

TOWN OF BEDFORD

MINUTES

TOWN COUNCIL

NOVEMBER 3, 1992 - OCTOBER 26, 1993

FIFTH COUNCIL

SECOND YEAR

MEETING #45

TOWN OF BEDFORD

Regular Session

Tuesday, November 3, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, November 3, 1992 at 8:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

Deputy Mayor Cosgrove and Councillors John Davies, Len Goucher, Harris Hutt, Bill MacLean and Stephen Oickle were in attendance at the commencement of the Meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; and Rick Paynter, Director of Engineering and Works.

3. APPROVAL OF MINUTES - #43 - Special Session - October 20, 1992

ON MOTION of Councillor MacLean and Councillor Oickle, it was moved to approve the minutes for Special Session #43 - October 20, 1992 as circulated. The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions to the Order of Business were made:

Item 10.4 Remembrance Day Event - Discussion

The following change was made to the Order of Business:

Item 10.3 Metro Authority - WTE Site, was deleted and was replaced with
Item 10.3 Provincial Electoral Boundaries - Discussion

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillor Goucher and Councillor Davies, it was moved to approve the Order of Business as amended. **The Motion was unanimously approved.**

Prior to continuing with the rest of the agenda, Deputy Mayor Cosgrove read a prepared statement to Council.

The statement referred to a comment made by Councillor Davies at the last meeting on October 20, in which he had indicated he heard the Mayor attempting to influence Deputy Mayor Cosgrove's vote relative to deferral of the M-1 Development Agreement. Deputy Mayor Cosgrove stated that no such conversation took place and expressed her concern that a Councillor would make this kind of suggestion, (especially when she was absent from the meeting,) without being absolutely sure of the facts. She suggested that some members of Council may have a hidden agenda.

Mayor Kelly also spoke directly to Councillor Davies, indicating that such a suggestion should not be made when not supported by proof. He again stated, too, that no such conversation took place, and suggested that an apology might be in order.

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Consideration - Awarding of Tender 92-14 - Sidewalk Snowclearing

By memorandum dated October 29, 1992, Rick Paynter, Director of Engineering and Works, reported on the results of staff's investigation with respect to the cost to purchase and operate an additional sidewalk plowing unit versus contracting this service.

Mr. Paynter noted staff's recommendation in the memo, which was to contract the additional sidewalk/walkway plowing service. He indicated the entire plowing service contract will be re-tendered next year, at which time staff will compare buying equipment versus contracting at that time.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Tender 92-14 - Sidewalk Snow Plowing - be awarded to Fil-Built Contracting for a \$300.00 monthly retainer and an hourly operating rate of \$36.10. **The Motion was unanimously approved.**

6.2 Proposed Water Service Extension - Shore Drive

Mr. English, Chief Administrative Officer, noted Council had voted during the last meeting that this matter would be considered under the 1993/94 Budget, and that a letter would be sent to all residents along Shore Drive, inquiring as to their wishes for a water service extension. Mr. English indicated staff is seeking further direction from Council with respect to the contents of the letter. Staff did not wish to put too many questions in the letter, since it could confuse the results. Mr. English listed the four main questions upon which staff would like clarification:

1. Should the Town ask residents if they want water services only, or water and sewer; in other words, should this be two questions or one?
2. Will the Town be contributing a maximum of 30%, as is policy?
3. What is the preferred method of recovery of costs by the Town - by lineal foot of frontage, or by property, as is preferred by the residents, and should a choice be given to the residents in the letter?
4. Will the Town-owned property be included in the calculation of frontage and costs?

Mr. Paynter, Director of Engineering and Works, displayed an overhead of figures, noting that additional names have been added to the petition, and if the Town's property is not included in the figures, the minimum percentage of (66%) of property owners has been achieved. An overhead of cost scenarios indicated, on the basis of non-inclusion of Town property, with the Town contributing 30% of costs, the cost to residents would be estimated at \$35.00 per lineal foot of frontage, or \$4181.70 per property.

Councillor Goucher suggested the Town-owned property should be included since the lots could, at some time in the future, be declared surplus and sold. He also inquired about including "fire flow" for the protection of the park.

Mr. Paynter indicated the proposal does not include a water booster station, and it would not be known whether this would be needed until the design process had commenced.

In response to an enquiry from Mayor Kelly as to how many lots the Town owned, Mr. Zwicker indicated the number was eight.

Councillor Oickle noted the lots are all zoned parkland at the present time, and

expressed concern that if the lots were serviced, then it would be more tempting to rezone the lots residential for the purpose of selling them, and he did not wish to see this happen. Councillor Goucher noted he had not been suggesting that laterals be run onto the lots; the water lines will be running by the fronts of the properties anyway.

Councillor MacLean raised discussion with respect to laying sewer pipes at the same time, but not hooking them up at the present time. He suggested once the residents had a ready supply of water, septic fields would get over-used and problems could result; sewer lines could become necessary. Mayor Kelly asked whether Councillor MacLean intended that the residents not be given a choice of water only, or water and sewer. Councillor MacLean indicated he was suggesting that residents be asked if they want sewer as well. Mayor Kelly asked what would be done if the residents all say no to sewers; will Council have to go back to them again and ask if they want water service only, or should both questions be put in the letter? Councillor MacLean indicated he felt they should be asked one question only at this time, that being whether they want water **and** sewer at this time, and deal with the answer to that question first.

Deputy Mayor Cosgrove indicated she felt both questions should be asked at the same time. Councillor Hutt agreed with Councillor MacLean, the Town should not excavate for one pipe system, and possibly have to excavate again two years down the road.

Councillor Oickle inquired approximately how much it would cost to install both sewer and water services at the same time. Mr. Paynter indicated it would cost approximately \$900,000, as opposed to \$352,000 for water only. The Town would pay 30% of that figure. Mr. Paynter raised the possibility of Provincial cost sharing for sewers, noting the Department of Health would have to conduct a survey of the area; they had contributed 25% of the costs for services at Peerless Subdivision. He suggested that from an engineering point of view, it would be best to do both at the same time.

Councillor Oickle inquired if just the pipes could be laid at this time. Mr. Paynter indicated that pumping stations are required, and it would be less expensive to do everything at one time.

Councillor Davies expressed concern regarding the difference in costs, and inquired whether the Town was prepared to carry through with the proposal for sewer and water, if residents agreed to it. Mr. English pointed out that a poll of residents does not mean the Town is committing to the project.

A show of hands was conducted as to whether to ask residents if they want water and sewer or just water only. Councillors Davies, Goucher, Hutt, and Mayor Kelly voted for water alone; Councillors MacLean, Oickle, and Deputy Mayor Cosgrove voted for water and sewer.

A show of hands was conducted as to whether the Town will contribute 30% of costs. Councillor Goucher voted for 30% plus frontage for the Town-owned lots; the remainder of Council voted for 30% only.

The question of whether to recover costs by lot or by frontage was then discussed. Mr. Zwicker expressed concern that if the costs are charged by lot, it gives an advantage to larger, subdividable lot owners. Mayor Kelly suggested if all lot owners agree to this method, then how can the Town say no?

Councillor Oickle reminded Council the Bylaw states it isbe charged by frontage. Councillor Davies suggested by giving the residents a choice, Council is giving Shore Drive residents the right to make a decision to change the bylaw for the whole Town. Mr. English indicated that the Bylaw could be amended to read "either/or".

Councillor MacLean expressed concern with respect to the number of major Capital intensive items that have been discussed and/or agreed to in the last months, and requested that Mr. English put together a composite list of these for consideration by Council. He indicated he wished to know if the Town has the capacity to consider all the items on the list. Mayor Kelly pointed out this is the first step that is taken during the Budget deliberations. Councillor MacLean indicated he still wished to have the list for the next Regular Session, to give Council an idea of the Town's fiscal position and capacity. Mr. English indicated that he could have the list available for the first meeting in December.

A show of hands was conducted on this question, and all agreed to propose charging costs to the residents by frontage, as per the bylaw.

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

8. **PETITIONS AND DELEGATIONS - NIL**

9. **MOTIONS - NIL**

10. NEW BUSINESS

10.1 Appointment of Deputy Mayor

Mayor Kelly called for nominations for the position of Deputy Mayor. Councillor MacLean nominated Councillor Oickle. Deputy Mayor Cosgrove nominated Councillor Goucher. Councillor Goucher thanked Deputy Mayor Cosgrove, but indicated he wished to withdraw from nomination.

Mayor Kelly called for further nominations, and there were none; therefore, Councillor Oickle was named the new Deputy Mayor for the Town of Bedford for the year 1993.

10.2 Update - Strategic Planning Session - November 20/92

By memorandum dated October 30, 1992, Mr. Dan English, Chief Administrative Officer, provided background information on the matter of Strategic Planning, and reminded Council that an initial one-day Strategic Planning Session has been scheduled for Friday, November 20, 1992.

Mr. English noted that an agenda for this meeting will be circulated.

10.3 Provincial Electoral Boundaries

Mayor Kelly brought forth discussion with respect to the fact that West End Bedford, which physically lies on the opposite side of the Bicentennial Highway, has been excluded from the rest of Bedford's Provincial Electoral Boundaries. He noted that Bedford resident, Gloria Lowther, has sought legal advice seeking a subsequent amendment to the boundaries. Mrs. Lowther was seeking to table the legal documents for assistance and comment by the Town.

Mayor Kelly spoke in support of this action, indicating his opinion that an error was made and he would like to see the Town unified. He noted that if successful, it would make the Town the largest Electoral Boundary in the Province.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that the Town of Bedford support bringing Bedford West back into the Provincial Electoral Boundary of Bedford, and that Staff investigate the legal options available to the Town.

Councillor MacLean indicated he could see no logic to the Town being separated, except by statistical rationale. He suggested that the Town move aggressively toward the goal set by the Motion.

The Motion was put to the Meeting and was unanimously approved.

10.4 Remembrance Day Services

Councillor Cosgrove suggested that Council, as representatives of the Town, should stand together during the service at the Cenotaph, as a more formal gesture.

All agreed to do so. Councillor Hutt noted he would not be in town on that day.

11. REPORTS - NIL

11.1 COMMITTEES/COMMISSIONS/BOARDS - NIL

12. CORRESPONDENCE - NIL

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTIONS - NIL

16. DEPARTMENTAL INFORMATION REPORTS - NIL

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

Mayor Kelly again addressed Councillor Davies, assuring Council the action which Councillor Davies had suggested took place did not occur, and indicated his feeling that comments like this should not be made unless the speaker is certain they are truthful and substantiated. He expressed his opinion that Council needs to work as a cohesive group. He again suggested that an apology was in order.

Councillor Davies indicated that "he may have heard wrong". Mayor Kelly asked if this was an apology, and Councillor Davies indicated that it was not. Mayor Kelly again indicated that reputations are affected in this manner however, it was Councillor Davies' decision whether or not he would apologize.

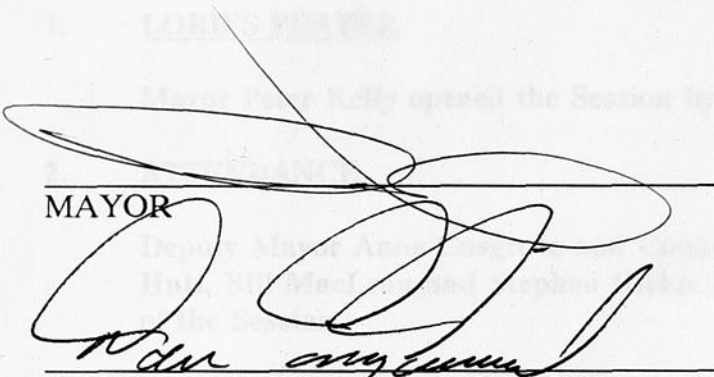
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19. ADJOURNMENT

ON MOTION of Councillor Goucher, it was moved to adjourn the 45th Regular Session of the Town of Bedford at approximately 9:20 p.m. The motion was unanimously approved.

20. LOUIS PRAYER

Mayor Kelly opened the Session by the reading of the Lord's Prayer.



MAYOR

CHIEF ADMINISTRATIVE OFFICER

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3. COUNCIL EXPENSES

Councillor Goucher questioned whether a report would be provided containing individual Councillor expenses for the previous year. It was explained this is not a policy of the Town, however, if Council expenses are provided, also stating it could be compiled to do so.

It was agreed that an information report on individual Councillor expenses for the first full year in office would be provided prior to the next Council Session.

4. WASTE TO ENERGY USING BEDFORD PROPERTY

Town Council had previously reviewed the details regarding a proposal from the Town of Bedford to host the Metropolitan Authority Waste to Energy facility in the Bedford Industrial Park off Highway #102 on land owned by the Metropolitan Authority.

MEETING #46

**TOWN OF BEDFORD
Emergency Session
Tuesday, November 3, 1992**

An Emergency Session of the Town Council of the Town of Bedford took place on Tuesday, November 3, 1992 at 9:30 p.m. in the Council Chambers, Bedford Tower, Bedford, Nova Scotia.

1. **LORD'S PRAYER**

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

2. **ATTENDANCE**

Deputy Mayor Anne Cosgrove and Councillors John Davies, Len Goucher, Harris Hutt, Bill MacLean and Stephen Oickle were in attendance at the commencement of the Session.

Staff members in attendance included Dan R. English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; Rick Paynter, Director of Engineering and Works, Ron Singer, Director of Finance and Francis MacKenzie, Director, Economic Development Commission.

3. **COUNCIL EXPENSES**

Councillor Goucher questioned whether a report would soon be forth coming outlining individual Councillor expenses for the past year. Mr. English explained this is not a policy of the Town, however, if Council agreed, the information would be provided, also stating it could be compiled easily.

It was agreed that an information report on individual Councillor expenses for the first full year in office would be provided prior to the next Council Session.

4. **WASTE TO ENERGY SITING, BEDFORD PROPOSAL**


Town Council had previously reviewed the details relative to a proposal from the Town of Bedford to host the Metropolitan Authority Waste to Energy Facility in the Bedford Industrial Park off Highway #102 on land owned by the Metropolitan Authority.

ON MOTION of Councillor Davies and Deputy Mayor Anne Cosgrove, it was moved that Town Council accept the detailed proposal as tabled and that same be conveyed immediately to the Metropolitan Authority for consideration at its November 10, 1992 meeting and further, that staff arrange for full disclosure of the details to the press the following day. Motion carried. Mayor Kelly and Councillor Goucher were opposed.

5. ADJOURNMENT

There being no further business the meeting adjourned at approximately 9:50 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

MEETING #47

TOWN OF BEDFORD

Regular Session

Tuesday, November 24, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, November 24, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

Deputy Stephen Oickle and Councillors Anne Cosgrove, John Davies, Harris Hutt, Len Goucher, and Bill MacLean were in attendance at the commencement of the Meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; and Rick Paynter, Director of Engineering and Works.

**3. APPROVAL OF MINUTES - #45 - Regular Session - November 3, 1992
#46 - Emergency Session - November 3, 1992**

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved to approve the minutes for Regular Session #45 - November 3, 1992, and Emergency Session #46 - November 3, 1992 as circulated. The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following changes to the Order of Business were made:

Item 10.4 Proposed Metro Marketing Alliance - was moved to be heard following item #8.1.

Item 12.1 Ms. Mary Clair Blue - Request for Crosswalk Guard - was moved to be heard following item #8.4.

Item 11.2.1(c) Council Appointment - 1993 Bedford Days - was noted to be included in item #10.1 already.

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved to approve the Order of Business as amended. The Motion was unanimously approved.

Prior to continuing with the rest of the agenda, Mayor Kelly noted the passing of former Bedford resident Barbara McCormick, daughter-in-law of Aileen McCormick and expressed condolences to her family on behalf of Bedford Town Council.

6. **DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES - NIL**

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

8. **PETITIONS AND DELEGATIONS**

8.1 **Public Opinion Survey Presentation - Mr. George Buckrell, Chair, EDC**

Mr. Buckrell, with the use of overheads, reported on the results of a Public Opinion Survey conducted in September and October, 1992. He noted that response had been excellent and comments on the survey had been in-depth. He read aloud a few of the comments for Council.

For the survey, 592 forms had been mailed out and there had been 297 responses. The demographic profile of the respondents were shown on an overhead. Other overheads shown were titled:

- Satisfaction with Services
- Balancing the Budget - how this should be done
- Business Development Options
- Residential Development Options
- Development leads to.....
- Preferred Development Locations
- How should the Town pay for projects
- Town Communications
- Community Input through Surveys

An open-ended question regarding the types of development desired did not have a good response - 7 out of 10 did not have an opinion.

Mr. Buckrell noted that the Economic Development Commission has conducted Data Collection Research with three surveys - two of which are complete at this time. He further noted that they were all done in-house by Mr. Francis MacKenzie and staff, thereby saving thousands of dollars, and he thanked them for their work.

Councillor Goucher congratulated Mr. MacKenzie on the survey, and asked whether the answers were on a "graduated" scale. Mr. MacKenzie indicated they were.

Councillor MacLean inquired about the decrease in satisfaction with respect to educational facilities. Mr. Buckrell noted the figures indicated were not significant, but that there were various comments made by residents about schools, which were included on the survey.

Councillor MacLean inquired about satisfaction regarding lighting of Town streets, and wondered whether there was any common thread in this respect. Mr. Buckrell suggested again that the various comments on that subject be read.

With respect to the response of 7 out of 10 on the open-ended question, Mr. Buckrell indicated that it cannot be determined what the reason for the lack of response was.

Mayor Kelly thanked Mr. Buckrell for his presentation, and also Mr. MacKenzie and staff of the E.D.C. for their work in conducting the survey. He noted that Council will be discussing the survey further at the next Regular Session.

10.4 Proposed Metro Marketing Alliance

By memorandum dated November 17, 1992, Mr. Francis MacKenzie of the E.D.C. reported on the proposed Metro Marketing Alliance and Motions made by the E.D.C. with regard to same.

Mr. George Buckrell spoke to Council, noting that funding is being requested from A.C.O.A.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Council endorse the proposed Greater Halifax Economic Development Alliance for the joint marketing and promotion of the Metropolitan Halifax region. **The Motion was unanimously approved.**

ON MOTION of Councillor Davies and Councillor Hutt, it was moved that Council approve the articles of association for the Greater Halifax Economic Development Alliance. **The Motion was unanimously approved.**

In response to a question from Councillor Davies, Mr. Buckrell indicated that members will be allowed to deputize someone to attend and vote at meetings in the absence of that member. This will be included in the final draft of the Set of Bylaws.

8.2 Mr. Bill Stapleton - Drainage Corrective Works - DeWolfe Court

Mr. Stapleton spoke to Council with respect to a Motion made by Council on October 27, 1992 pertaining to the awarding of a tender to complete drainage corrective works at civic #'s 15 and 19 DeWolfe Court, the cost of which was to be split three ways between the Town, Mr. Stapleton and Mr. Whiting.

Mr. Stapleton noted that he had not been informed that the item was to be on the agenda for the meeting of October 27, and had not been present for same. He indicated that he was not in agreement with the cost-sharing decision, and referred to a similar case at Falcon Run for which the Town assumed the full cost.

Mr. Stapleton indicated that he felt full consideration was not given to the effect Condor Court has had on the problem. He suggested that if Condor Court was closed off, it will experience flooding problems instead, which will involve many more people.

Mr. Stapleton asked what the Town's responsibility is when a lot goes up for sale. He noted that he had bought the lot in winter and was unaware of any drainage problems. He has since spent his own money putting in trenches etc. to try to alleviate the problem, but it has not helped. As well, he has incurred other expenses from the flooding of his basement and loss of flower beds etc. He further noted that the engineering report did not include a soil analysis.

Mr. Stapleton asked for Council's reconsideration of this matter, and assume the total cost of the work.

Dr. Whiting also spoke to the Council with a similar request, noting that he has also incurred costs, but that anything done in the past is not helping. He suggested that the area is a natural catch-basin, and it is not a superficial problem.

Mayor Kelly asked Mr. Rick Paynter, Director of Engineering and Works, to comment. Mr. Paynter noted that he had re-examined the problem recently, and had a meeting with Mr. Stapleton and Dr. Whiting. He commented that there are some properties on Condor Court which back onto the subject properties, that have a steep grade and contribute to the problem. However, their properties do form part of the drainage area impacting on DeWolfe Court as previously indicated to Council. One aspect that was noted was that surface run-off in general is being channelized more

than thought previously, thus there is not as much ground absorption as there would have been at the time of subdivision development.

Mayor Kelly then inquired to Mr. Zwicker, Director of Planning and Development, as to the responsibility of the Town when a lot is to be sold. Mr. Zwicker indicated that there are two levels of approval. A subdivision approval enables a developer to sell a piece of land, but it is not an approval to build. When a subdivision is approved, the developer must identify a storm water management system for problem areas. Mayor Kelly inquired, if that system doesn't work then who is responsible. Mr. Zwicker indicated that involves a number of variables and has a legal aspect to it, that he was not qualified to answer.

Mr. Zwicker went on to note that before construction the storm water system seemed to work fine, and that when houses are built it is the responsibility of the owner of the home to ensure adequate drainage around the foundation.

Mr. Stapleton noted that the developer's plan had included a swale between his property and Dr. Whiting's, but this was never done.

Mr. Paynter concurred the swale was planned, as noted on the property plot plans, but that it was probably eliminated because most property owners do not wish to have a swale running along their property lines.

Councillor Davies inquired whether Mr. Stapleton and Dr. Whiting would consider any portion of cost-sharing. Both parties indicated they felt the Town was at least 90% responsible.

Councillor Davies served Notice of Rescission for the next Regular Meeting, with respect to the Motion made on October 27, 1992.

8.3 Mr. Alfred Brown - Drainage Corrective Works - 75 Ridgevale Drive

Mr. Brown was present also to speak to Council with respect to a Motion made by Council on October 27 pertaining to his property.

Mr. Brown stated that he had also not been informed of the agenda item and was not present for the meeting. He indicated that he felt his case had been misrepresented and that he has not had a fair opportunity to speak on the matter. He asked why Council voted to turn down his request to correct drainage problems at his property. He also noted that Council had suggested he approach the developer with the problem, but that the current developer for the area is not the same one he purchased the lot from. Mr. Brown questioned the Town's policy in this matter, and

whether there was any legal aspects to be considered.

Mayor Kelly inquired of Mr. Paynter whether Mr. Brown had been provided with the engineering report. Mr. Paynter indicated that he had not. Mr. Paynter went on to explain the types of extensive research that had been conducted at the site, and Staff's feeling that the problem exists as a result of blasting for foundations. He noted that it is hard to rationalize taxpayers paying for the correction, when the source of the water cannot be identified.

Mayor Kelly requested that Mr. Brown be given a copy of the engineering report. Mr. Brown asked that Council reconsider their decision in this matter.

Councillor Oickle wished to clarify that he had voted in favour of conducting corrective works. He inquired whether Mr. Brown would consider any cost sharing, and Mr. Brown indicated that he would not.

Councillor Oickle inquired to Mr. Paynter whether it was legal for property owners to divert water run-off from their properties onto an adjacent property. Mr. Paynter again indicated he was not qualified to answer for certain, but that it was his opinion that if the water is merely being redirected on their property and not being deliberately discharged onto adjacent properties, it may be legal to do so. Councillor Oickle inquired whether Mr. Brown could then re-direct the water from his property onto Ridgevale Dr. Mr. Paynter indicated that this would be considered deliberate "discharge" of water onto a public street and would cause problems with icing in the winter, and would not be legal for Mr. Brown to do so.

Mr. Barry Zwicker noted he has researched this question, and there are past litigation cases pertaining to the altering of property to divert storm water onto an adjacent property.

Councillor Cosgrove served Notice of Rescission for the next Regular Session, with respect to a Motion made by Council on October 27, 1992.

Councillor MacLean suggested that Staff discuss the matter with the Town Solicitor.

8.4 Mr. J.J. Mangalam - Lack of Land Use By-Law Enforcement - re 1394 Bedford Highway

Mr. Mangalam was present to speak to Council with respect to the lack of a visual screen (ie. fence) between the parking area constructed at 1394 Bedford Highway and his residential property which is adjacent to the south. Mr. Mangalam noted that

the parking lot was built to accommodate 10 or 12 cars and that his repeated efforts to have the owner build a fence, as is required by bylaw, have been to no avail.

Mayor Kelly asked Mr. Zwicker to comment. Mr. Zwicker referred to a copy of a letter included in the agenda package, dated November 13, addressed to the above property owner, Mr. B. Cameron Rhindress, giving final notice for compliance of Section 24 of the Town's Land Use Bylaw by December 1, 1992. He indicated his agreement that Mr. Rhindress is 100% responsible for building a screen or buffer for the parking lot.

Mr. Zwicker noted that when it was first requested last winter, the occupant had indicated that they wished to wait until spring, but the summer has passed and the fence has still not been placed. He reported that, as a result of the above letter dated November 13, 1992, the occupant has been in contact with Town staff.

Councillor MacLean inquired if the Town has to pursue legal action after the deadline of December 1, 1992, will every day following December 1 be considered a new offence, with a new fine. Mr. Zwicker indicated that this could be tried, and has been tried in the past but the courts have not upheld it.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that, failing compliance with the letter of November 13, 1992, the Town of Bedford proceed with legal action, and that every day after December 1, 1992 will be considered a new violation of failure to comply. The Motion was unanimously approved.

12. CORRESPONDENCE

12.1 Ms. Mary Clair Blue - Request for Crosswalk Guard

Ms. Blue was present to speak to Council with respect to a memo by Mr. Rick Paynter, dated October 19, 1992. The memo reported on the results of an analysis of the subject area, based upon a request from Ms. Blue for a crossing guard and/or crosswalk on Rutledge Street at the Rutledge/Pleasant Street intersection. The conclusion of the report was not in support of the request.

Ms. Blue stated that she contests the conclusion of the analysis, suggesting that the traffic volume counts did not accurately reflect the traffic volume in the area, because the counts were taken in July and August. She noted that there are no sidewalks and no stop signs, and that she and many other parents (also present) were very concerned about their children's safety in walking to and from Bedford Central School.

Mr. Blue also spoke, noting that Rutledge street has a steep grade and the vision of the drivers is obscured when approaching Pleasant Street. He suggested that vehicles would have trouble stopping for children in the street on a dry day, and that it would be worse with the presence of ice and snow.

Mr. Paynter, with reference to Ms. Blue's concern regarding the traffic volume counts, indicated that there are seasonal variances that can be applied to traffic counts to adjust them, and that counts have been taken at different times of the year. He noted that the averages have not changed much since 1985.

Mr. Blue reported that there had been a near accident involving five children in October at that intersection. Mr. Paynter indicated that the Town's criteria for utilization of a crossing guard is similar to other municipalities, but that there is a provision in the policy for latitude, at the discretion of Council.

Mr. and Mrs. Blue indicated that sidewalks were also desired, and identified the four main issues as: a crosswalk, stop signs, sidewalks and school zone signs.

Councillor Goucher suggested that the cost of a crossing guard (approximately \$4,500 annually) would be an inexpensive option. He indicated that sidewalks were a highly unlikely option at this time, because of the expense.

Mr. Paynter referred to a map on the wall, indicating where school zone signs are currently in place, and noting that the area in question is not considered a school zone. He further indicated that he considered a flashing red light to be dangerous on such a steep grade because cars might not be able to stop in icy weather, and as Traffic Authority for the Town, he could not support a crosswalk. He suggested that another option would be to make Pleasant street one way. He noted that there is no accident history at this intersection.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that a crossing guard and crosswalk be instituted on Rutledge Street at Rutledge/Pleasant Street intersection on a trial basis, pending a comprehensive report by staff, and survey of area residents.

Councillor Cosgrove inquired as to the cost of a overhead flashing red light. Mr. Paynter indicated that it would be approximately \$1,500. Councillor Cosgrove referred to other crosswalks such as one on Basinview, and also to other properties where shrubbery was a problem and was removed. She suggested that there was no reason the Town could not force the removal of the shrubbery at this location. She also suggested that the Town would not like to have an accident history at this intersection.

Councillor Oickle noted that he had met with Mr. and Mrs. Blue on Saturday, and was surprised by the speed of the traffic on Rutledge Street. He noted that resident's of the area had indicated to him that they wished to have a flashing red light.

Councillor Goucher requested that staff prepare estimates for sidewalk construction on Rutledge Street for information purposes.

Councillor MacLean inquired of Mr. Paynter which he would consider safer - a stop sign or a crosswalk. Mr. Paynter indicated that there has not been extensive enough analysis, and suggested a speed radar survey on Rutledge Street.

Councillor Goucher suggested that Staff proceed with a comprehensive report and survey of residents, and the options of a stop sign and red light will be discussed further at a subsequent meeting.

The Motion was put to the meeting and was CARRIED. (Councillor Oickle abstained.)

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Council Appointments - Committees/Commissions/Boards - 1992/93

By memorandum dated November 19, 1992, Mayor Kelly circulated a matrix outlining his recommendations for Council appointments to various Committees/Commissions and Boards for 1992/93.

Mayor Kelly spoke to Council with respect to his recommendations, noting that he had tried to be fair, and that most requests by Councillors have been fulfilled.

Councillor Davies raised a suggestion regarding making changes to the current Metropolitan Authority appointments, for the purpose introducing "new blood" to the membership.

Mayor Kelly indicated there are intense discussions presently taking place within the Metropolitan Authority, and that especially since no other municipal members are making changes to their appointments, this may not be an opportune time to make changes to the Bedford representation.

Councillor Davies further indicated his feeling that a change might be in order at this time, and nominated Councillor MacLean for the appointment to Metropolitan Authority.

Mayor Kelly reiterated that he had been fair in fulfilling most requests for appointments, and asked that Council consider what he tried to achieve by his recommended appointments.

Councillor Cosgrove indicated that she agreed that it would be detrimental to change the Metro Authority appointments at this stage.

Deputy Mayor Oickle suggested that Council hear from Councillor MacLean on how knowledgeable he was with respect to the Metropolitan Authority, and take this into consideration.

Councillor MacLean indicated that he felt he could be brought "up to speed" on the subject matter relatively quickly.

Councillor Goucher raised questions as to whether Councillor MacLean would be able to guarantee that he could serve the full twelve months of the appointment. Councillor MacLean indicated that he had many options under consideration at this time, and that he could not "unquestionably guarantee" serving the full twelve months. He further indicated that the degree of uncertainty was no greater than for any other Councillor.

Councillor Goucher inquired whether Councillor MacLean felt it was appropriate for him to be considered for the appointment. Councillor MacLean indicated that he felt he could contribute to the "grid-lock" situation that currently exists within the Authority.

There was further discussion on the nomination of Councillor MacLean, and Mayor Kelly noted that Councillor MacLean, under the proposed list of appointments, already had 6 appointments. The fact that some changes to the matrix would have to be made, if Councillor MacLean were to serve on Metropolitan Authority, was discussed briefly. A suggestion was made, and Council agreed that Councillor MacLean and Councillor Goucher should meet to discuss the matter further.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Council approve the Council appointments to Town Committees/Commissions/Boards, as designated by Mayor Kelly, with the exception of the appointment to the Metropolitan Authority, which will be discussed further and decided upon at the next meeting. **The Motion was unanimously approved.**

10.2 Citizen's Appointments - Committees/Commissions/Boards - 1992/93

The following Citizen's appointments were the result of ballot voting by Council.

Board of Health

Sherry Hattin
Brian Simchison

Economic Development Commission

Peter Christie
David Hennigar
David Richards

Bedford Planning Advisory Committee

Don Huntington
Janet Odgen Calder
Gerry Westland

Police Commission

(Following the second ballot)
Norman Atkinson
George Hepworth
Trevor Johnson
Marvin Silver

Bedford Recreation Advisory Committee

3 - Year Term **1 - Year Term**

Colin Cameron
C. W. Welsman
Gary Schmeisser
Don Todd

2- Year Term (BRAC)

Nelson Blackburn

Bedford Waters Advisory Committee

Kenneth Frank
Al Chiasson
Dale Fraser
Bruce Strum
Chris Lowe

Bylaw/Policy Review Committee

Robert Blois
D. W. Carter

Bedford Heritage Advisory Committee

Noel Fowler
Diana Haydon
Betty Knodell
Jim Phillips
Neil Stuart

Bedford Transit Advisory Committee

William Chaffey
Bunty Hamilton
Reg Ogilvie
Doug Shute
James Smith
Neil Smith

Tree Committee

Bob Golding

Audit Committee

David Knowles

David Yuill

10.3 Consideration - Debenture Issue - \$430,000

By memorandum dated November 17, 1992, Mr. Ron Singer, Director of Finance, provided background information with respect to an Issuing Resolution for a debenture in the amount of \$430,000, as well as Staff's recommendation.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that Council approve the Issuing Resolution regarding the December 9, 1992 Debenture Issue with the Nova Scotia Municipal Finance Corporation in the amount of \$430,000, and that the appropriate documentation be forwarded to the Minister of Municipal Affairs for approval. The Motion was unanimously approved.

10.5 Proposed Increase in Staffing Complement - Bedford Police Department - DEFERRED

10.6 Proposed Local Airport Authority - DEFERRED

11. REPORTS - DEFERRED

11.1 COMMITTEES/COMMISSIONS/BOARDS - DEFERRED

11.1.1 BPAC Activity Report - DEFERRED

11.2 Recreation Advisory Committee - DEFERRED

11.2.1 (a) Parkland Reserve - DEFERRED

(b)

Departmental Van - DEFERRED

13. **MOTIONS OF RECONSIDERATION - NIL**

14. **MOTION OF RESCISSION - NIL**

15. **NOTICES OF MOTIONS - NIL**

16. **DEPARTMENTAL INFORMATION REPORTS - DEFERRED**

16.1 **Fire Chief's Monthly Report - Month of October, 1992 - DEFERRED**

16.2 **Building Inspector's Monthly Report - Month of October, 1992 - DEFERRED**

17. **QUESTIONS - NIL**

18. **ADDED ITEMS - NIL**

19. **ADJOURNMENT**

ON MOTION of Mayor Kelly, it was moved to adjourn the 47th Regular Session of the Town of Bedford at approximately 10:40 p.m. The motion was unanimously approved.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #48

TOWN OF BEDFORD

Special Session

Monday, November 30, 1992

A Special Session of the Town Council of the Town of Bedford took place on Monday, November 30, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

Deputy Mayor Stephen Oickle and Councillors Anne Cosgrove, John Davies, Len Goucher, Harris Hutt, and Bill MacLean in attendance at the commencement of the Meeting.

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

There were approximately 30 residents present.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following was added to the agenda:

Item #5.7 Discussion - M-1 Public Hearing, December 8, 1992

The following changes were made to the agenda:

Item #5.6 Crosswalk Proposal - Rutledge Street/Pleasant Street Intersection, was moved forward to become Item #5.2.

4. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved to approve the Order of Business as amended. The Motion was unanimously approved.

5. NEW BUSINESS

5.1 Council Appointments to Metro Authority - 92/93

Councillor Goucher rose on a Point of Privilege, first with respect to a letter he received from a member of the public regarding the internal controversies surrounding Town Council at the present time. He then asked Deputy Mayor Oickle to explain the reason and intent behind a recent secret meeting held between four Councillors; representatives from Ogden Martin and Metropolitan Authority staff.

Councillor Oickle stated that it had not been a "secret" meeting, and that he did not know the reason why all of Council was not invited.

Councillor Goucher inquired who had organized the meeting for Council members. Councillor MacLean responded, indicating he had received a call from Mr. Don Huntington informing him that Mr. Olivier of Ogden Martin was in town, and inquiring if Councillor MacLean would like to meet him. Councillor MacLean went on to state that he does not "go about secretly." He indicated that his only intent had been to become better informed about the incinerator.

Councillor Goucher then inquired of Councillor Davies why he had disavowed any knowledge of the meeting to the press. Councillor Davies indicated that he had not considered it to be a "meeting"; he had only been invited to meet Mr. Olivier and had not known there would be representatives from Metropolitan Authority present.

Councillor Goucher stated concern there is a public perception the Town is being run by a "cabinet", and that personalities are getting in the way of sound decision-making. He also made a suggestion that Town Council is being used as political pawns. Councillor Goucher expressed concern with respect to comments in the press made by Deputy Mayor Oickle, and read them aloud.

With respect to his Metropolitan Authority appointment, Councillor Goucher noted he and Councillor MacLean had met recently to discuss the matter, and they had agreed that Councillor Goucher should continue to represent Council on the Metropolitan Authority.

Councillor MacLean expressed concern regarding the current discord and public appearance of Town Council, and commented that Council is responsible for providing good government for the Town; however, with seven different people, it is unlikely to be able to achieve unanimous consent on everything.

Councillor MacLean went on to indicate he was of the understanding his meeting with Councillor Goucher had ended with Councillor MacLean stating that he felt "the whole thing could be resolved".

Councillor Goucher stated he had the understanding that Councillor MacLean had agreed that Councillor Goucher should serve on Metropolitan Authority. He then inquired of Deputy Mayor Oickle with respect to comments in the media that Deputy Mayor Oickle was unhappy with the current representation on Metropolitan Authority.

Deputy Mayor Oickle indicated he did not wish to say anything further on that subject.

Councillor Goucher then made several comments with respect to Deputy Mayor Oickle's performance as Deputy Mayor, indicating that he has not fulfilled his role, which is to assist the Mayor in creating a productive environment for Town Council and that he has not earned any respect. He then called for Deputy Mayor Oickle's resignation, further indicating that if he does not resign, he would serve a Notice of Motion of Rescission for the next Regular Session, with respect to the Motion passed appointing the Deputy Mayor.

Mayor Kelly spoke to Council, noting that he was saddened to be in this position, and for the public to see Council running their government this way. Mayor Kelly went on to note that Deputy Mayor Oickle had called for this meeting, but that there had been no formal request in writing. In addition, he noted the Motion made at the last meeting, on November 24, which is under consideration for this item, was part of the minutes for the last meeting, which have not been formally approved.

Mayor Kelly explained that after consulting various sources of Rules of Order for this situation, he had finally contacted the Legislative Counsel and was told that action should not be taken on a Motion from non-approved minutes. Mayor Kelly stated that this item should be taken off the agenda.

Councillor Hutt spoke to Council, noting that he has lived in Bedford for 40 years, during which time he has been an active volunteer. He noted that the reason he wanted to come on to Council was to continue to serve Bedford and make it a better place to live.

Councillor Hutt indicated that he was unhappy with Councillor Goucher's pinpointing four members of Council with respect to the recent meeting, and stated that there had not been a secret meeting. He noted that during the "meeting" there had been many people coming and going from the Chambers. He invited Councillor

Goucher to ask him to leave Town Council, if Councillor Goucher feels he has been doing wrong.

Councillor Hutt then expressed concern that the Council's representatives of Metropolitan Authority have not been satisfactorily passing on information to Council regarding Metropolitan Authority meetings. He also inquired why a written report on a visit to an incinerator in New Jersey, made by the Mayor and Councillor Goucher in the Spring, has not been provided to the rest of Council, as was promised. He further suggested that, although Council as a whole has agreed that they want incineration, this has not been represented well at the Metro Authority level.

Councillor Goucher allowed that he may have been wrong with respect to his concerns regarding the recent meeting. He pointed out that Council **had** voted to agree to incineration, and now four members are expressing concern and wanting more information.

Mayor Kelly stated that Council's wishes **have** been represented at Municipal Authority, and that he has made it clear to all that he, personally, does object to incineration.

Councillor Hutt closed by stating that he would like to leave Council with his good reputation intact, and suggested that all of Council sit down together to work out their difficulties.

Mayor Kelly reported that a Council Relations session, with professional assistance, is scheduled for January 5, 1992.

Deputy Mayor Oickle referred to earlier remarks by Councillor Goucher, noting that although Council had agreed to accept incineration, it had been with "strings" attached, ie. an Environmental Assessment and a Public Hearing.

Councillor Goucher noted that these were not "strings," they were both mandatory.

Councillor Cosgrove pointed out that the minutes of all Metropolitan Authority meetings **are** provided to the rest of Council in their meeting packages. She went on to report that she had requested a copy of the Bristol incinerator report, including slides and a film, and that that information is now available.

Councillor MacLean suggested that whether to endorse incineration or not is not the question at this time; the concern is with respect to siting, and the Councillor's perspective is that the onus is on them to make sure Bedford is best represented in

this respect.

Councillor Hutt questioned the Mayor's statement that because the minutes from the November 24, 1992 meeting are not available, Council cannot discuss the Metropolitan Authority appointment. Mayor Kelly advised that it was his ruling, based on advice from the Legislative Counsel, that because the Motion of the previous meeting is in contention, no further action should be carried out on this matter until the November 24, 1992 minutes are approved.

Councillor Goucher recalled that, at the last meeting, the Mayor had pointed out that most Councillors had received all of their requests for appointments, and most were appointed to 6 or 7 committees. It was brought to Council's attention at the time, that if Councillor MacLean was to serve on Metropolitan Authority, he would then have 8 appointments and Councillor Goucher would have 5. Councillor Goucher stated that he had then suggested, through a Motion, that all appointments in the matrix be approved as circulated, and that he and Councillor MacLean would meet privately to discuss the Metropolitan Authority appointment, and they would work out together any resulting changes necessary in committee appointments. The excerpt of the Motion from the November 24 minutes did not reflect this, and therefore Councillor Goucher was challenging the Motion, in that he did not feel it was the Motion he had made.

Councillor Hutt further questioned the validity of not being allowed to discuss the Motion without approval of the minutes. He suggested that it has been done before, and inquired to Mr. Dan English, Chief Administrative Officer, if that was not true.

Mr. English noted that staff does not await approval of the Minutes before taking action on Council Motions. Mr. English further noted that he did not wish to participate in the debate, however, the Council Rules of Order do not address this situation, nor does the Kerr and King document however, noted that Mayor Kelly is basing his ruling on a discussion with the Legislative Counsel. Mr. English pointed out that this is the ruling from the Mayor however, under the Rules of Order an appeal by way of Motion is available to Council from any decision of the Chair on a Point of Order.

Councillor Hutt suggested that since the Metropolitan Authority appointments are for one year only, there was, at this time, only one member of Council (Mayor) officially appointed. He suggested that an interim Council member be appointed until the matter is settled.

Mayor Kelly indicated that while the matter is in contention, members remain until the appointment is officially changed.

Councillor Hutt suggested that the next Regular Session should be moved up to December 8, in the interest of time.

Mayor Kelly indicated that Item #5.7 on the Agenda was to deal with requests to move a Public Hearing, scheduled for December 8, to sometime in January. If this could be dealt with now, then December 8 might be left open for a Regular Session of Council.

Council agreed to consider Item #5.7 at this time.

5.7 Discussion - M-1 Public Hearing, December 8, 1992

Mayor Kelly reported that a number of people from the public have requested that the date of the Public Hearing for M-1 be rescheduled in the New Year, due to conflicts with Christmas school concerts on December 8.

A ballot vote was taken as to whether to allow a resident's association representative and a representative of the proponent for the M-1 development to speak on the matter. It was unanimously agreed to do so.

Mr. Neil Stuart indicated that this was the desire of the residents, if the proponent agrees to it.

Mr. Hattie, one of the proponents, indicated that they wished to see no further delays for the Public Hearing, and suggested that the Public Hearing take place after the Christmas concert.

Councillor Hutt noted that the Public Hearing has already been changed by the Mayor from December 3 to December 8, for the benefit of one Councillor, and indicated that he felt it should not be changed again.

Councillor Goucher suggested that since it was desired that as many people as possible be able to attend the Public Hearing, and since it was the people who had requested the change, it should be moved to January.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that the Public Hearing for M-1 be re-scheduled for Wednesday, January 6. **The Motion was CARRIED.** (Deputy Mayor Oickle, Councillors Hutt and Davies were opposed.)

Mayor Kelly noted there will now be a Regular Session of Council held on December 8, 1992.