucher and Councillor Walker, it was moved that Town Council authorize Chief Administrative Officer to activate the three-month notification of cancellation clause such that the contract with Bedford Bottle and Metal Recycling for the operation of the Bedford Recycling Depot shall be cancelled effective December 31, 1991. The motion was unanimously approved.

Subsequently, Mr. Paynter sought direction from Council with regard to recycling efforts in the Town of Bedford after December 31, 1991. There was discussion of the new MRIF centre which is currently on schedule. Mayor Christie suggested that further discussion of this item be under agenda item #11.2.3.1.

6.7 Point of Order - Motion re Tax Certificate Charge

By memorandum of September 6, 1991, Mayor Christie reviewed his decision with respect to Councillor Goucher's Point of Order on August 20, 1991 following an approved MOTION to change the Tax Certificate Charge from \$100 to \$50 effective the date the Motion was passed. Councillor Goucher's Point of Order referred to Kerr and King wherein it states that a substantive Motion, on a vote involving money matters, would require a two-thirds vote and since the Motion was passed by a simple majority of 4-3, the Motion should be recorded as defeated.

Mayor Christie concluded that the MOTION under question was a simple MOTION covered under our Rules of Order and the provision of Section 10 (1) (6) apply herewith. The point of Order is disallowed and the successful MOTION stands. The successful motion was:

"ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved that Town Council approve a change in the Tax Certificate Charge of the Town of Bedford such that it be reduced from the existing \$100 to \$50, effective from the date the Motion is passed. **The MOTION WAS CARRIED** (Mayor Christie, Deputy Mayor Huntington and Councillors Draper and Walker voted in favour; Councillors Goucher, Cosgrove and Kelly voted against the motion).

In review of the memorandum, Councillor Goucher spoke on a Point of Order and questioned whether a NOTICE OF MOTION had been the proper vehicle originally since the Town of Bedford Rules of Order do not define a Notice of Motion. Councillor Goucher clearly indicated that he was not challenging the Chair's decision but wished clarification regarding Notice of Motion.

Councillor Goucher gave NOTICE OF RECONSIDERATION for the next Council meeting and Mayor Christie indicated that the MOTION will be held in abeyance until that time.

7. **PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM** - Nil

9. **MOTIONS** - Nil

10. **NEW BUSINESS**

10.8 **Police Facility**

ON MOTION of Councillor Draper and Councillor Cosgrove, it was moved that the recommendation of the BBPC be accepted and staff be authorized to negotiate a lease with Southwest Apartments for the provision of 5500 square feet of space on a five-year turnkey/lease basis at Sunnyside Mall based on their proposal dated July 29, 1991; and

BE IT FURTHER RESOLVED that final execution of this lease be subject to the prior sale of the existing Bedford Police Department building located at 1405 Bedford Highway; and

BE IT FURTHER RESOLVED that staff be authorized to prepare a public proposal call for sale of said building.

The MOTION was put to the meeting and CARRIED unanimously.

10.1 Consideration - Award of Tender 91-08 - Storm Drainage Improvements

By memorandum of September 9, 1991, Mr. Paynter reported on tenders received for the capital improvements works relative to sections of the Town's storm sewer systems. The Department had budgeted \$50,000 for this item.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to award Tender 91-08 to C.R. Falkenham Backhoe Services Limited in the amount of \$64,113 plus \$2,500 for engineering supervision. **The motion was unanimously approved.**

10.2 Consideration - Award of Tender 91-09 - Sanitary Sewer System Improvements

By memorandum of September 9, 1991, Mr. Paynter reported on tenders received for the capital improvements works relative to sections of the Town's sanitary sewer systems. The Department had budgeted \$50,000 for this item from the Sewer Redevelopment Fund.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to award Tender 91-09 to G. & R Kelly Enterprises Limited in the amount of \$50,529.69 plus \$2,500 for engineering supervision of the works. **The motion was unanimously approved.**

10.3 Consideration - Award of Tender 91-10 - Contracted Winter Equipment Plowing/Salting

By memorandum of September 9, 1991, Mr. Paynter reported on tenders received relative to the Town's contracted equipment requirements for winter snow plowing/salting operations. Mr. Paynter recommended that the Town required five snow plows/salt trucks.

ON MOTION of Councillor Goucher and Councillor Draper, it was moved to award Tender 91-10 (Snow Plow/Salt Trucks) to:

<i>G.M. Kelly</i>	<i>1 - 1985 International</i>	<i>\$65.00/hr</i>
<i>G & R Kelly Ent</i>	<i>1 - 1988 GMC</i>	<i>\$65.00/hr</i>
<i>Kel-Ann Entr.</i>	<i>1 - 1981 International</i>	<i>\$76.00/hr</i>
<i>John Vincent</i>	<i>1 - 1982 Chev</i>	<i>\$69.00/hr</i>
<i>Tom Nolan</i>	<i>1 - 1991 GMC</i>	<i>\$69.00/hr</i>

including the monthly retainer paid by the Town of \$1,000.00. The MOTION was CARRIED (Councillor Kelly voted in opposition).

10.4 Consideration - Award of Tender 91-11 - Contracted Winter Equipment (Rubber Tired Loaders)

By memorandum of September 9, 1991, Mr. Paynter reported on tenders received relative to the Town's contracted equipment requirements for winter snow removal operations. Mr. Paynter recommended that the Town required the use of three rubber tired loaders.

ON MOTION of Councillor Goucher and Councillor Draper, it was moved to award Tender 91-11 (Rubber Tired Loaders) to:

G.M. Kelly	1 - 1 930 Cat loader & P/W	\$98.00/hr
Kel-Ann Entr	1 - 950 Cat & Plow	\$115.00/hr
	1 - 950 Cat & P/W	\$145.00/hr

including the monthly retainer paid by the Town of \$1,000. The **MOTION** was **CARRIED** (Councillor Kelly opposed the motion).

10.5 Consideration of Award - Town of Bedford Animal Control Contract 1991 - 1994

By memorandum of September 6, 1991, Mr. English reported on the results of tender call for Animal Control Contract and Courier Services. He recommended the contract be awarded for a period from October 1, 1991 to March 31, 1994.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved that the Tender for Animal Control and Courier Services be awarded to Mountain Security in the amount of \$77,167 for the period from October 1, 1991 to March 31, 1994.

In discussion of the **MOTION**, Councillor Kelly sought further clarification as to the specific amount related to courier-only fees. Mr. Zwicker noted that by combining the two contracts, the additional contracted amount for courier fees is very small.

ON MOTION of Councillor Kelly, it was moved to **DEFER** consideration of awarding the Tender for Animal Control and Courier Services pending receipt of further information pertaining to the actual costs related to courier-only services. The **MOTION** was **LOST** (after three calls from the Mayor, there was no seconder).

The **MOTION** was put to the meeting and **CARRIED** (Councillor Kelly voted in opposition).

10.6 Policy Re Election Campaign Signage

A draft policy pertaining to the location of campaign signs was circulated to Council for consideration.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to approve a Policy regarding Election Campaign Signage

WHEREAS during the 1988 Municipal General Election, restrictions relative to election campaign signage were prohibited on ornamental poles and Town-owned median strips, i.e. inside sidewalk to curb; and

WHEREAS prior to the 1991 Municipal General Election, Town Council has deemed it necessary to establish a formal or written Policy respecting the location of Election Campaign Signage; and

WHEREAS in order to maintain fairness and consistency for all candidates;

BE IT RESOLVED that Town Council establish a Policy whereby the erection of election campaign signage on all Town-owned property, including street right-of-way and ornamental poles, be prohibited.

In discussion of the MOTION, Councillor Kelly expressed concern that not all candidates were aware of this policy and may not have the opportunity to place their signs in high profile areas. In response to Councillor Kelly's inquiry for further clarification regarding the proposed policy, Mayor Christie indicated that the Town does not permit other types of businesses to post signs in these areas and that municipal candidates should not have preferential treatment.

Councillor Cosgrove also expressed concern and supported Councillor Kelly's rationale against the proposed policy. Councillor Goucher noted that he could not support the proposed policy as he felt campaign signage should not be classified in the same category as real estate signs and other signs placed on public property.

The MOTION was put to the meeting and CARRIED (Mayor Christie, Deputy Mayor Huntington, Councillor Walker and Councillor Draper voted in favour of the motion; Councillors Kelly, Goucher and Cosgrove voted against the motion).

Councillor Goucher gave NOTICE OF RECONSIDERATION and the Mayor indicated that until such time that this was discussed, campaign signage would not be permitted on public property.

10.7 Town-Owned Right of Way -- Bedford Highway to First Avenue

By memorandum of August 29, 1991, Mr. Paynter provided information following a request to investigate the possibility of implementing works to the Town-owned right of way Bedford Highway to First Avenue adjacent to the former Seimac Building that would better accommodate pedestrian movement between First Avenue and the Bedford Highway. Mr. Paynter further indicated that between \$10,000 to \$12,000 would be required to achieve the improvements and at present there are no funds available in either the Department's Operating or Capital budgets to proceed with such works.

Mr. Paynter's memorandum also indicated that Mr. Pierce understood that he has access rights over this strip which may contradict the 1987 decision by the Honorable Mr. Justice R. MacCloud Rogers. Mr. Paynter suggested that the public right of way be closed and the land sold to abutting property owners.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to DEFER further consideration of this item until the next Regular Council meeting pending review by Council of the 1987 decision made by Justice Rogers. The MOTION was CARRIED (Councillors Draper and Walker opposed the motion).

10.9 Terry Fox Run/Walk

Councillor Walker suggested that Town of Bedford Council should challenge another municipal council, in addition to the currently scheduled Council/Staff challenge.

11. REPORTS

11.1 Boards/Committees/Commissions

11.1.1 By-Law/Policy Advisory Committee

By memorandum of September 6, 1991, Mr. English made recommendations pertaining to by-laws respecting Mischiefs and Nuisances; Loitering; Use of Power Boats/Paper Mill Lake; and the Litter Abatement Act.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to REPEAL the existing County of Halifax By-Law respecting Mischiefs and Nuisances. The motion was unanimously approved.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to **APPROVE** First Reading of the proposed new Loitering By-law. **The motion was unanimously approved.**

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to approve the By-Law/Policy Advisory Committee recommendation regarding the posting of signage on Town owned land adjacent to Papermill Lake to the effect that "No Power Boats are to be Transported Across Town Owned Parkland".

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to **AMEND** the original motion regarding power boats to indicate an exception for emergency vehicles. **The motion was unanimously approved.**

The MAIN MOTION as AMENDED was put to the meeting and CARRIED unanimously.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved that Town Council requests the Bedford Board of Police Commissioners to have the Public Works Department erect a number of "No Littering" signs indicating a minimum fine of \$250 and that the Police Department be further requested to strictly enforce same.

In speaking to the MOTION regarding litter abatement, Councillor Goucher thanked the By-law/Policy Advisory Committee for addressing his concerns regarding litter abatement. However, he recommended that the wording of the signs be amended slightly to read "Bedford Enforces No Littering" with the standard No Littering graphic. Concern was expressed by Councillor Draper that although the wording amendment clarifies the intent, the signage should firstly reflect No Littering. It was agreed by consensus that the wording "Bedford Enforces No Littering" could be included on a sign but that the graphic would be the dominating impact.

The MOTION was put to the meeting and CARRIED unanimously.

11.1.2 School Board Report

Councillor Draper reported on the results of recent school enrolments indicating that 75 additional pupils were registered and two additional teacher provided. She also indicated crowding particularly in the primary grades. It was further reported that school facilities are crowded in general as there are now three portables in use within the Town.

ON MOTION of Councillor Draper and Councillor Walker, it was moved that Town Council request the Mayor to meet with representatives of the Provincial Government, including the Minister of Education and local MLA, to discuss the need for additional schools within the Town of Bedford and taking the projected new Bedford elementary school off the moratorium list for construction.

In discussion of the MOTION, Councillor Draper noted that the School Board supported a similar motion at their recent meeting.

The MOTION was put to the meeting and CARRIED unanimously.

11.2 Departmental

11.2.1 Fire Department

a. **Medical Response Report**

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to accept and support the Fire Department's report regarding medical responses. The motion was unanimously approved.

In speaking to the MOTION, Councillor Walker sought further information from the Department as to whether they felt that in light of the increasing number of medical emergencies would the current emergency vehicles be appropriate for the future; i.e. Councillor Walker noted that Fire Departments in other municipalities (Fall River and Waverley) were equipped with smaller rescue units.

Councillor Cosgrove and Councillor Goucher expressed disagreement with Councillor Walker's suggestion and noted that the rescue unit was built to Bedford's specifications. Councillor Kelly indicated concerns with regard to the cost of purchasing another vehicle and vehicular storage.

11.2.2 Planning and Development Control

a. **Building Inspector's Monthly Report (August)**

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to accept the Building Inspector's Report for the month of August as circulated. The motion was unanimously approved.

b. **Report/Analysis Development Activity**

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to DEFER the report by the Director of Planning and Development to the next Council Meeting. **The MOTION was CARRIED** (Councillor Walker voted in opposition to the motion).

11.2.3 Engineering and Works

11.2.3.1 a. Information Report - 1992/93 Residential Garbage Collection Tender

By memorandum of September 4, 1991, Mr. Paynter made several recommendations with respect to a new contract for residential garbage collection as the current contract with Lantz Leasing expires December 31, 1991.

With respect to the timing of the contract, Mr. Paynter recommended that in order for the new contract to match the new municipal fiscal year, he recommended that the existing contract with Lantz be extended for the three months January, February and March 1992 at an extension price of \$9,950.00.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to accept the recommendation of the Director of Engineering to extend the 1991 contract to Lantz Leasing for residential garbage collection for the three months January, February and March 1992 at a cost of \$9,950.00

In speaking to the MOTION, Councillors questioned whether a new 15-month contract should be retendered as of January 1992. Councillors also expressed interest in reviewing the tender documents for consistency with Town Council's expressed wishes.

ON MOTION of Councillor Kelly and Councillor Draper, it was moved to DEFER consideration of a new 15-month contract or a three-month extension to the residential garbage collection contract until the next Regular Council Session. **The MOTION was CARRIED** (Councillor Walker opposed the motion).

Councillor Goucher inquired regarding the future of curb side recycling (blue box). Mayor Christie indicated that to-date Metropolitan Authority has made no firm decision regarding whether this would be the responsibility of the individual municipalities or the Metropolitan Authority to pick up recyclables.

Mr. Paynter's second point in his memorandum was with respect to recycling. He noted that the present contract with Bedford Bottle and Metal Recycling expires December 31, 1991 and previously, Town Council passed a motion to cancel the contract as of December 31, 1991.

In light of the timing of the new MRIF facility, Mayor Christie requested that the

Director of Engineering pursue the topic of recycling depots with other municipal Directors and report back to Town Council.

The third point in Mr. Paynter's memorandum raised the issue of collection of garbage from apartments and condominiums as part of municipal services. Councillor Kelly reported that the City of Dartmouth has agreed to provide collection from condominiums. There is a question of liability on public property and cost implications on which Mr. Paynter will provide additional information at a later date.

12. **CORRESPONDENCE** - Nil

13. **MOTIONS OF RECONSIDERATION** - Nil

14. **MOTIONS OF RESCISSION** - Nil

15. **NOTICES OF MOTION** - Nil

16. **QUESTIONS**

16.1 **Status Sheet (August 20 and September 10)**

There were no questions or discussion.

17. **ADDED ITEMS** - Nil

18. **ADJOURNMENT**

ON MOTION of Councillor Goucher, it was moved to adjourn the #117 Regular Session of the Town Council of the Town of Bedford at approximately 10:20 p.m.



MAYOR



ACTING CHIEF ADMINISTRATIVE OFFICER

TOWN OF BEDFORD

Public Hearing

Tuesday, September 17, 1991

A Public Hearing of the Town of Bedford took place on Tuesday, September 17, 1991, at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Deputy Mayor Huntington presiding.

ATTENDANCE: Councillors Len Goucher, Peggy Draper, Grant Walker and Peter Kelly were present.

Staff members included Dan English, Chief Administrative Officer; and Rick Paynter, Director of Engineering and Works.

There were approximately 10 residents in the audience.

INTRODUCTION

The purpose of the public hearing was to receive both written and verbal submissions relative to the closure of a portion of the following public streets:

- a. A portion of the Bedford Highway adjacent to Civic No. 873, the Pipeline Ultramar Service Station; and
- b. A portion of the Old Hammonds Plains Road between Doyle Street and the Bedford Highway.

Deputy Mayor Huntington reviewed the Rules of Order pertaining to public hearings and noted that each street closure would be considered separately.

A. ADJACENT TO CIVIC NO. 873 BEDFORD HIGHWAY

At the request of the Chairman, Mr. Paynter reviewed the request from Ultramar to purchase a portion of the Bedford Highway right-of-way to facilitate the permanent establishment of a propane depot. Mr. Paynter noted that Engineering staff had no

objections to the closure of this portion of the right-of-way and he further indicated that it would not interfere with any future plans to upgrade that portion of the Bedford Highway. The amount of right-of-way under consideration approximates 1,699 square feet (not 1,578 square feet as noted in Mr. Paynter's September 13, 1991 memorandum).

Attached to Mr. Paynter's September 13, 1991 memorandum on this topic was a copy of the "Street Closing Procedure (Permanent Closure) as issued by the Nova Scotia Department of Municipal Affairs and dated January 14, 1991.

Mr. Paynter outlined, with the aid of a map, the area of the Bedford Highway right-of-way which Ultramar wishes to purchase. Town Council had no questions for Mr. Paynter.

SPEAKERS IN FAVOUR/IN OPPOSITION

Rick Hattin: Mr. Hattin sought clarification from the Director of Engineering as to whether the proposed propane depot would be classified as a hazardous storage site and whether the facility met the WHIMIS regulations pertaining to distance from high traffic areas. (Mr. Paynter stated that he believed the proposed depot satisfied the distance regulations; however, he would follow up). Mr. Hattin indicated that he would like written confirmation that the safety requirements have been met.

There were no further speakers from the audience, after three calls from the Deputy Mayor. The Chairman closed this portion of the public hearing.

B. PORTION OF OLD HAMMONDS PLAINS ROAD

At the request of the Chairman, Mr. Paynter noted that the Town wished to close that portion of the Old Hammonds Plains Road from Doyle Street down to the Bedford Highway as part of the lot consolidation process by the Town of Bedford for parcels of land at the corner of the Hammonds Plains Road and the Bedford Highway. The area in question approximates 35,921 square feet.

After Mr. Paynter outlined the area in question on the map, there were no questions from Town Council.

SPEAKERS IN FAVOUR/IN OPPOSITION

Unidentified male: At the resident's request, it was clarified that this portion of the road would not actually be physically closed immediately but that the public hearing, subsequent vote by Town Council and final approval of the pertaining by-law are all part of the legalities necessary to facilitate the Town holding discussions following their recent call for proposals to develop the Town-owned land. Mr. English clarified that this portion of Town-owned land had been recommended by the Municipal Facilities Steering Committee as a possible site location for new municipal facilities; however, a site on the Bedford Waterfront Project has since been determined by Council as the preferred site.

Carol Martell: Mrs. Martell inquired on the future status of the playground which exists within the boundaries of the land proposed for development. Mr. Paynter reported that the proposal call outlines provisions for the developer to either relocate the playground or to retain it. Mrs. Martell objected to the street closure as it would affect the access to the existing parkland.

Mr. Pickeram: Mr. Pickeram also objected to the street closure noting concern for the existing parkland. At his request, Mr. English clarified that the deed to the parkland was researched and there are no restrictive covenants pertaining to the usage of the land.

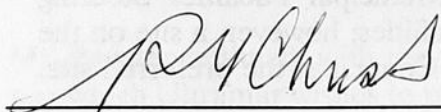
Deputy Mayor Huntington, as Chair, clarified that the purpose of the public hearing was related to the street closure and not specifically to the disposition of Town-owned land.

Mr. Pickeram further noted that this park was located on a relatively flat surface (uncommon in the Town of Bedford). Mr. Pickeram expressed concerns that the public hearing would allow the street closure and thereby facilitate the disappearance of good parkland within the Town.


For clarification and at the request of Councillor Kelly, Mr. English noted that the Town will continue to maintain that portion of the Old Hammonds Plains Road as a street until such time as any development would be ready to proceed.

After three calls from the Chair, there were no further speakers.

ON MOTION of Councillor Walker and Councillor Goucher, the public hearing regarding street closures (portion of the Bedford Highway right-of-way and a portion of the Old Hammonds Plains Road) was adjourned at approximately 7:15 p.m.



DEPUTY-MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

TOWN OF BEDFORD

Special Session

Tuesday, September 17, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, September 17, 1991, at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. LORDS PRAYER

Mayor Christie opened the Session by the leading of the Lord's Prayer.

2. ATTENDANCE

Deputy Mayor Huntington and Councillors Peggy Draper, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Francis MacKenzie, Director of Bedford Economic Development Commission (BEDC); and H.A. MacKenzie, Chief of Police.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved to add a new item, item #8.4, proposed BPAC Meeting with Electoral Candidates, to the agenda. The motion was put to the meeting and CARRIED (Councillors Goucher and Kelly opposed).

4. APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Draper and Councillor Walker, it was moved to approve the Order of Business as amended. The motion was unanimously approved.

5. **DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES**

5.1 **Town of Bedford Appointment - Halifax-Dartmouth Port Development Commission**

Following a September 10, 1991 deferral on the Town of Bedford appointment, Mayor Christie reviewed the position and noted that Cpt. Palmer had withdrawn his name. At the request of the Mayor, Councillor Walker read the names of those individuals who had expressed interest: Messrs. Foster, Dillon, Cameron, Doerring, Cross, Johnson, and Cpt. Walsh.

Mayor Christie reminded Council that a successful candidate must receive a total of four votes from Council. By secret ballot, Mr. Foster was selected. Mayor Christie indicated that the candidates would be notified.

6. **PUBLIC HEARING AND MOTIONS ARISING THEREFROM**

6.1 **Public Hearing - September 17, 1991 - Closure of Public Streets**

Mayor Christie asked Deputy Mayor Huntington to take the Chair as the Mayor had not been present during the Public Hearing.

A public hearing was held prior to the meeting for the purpose of receiving written and oral submissions regarding the closure of:

- a. a portion of the Bedford Highway adjacent to Civic No. 873, the Pipeline Ultramar Service Station; and
- b. a portion of the Old Hammonds Plains Road between Doyle Street and the Bedford Highway.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to DEFER a decision regarding the closure of the portion of the Old Hammonds Plains Road between Doyle Street and the Bedford Highway until such time as the Town's proposal calls for development of the land could be reviewed especially with respect to the possibility of closure of the Town-owned park contained within this land assembly.

In discussion of the MOTION, and at the request of Councillor Walker, Mr. English noted that possible delays for lot development could result should the closure of this portion of the road not be undertaken at this time. He also suggested that the closure of the road and the closure of the Town-owned park were separate issues. Councillor Goucher noted that individuals had voiced their concern at the public

hearing regarding the parkland and its relationship to the lot development and road closure.

The motion was put to the meeting and DEFEATED (Deputy Mayor Huntington, Councillor Walker, and Councillor Draper voted in opposition; Councillors Goucher and Kelly voted in favour).

ON MOTION of Councillor Walker and Councillor Draper, it was moved that Town Council approve the By-Law to proceed to close (extinguish the public right-of-way) the portion of the Bedford Highway adjacent to Civic No. 873, the Pipeline Ultramar Service Station. **The motion was unanimously approved.**

ON MOTION of Councillor Draper and Councillor Walker, it was moved that Town Council approve the By-Law to proceed to close (extinguish the public right-of-way) the portion of the Old Hammonds Plains Road between Doyle Street and the Bedford Highway. **The motion was CARRIED** (Councillors Goucher and Kelly opposed).

7. PETITIONS AND DELEGATIONS

Mayor Christie outlined the rules of procedure indicating that the individuals would be permitted to address Town Council; however Town Council would not debate the issue of the awarding of the contract. The rules of order permitted each speaker to address Council for ten minutes.

7.1 Mr. G. Mike Kelly - Awarding of Snow Removal Contracts 1991/92

Mr. Kelly submitted a written request, dated September 13, 1991, to address Town Council regarding the recent awarding of the snow removal contract for the Town of Bedford.

Mr. Kelly, president of G.M. Kelly Contracting, expressed his feelings that the recent decision of Council, as recommended by the Engineering Department to award his firm one truck, instead of the two as submitted by tender, had no economic basis and he was not informed of the reason why he did not receive the tender for two trucks as he had in the past. He indicated that as a Bedford taxpayer he should get preferential treatment in competing for tenders with the Town of Bedford. He read an article from the Bedford Sackville News which encouraged individuals to "shop at home". He also reported that as a Bedford firm he can not compete for contracts in the Sackville area tendered by the County of Halifax Water Utility.

Mr. Russ Kelly requested that Mr. Jack Innes speak on his firm's behalf. Mr. Innes addressed Town Council as legal counsel for G.R. Kelly. Mr. Innes's presentation focused on a precedent set by the Ron Engineering Case whereby a tender must be awarded to the lowest qualified bidder unless a valid reason can be stated even though the tender call may state that the lowest bidder may not necessarily be accepted. He suggested that if the Town wished to preference Bedford firms this would have to be clearly stated in the tender call.

At the request of Councillor Walker, Mr. Innes indicated he used the CCDC (Construction Consulting Association) guidelines in his review of tendering practices.

7.2 Mr. Tom Nolan - Awarding of Snow Removal Contracts - 1991/92

Mr. Nolan submitted a written request, dated September 13, 1991, to address Town Council regarding the recent awarding of the snow removal contract for the Town of Bedford.

Mr. Nolan commented that he felt that the awarding of the contract (one truck to five firms) was a fair way of awarding the tender considering the current down swing in the construction business. He also noted that when the tender was discussed at Council, on September 10, 1991, he was the only representative present from the five firms.

7.3 Mr. John Vincent - Awarding of Snow Removal Contracts - 1991/92

Mr. Vincent submitted a written request, dated September 13, 1991, to address Town Council regarding the recent awarding of the snow removal contract for the Town of Bedford.

Mr. Vincent indicated that Town Council should have accepted his tender proposal as he has a proven work record with no complaints.

Mayor Christie closed the petitions portion of the meeting and Town Council requested a presentation from the Director of Engineering, Mr. Paynter.

Mr. Paynter stated that the Engineering Department reiterated its original recommendation to Town Council with respect to the tender procedures and decision. He also noted that the Engineering Department had announced in the spring of 1991 they were considering changing the current practices regarding snow removal tenders.

Mayor Christie reported that the Town had sought legal counsel regarding the snow removal contract issue and that a list of events, as known by the Mayor, had been submitted. Councillor Goucher raised concern that the Mayor had drawn the conclusion that a member of Council had breached the confidentiality of Committee of the Whole; however, Councillor Goucher indicated that further evidence would demonstrate that a breach had occurred previous to the Committee of the Whole meeting.

Councillor Kelly addressed Council reviewing the sequence of events and stating that he felt the contractors should be advised of the reasons why they received a smaller portion of the tender than they were expecting. Councillor Kelly apologized to Town Council and to staff for any problems this may have caused. Mayor Christie suggested that Councillor Kelly prepare notes for legal counsel.

After some discussion, it was suggested that further evidence be brought forward from members in the audience.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to **SUSPEND THE RULES OF ORDER** to permit individuals from the audience to answer questions from Town Council regarding the sequence of events related to the snow removal tender. **The MOTION was CARRIED** (Deputy Mayor Huntington opposed the motion).

At the request of Council, Mr. Mike Kelly reviewed the sequence of events whereby he was informed of 'bar room talk' which indicated the results of the tender award had been leaked on the Sunday previous to the Committee of the Whole meeting. Mr. Vincent and Mr. Nolan also addressed Council but indicated they were informed of the results of the tender call after the Town Council session on September 10, 1991.

ON MOTION of Councillor Walker, it was moved to **RESUME** the rules of order.

Councillor Draper maintained that the confidentiality of the Committee of the Whole meetings must be upheld; and recommended that in the future, Councillors wishing to have individuals informed of tender information should arrange meetings through the Chief Administrative Officer.

Mayor Christie recommended that any other member of Town Council who had information pertaining to the issue should also prepare and submit written notes to assist the Town's legal counsel.

8. NEW BUSINESS**8.1 Consideration - Expansion Alternative - Mill Cove Treatment Plant**

The September 11, 1991 minutes of the Joint Meeting (Town of Bedford/Halifax County) Subcommittee were circulated with the agenda package. At this meeting, the subcommittee had recommended the two Councils approve Scenario 4 (first phase expansion to 7 mgd and the regional connection would be made at the appropriate time).

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved that Town Council endorse the motion of the Joint Subcommittee such that:

"Scenario 4, as outlined in the Porter Dillon Report dated July 30, 1991, be adopted as the expansion alternative for the Mill Cove Treatment Plant; the Plan would have the first phase expansion to 7 mgd and the regional connection would be made at the appropriate time; and that Porter Dillon be authorized to commence immediately the preliminary design work".

The MOTION was put to the meeting and CARRIED unanimously.

Mayor Christie indicated that Halifax County Council would be considering the same Motion this evening.

8.2 Snow and Ice Control - Kearney Lake Road

By memorandum of September 11, 1991, Mr. Paynter reviewed the request by the Halifax Water Commission to use sand or crusher run material, rather than salt, on the Kearney Lake Road. Mr. Paynter requested Town Council's authorization to continue this level of service as requested by the Water Commission.

Following a question and answer session with Town Council, Mr. Paynter was requested to investigate alternative materials, including sand/salt mixture; the possibility of making an arrangement with the City of Halifax to provide snow and ice control on the Town of Bedford portion of the road; and further clarification from the Water Commission.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to DEFER the issue of Kearney Lake Road Snow and Ice Control pending further information from the Director of Engineering with respect to alternative materials and solutions. The motion was unanimously approved.

8.3 Select Committee Hearing - School Board Taxing Powers (verbal)

Mayor Christie informed Council with respect to the upcoming public hearings regarding taxing powers for school boards. He indicated that Halifax County Council has debated the issue and was unable to reach a consensus; however individual County Councillors were given the opportunity to make separate presentations.

Councillor Draper inquired regarding a proposed meeting to be arranged by Councillor Cosgrove between Town Council, representatives from UNSM and the School Board. Councillor Cosgrove was not in attendance to respond.

ON MOTION of Councillor Draper and Councillor Walker, it was moved that Town Council not take a formal position regarding the taxation powers of school boards due to the lack of time to debate the issue and due to the lack of information. The motion was CARRIED (Councillor Goucher opposed).

There was consensus that like the County, individual Councillors could make presentation to the public hearings. Also by consensus there was a brief roundtable statement from each councillor regarding their position on the issue.

Mayor Christie outlined the Union of Nova Scotia Municipalities (UNSM) position whereby taxation powers should lie solely with the province and Municipal Units. However, the Mayor felt that he could support partial taxation powers, i.e. for supplementary funding. Councillor Kelly supported the UNSM position. Councillor Goucher was undecided although he supported the elected school board system. Councillor Draper indicated that since school boards were totally elected, it would be inappropriate for them not to have the ability to tax and thereby provide the service they were charged with providing. Deputy Mayor Huntington noted school board taxation would add another level of taxation but he also felt that the boards should have some taxing powers. Councillor Walker was also undecided.

8.4 Bedford Planning Advisory Committee -- Proposal to Hold Public Meeting on Planning Issues for Candidates - Election '91

By memorandum of September 17, 1991, Mr. English circulated a copy of BPAC minutes August 7 and June 5, 1991 pertaining to this issue. He also circulated a copy of the proposed invitation to candidates. Planning Advisory Committee had agreed to hold a candidates evening on October 2, 1991 inviting the candidates to speak on their vision for Bedford in the year 2000; all questions and topics would be related to general planning issues.

Councillor Draper raised concern that any Advisory Committee of Council would be hosting discussions with electoral candidates. She indicated that it was not within the mandate of the committee and that the Board of Trade sponsored Candidates' evening was adequate. She recommended that Town Council discourage BPAC from holding this meeting.

Councillor Walker read from the committee's Terms of Reference relative to its Scope. He noted that the committee is an advisory body to Council and this topic was not within the committee's Scope.

ON MOTION of Councillor Walker and Councillor Draper, it was moved that Town Council direct Bedford Planning Advisory Committee not to hold formal or informal meetings with the candidates; and that further, Town Council directs BPAC to send regrets to the candidates informing them that the committee will be unable to hold the proposed meeting."

On a Point of Clarification from Councillor Goucher, Mayor Christie indicated that should the committee ignore the directive from Council then Council would have three choices: 1) to overlook the actions of the committee; 2) reappoint a new committee; and 3) suspend the current committee.

There was further discussion regarding the MOTION whereby Councillor Goucher stressed that he felt that the Committee was offering an opportunity to the public to become better informed regarding planning issues and candidates.

The MOTION was put to the meeting and CARRIED (Mayor Christie, Deputy Mayor Huntington, Councillor Walker and Councillor Draper voted in favour of the motion; Councillors Goucher and Kelly voted against the motion).

Mayor Christie clarified for Councillor Goucher that his status as a councillor would not be jeopardized should the Committee choose to ignore the directive from Town Council (as a councillor, Mr. Goucher was appointed by the people; as a member of BPAC, Mr. Goucher was appointed by Council).

Deputy Mayor Huntington however, on a point of clarification, indicated that as a councillor, Mr. Goucher was bound to carry out the directive of Council.

9. MOTION OF RECONSIDERATION

9.1 Motion of Reconsideration - Tax Certificate Charge

On August 20, 1991, Town Council passed a MOTION to reduce the Tax Certificate Charge from the existing \$100 to \$50. Councillor Goucher questioned