

5.1 Council Appointment to Metropolitan Authority - 92/93

Council discussion returned to Item #5.1.

Deputy Mayor Oickle challenged Mayor Kelly with respect to his statement that Metropolitan Authority appointments remain the same until officially changed. He indicated that the appointments are for one year only.

Mr. English, Chief Administrative Officer, suggested that this is a challenge of information, not a challenge of a Point of Order. Mr. English noted the Metropolitan Authority Act did not stipulate terms for appointments rather that is left to the participating Municipalities when making their appointments. He further noted the Motion Council approved on November 5, 1991, appointed Councillor Goucher to the Authority for a one year term, and in his opinion, this would translate to the end of November, 1992.

Councillor Davies expressed concern that if the Motion from November 24 is in contention and cannot be dealt with in this respect, then would all other committee appointments be official.

There was some debate on this issue between Mayor Kelly and Deputy Mayor Oickle. Mayor Kelly asked Councillor Goucher to state what he recalled was the wording of the Motion he made on November 24, 1992.

Councillor Goucher read aloud the wording of the Motion he recalled making, indicating that the appointment for Metropolitan Authority was to be discussed privately between he and Councillor MacLean, not to be discussed at the next Regular Session.

ON MOTION of Deputy Mayor Oickle, it was moved that Town Council vote on whether the wording of the November 24, 1992 Motion is correct, as taken from the minutes.

Mayor Kelly ruled Deputy Mayor Oickle's Motion Out of Order.

5.2 Crosswalk Proposal - Rutledge St./Pleasant Street Intersection

Mr. English, Chief Administrative Officer, reported that, at the last meeting, the cost for the crossing guard was indicated at \$4,500 per year, and that some additional expenses associated with the crosswalk and crossing guard, which are not budgeted, have arisen in the meantime. Because of problems with visibility by motorists, it has been determined that an overhead flashing red light will be necessary for a crosswalk.

He asked that Council consider approval of the additional costs of approximately \$5,000 which is not budgeted.

Councillor Hutt noted that the crosswalk had been intended as an interim solution, and now it was becoming a big expense.

Mr. English pointed out that the overhead light **could** be re-located later if necessary.

Councillor Cosgrove pointed out that the intention of the decision by Council had been that the intersection is not safe, and a solution was necessary in the interim, pending a comprehensive report from Staff.

Councillor Goucher noted he had also suggested Staff provide Capital costs for sidewalks.

Mayor Kelly pointed out Council is again about to deal with a Motion out of context with the unapproved minutes from the last meeting.

This point was further debated. Rick Paynter, Director of Engineering and Works, pointed out that if the matter were delayed until December 8, there might be too much snow on the ground to paint crosswalk lines.

Councillor MacLean suggested asking the Chief of Police, who was present, to comment on what he felt was safer, a crosswalk or a stop sign.

A ballot vote was taken to allow Mr. Blue, who was present, to speak to Council. Council agreed to allow him to speak.

Mr. Blue noted that the intent of the proposed survey of residents was to determine whether a stop sign or other methods was more desirable; however, it was their wish that **something** be done now, in the interim; it did not matter whether it was a stop sign or a crosswalk.

Mrs. Blue also spoke to Council and pointed out that a crossing guard would be better able to protect children when crossing the street, in the event that cars do not stop, or are going too fast.

It was agreed by Council that the matter should be postponed until the next meeting, December 8.

5.3 Appointment of Two Council Representatives to Bedford Board of Trade Special Committee re Development Process

Mr. English tabled a brief report outlining the results of a recent meeting held between Town Council, Board of Trade Representatives and local Developers. He noted at the conclusion of this meeting it was agreed that a six (6) person Committee (two from each group) would be established in order to review and make recommendations on the development process within the Town as well as the proposed elimination of the Business Occupancy Tax. It was also noted that a report was to be completed and brought back to another Forum within 90 days.

Councillor MacLean nominated Councillor Goucher.

Councillor Goucher nominated Councillor Hutt.

Councillor Hutt refused the nomination, due to the fact that he felt he already had a heavy load with 6 Committees and Council.

Councillor Goucher then nominated Councillor Cosgrove.

Mayor Kelly called for further nominations, and since there were none, Councillor Goucher and Councillor Cosgrove were appointed.

Later in the meeting, Councillor Cosgrove noted that because the meetings of the Special Committee are to be held at noon, she did not feel she could serve.

Councillor Goucher also expressed doubt that he would be able to attend noon meetings.

It was agreed the Chief Administrative Officer would suggest to the Board of Trade that meetings be held at a time convenient to all.

5.4 Proposed Increase in Staffing Complement - Bedford Police Department

It was suggested that Council meet with the Police Department before discussing this item.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that the matter of an increase in staffing complement for the Bedford Police Department be deferred until December 8, 1992. **The Motion was unanimously approved.**

It was agreed that a meeting with the Police Department will take place on December 7 at 7:00 a.m., at the Police Department Headquarters.

5.5 Recreation Advisory Committee

(a) Councillor Davies spoke to Council with respect to a copy of the proposed Strategy for Public Recreation Reserve Funds, included in the agenda package, on behalf of the Director of Recreation, Mr. Bob Nauss. Councillor Davies explained that the proposed Strategy was created by the Bedford Recreation Advisory Committee as directed by Council's Motion to review the policies and practices of the Reserve Fund. Councillor Davies then briefly reviewed the Strategy for Council, noting that the annual percentage of the actual Deed Transfer Tax as annual contribution to the Reserve has been changed to 15% from 25%, with the expectation that it will not fluctuate as it has in the past. He noted that, as a result of last year's Budget Deliberations, there will be no Reserve Fund for 1992.

Mayor Kelly indicated that the change in the percentage represents a policy change, and therefore the Strategy should go to the Bylaw/Policy Advisory Committee for review and recommendation.

Councillor Goucher stated that the Strategy was good, and noted that the intent was to ensure that the Reserve Fund is used for what it is supposed to be for, something that has not happened in the past.

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved that the Strategy for Public Recreation Reserve Fund be referred to the Bylaw/Policy Advisory Committee for review and recommendation. The Motion was unanimously approved.

(b) Councillor Davies reported that the Recreation Department needs to replace the Department van, which was purchased in 1986. The Department has been restricting some of the hard use of the van, in an effort to extend the life of the van.

Councillor Davies reported that the Lion's Club has voted to participate in the purchase of a new vehicle, up to \$20,000. Additional government funding is also possible.

Councillor Davies noted that it is the recommendation of B.R.A.C. that Council should consider providing funding equal to that of the Lion's Club, to purchase a 15 seat vehicle.

Councillor MacLean agreed that the vehicle should be replaced. At the suggestion of Councillor MacLean, Councillor Davies agreed to make a Motion for funding of up to a 20-seat vehicle, for the purpose of also carrying the handicapped, which would enable the Town to qualify for Federal funding.

ON MOTION of Councillor Davies and Councillor MacLean, it was moved that the Town of Bedford provide equal funding, to a maximum of \$20,000, to purchase a 20-seat van for the Recreation Department. The amount funded is to be included in the 1993/94 Budget year. The Motion was unanimously approved.

In response to a question from Councillor Hutt, Councillor MacLean indicated that the current driver of the van would have his license upgraded to drive the larger van.

5.6 Proposed Local Airport Authority (LAA)

By memorandum dated November 19, 1992, Mr. Francis MacKenzie of the Bedford Economic Development Commission, reported on the efforts of a Halifax Study Group, which is studying and discussion the establishment of a Local Airport Authority (LAA). The memo indicates that Jean Corbeil, Minister of Transport, is requesting a resolution of support from Bedford.

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that Bedford Town Council support the efforts of the Halifax Study Group to continue the preliminary discussions and studying of a LAA in Metropolitan Halifax. The Motion was unanimously approved.

Councillor Goucher indicated that he whole-heartedly supports the Motion, and feels that it is time to take control of the airport out of the hands of the Federal government.

8. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 48th Special Session of the Town of Bedford at approximately 9:50 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #49

TOWN OF BEDFORD

Regular Session

Tuesday, December 8, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, December 8, 1992 at 7:30 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 were in attendance at the commencement of the Meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Donna Davis-Lohnes, Senior Planner; Rick Paynter, Director of Engineering and Works.

3. APPROVAL OF MINUTES -#44 - Regular Session - October 27, 1992

#47 - Regular Session - November 24, 1992

#48 - Special Session - November 30, 1992

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the minutes for Regular Session #47 - November 24, 1992 to reflect the new wording for the following Motion from page 11 of minutes:

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 between Councillor MacLean and Councillor Goucher, and should changes to the other appointments to the Committees/Commissions/Boards be required as a result of Councillor MacLean being appointed to the Metropolitan Authority, the changes will be worked out between Councillor MacLean and Councillor Goucher.

The Motion was unanimously approved.

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved to approve the minutes for Regular Session #44 - October 27, 1992, Special Session #48 - November 30, 1992 as circulated, and the Amended minutes for Regular Session #47 - November 24, 1992. **The Motion was unanimously approved.**

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

A ballot vote was taken on whether to allow a member of the public to have an item added to the Agenda without the required notice. The results were not unanimous therefore the item was not added to the agenda.

The following additions were made to the Order of Business :

Item 10.4 Discussion - Snow Plowing Operations.

The following was deleted from the Order of Business:

Item 10.2 Zoning Violation - 1394 Bedford Highway

5. APPROVAL OF ORDER OF BUSINESS

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

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Crosswalk Proposal - Rutledge St./Pleasant St. Intersection

By memorandum dated December 2, 1992, Mr. Rick Paynter, Director of Engineering and Works provided further information regarding the request for a crosswalk and crossing guard at the Rutledge Street/Pleasant Street intersection, as requested by Council.

Mr. Dan English, Chief Administrative Officer reviewed the past discussions and events relative to this matter, noting that the Engineering Department has recommended that an overhead light be installed in addition to a crosswalk, which will raise the costs considerably; however, the overhead light could be moved elsewhere in the future if it is no longer required at this intersection.

Mr. Paynter noted he was recommending particularly an overhead Crosswalk Sign to provide maximum visibility, should Council decide that a crosswalk is necessary. He reminded Council that it is not his recommendation that a crosswalk be placed at this intersection for reasons stated in his memo.

Mr. Blue spoke to Council, indicating that he supports the original Motion made by Council to install a crosswalk, but noted there is not uniform support among area residents: some support a stop sign instead. He indicated that he understood Council's concern with respect to the extra cost of an overhead sign, but suggested that Council consider what a child's life is worth. He further indicated that he wished to see Council do three things at this time:

1. Commit to act;
2. Commit to act quickly: delays to date have been disappointing;
3. Consider this step as one of a series of steps to be taken in this neighbourhood, ie. consider sidewalks in the future.

Councillor MacLean raised concern that an unsupervised, but sign posted, crosswalk could be dangerous at times when it is not manned by a crossing guard. There have been reports of accidents at other crosswalks because cars do not stop, and children may expect them to because it is a crosswalk.

Councillor Davies inquired about the possibility of children walking an alternate route along Meadowbrook and the Bedford Highway. Mrs. Blue pointed out that they would have to cross Rutledge Street, which is a very busy intersection as well, although there is a stop sign.

Another resident, Ms. Carol Alderman, referred to a letter written by herself and other residents, which was included in the agenda package and outlined the resident's main concerns. She spoke briefly to Council with respect to these concerns.

Mrs. Blue indicated her feeling that a crossing guard would watch traffic for the children crossing, and that a stop sign alone would give the children a false sense of security, should cars be unable to stop.

Mayor Kelly inquired of Mr. Paynter whether any of the other concerns outlined in the letter have been followed up. Mr. Paynter indicated a second report in the package, which addressed these concerns and suggestions. He noted that Pleasant St. could be made one-way immediately, if desired. He noted that all the streets in the area are considered local streets and that current policy requires cost-sharing by residents on sidewalks.

Councillor Goucher raised questions with respect to changing the designation of Rutledge to a collector street. Donna Davis-Lohnes, Senior Planner, indicated this would require an amendment to the M.P.S. to change the classification of a street.

ON MOTION of Deputy Mayor Oickle and Councillor Cosgrove, it was moved that Council authorize the Director of Engineering to change Pleasant Street to a one-way street from Rutledge Street down to Meadowbrook Ave. **The Motion was CARRIED.** (Councillor Cosgrove and Councillor Davies were opposed.)

Councillor Cosgrove inquired about the immediate placing of a crossing guard, before completion of placing of signs and paint stripes. Mr. Paynter indicated that a crossing guard could be in place tomorrow or within two days. The rest may take as long as two weeks. Councillor Cosgrove expressed concern that an adult be in place as soon as possible, and Mr. English indicated that a crossing guard has already been lined up to start work as soon as possible.

Councillor Hutt suggested that the Chief of Police speak to Council with his recommendations, as was requested at the last meeting.

Chief MacKenzie indicated he has read all of the material pertaining to this matter, and that he agrees with Mr. Paynter's recommendations. He suggested that a crossing guard **only** be placed, to assist children in crossing the street twice daily, but that no paint or signage be placed. This solution could then be monitored.

Councillor Goucher requested that sidewalks for Rutledge Street be added to Future Capital Works for consideration for the 1993/94 Budget.

6.2 Proposed Increase in Staffing Complement - Police Department

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Council approve the request of the Bedford Police Department to increase their staffing complement by three, to take effect immediately to allow for advertising of the positions. The positions are to commence as follows: one on the 1st of March 1993, one on the 1st of April 1993, and the third some time in May or June, 1993.

Councillor MacLean indicated that he does not question the need of the Police Department, but that he had concern with respect to the process of approving staffing increases mid-way through the budget year, when there is currently a staff freeze in effect. He inquired to Mr. Ron Singer, Director of Finance, and Mr. Dan English, as to how this will affect the Town's hiring policy and what impact it will have financially. Mr. English responded, indicating that it was unusual to be

approving staffing requests outside of the Operating Budget. He also indicated that although not questioning the need, proper process should be followed to keep these matters in context. Mr. Singer indicated that he had not conducted an analysis of the financial implications.

The Motion was put to the meeting and was CARRIED. (Councillor Davies and Councillor MacLean were opposed.)

6.3 Appointment - Council Representative - Metropolitan Authority - December 1992

Mayor Kelly noted that he, Councillor MacLean and Councillor Goucher discussed the matter and are recommending that Councillor MacLean be appointed to the Metropolitan Authority as of January 1, 1993, and that Councillor Goucher will serve on Bedford Planning Advisory Committee instead of Councillor MacLean. In addition, Councillor Goucher will be the alternate representative to the Metropolitan Authority, should either Mayor Kelly or Councillor MacLean be unable to attend a meeting.

ON MOTION *Councillor Goucher and Councillor Cosgrove, it was moved that Councillor MacLean be appointed to represent Bedford on the Metropolitan Authority as of January 1, 1993. The Motion was CARRIED.* (Councillor Cosgrove was opposed.)

ON MOTION *of Councillor Goucher and Councillor MacLean, it was moved that Councillor Goucher be appointed to Bedford Planning Advisory Committee in place of Councillor MacLean, and that Councillor Goucher be designated the alternate representative to the Metropolitan Authority, in the absence of either Mayor Kelly or Councillor MacLean.*

Councillor Oickle expressed objection to designating an alternative representative to Metropolitan Authority. He suggested that other municipalities interchange their alternates throughout the year, and that it is voted on by Council each time.

Councillor Goucher pointed out that although other municipalities have made changes to their alternates, the changes were made for several reasons but all municipalities do have a designated alternate.

Councillor Cosgrove indicated that it is required by Metropolitan Authority Bylaws to do so, and it should have been done before.

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

6.4 Petroglyph Advisory Committee - Final Report - Update - Staff Report

Donna Davis-Lohnes noted that the preliminary report had been tabled in August, and Council had requested Staff's analysis, recommendations, and the ways and means to implement those recommendations, as well as any implications from the report.

Ms. Davis-Lohnes indicated that the Planning Department staff complement has not been full until recently, but now all tasks associated with the report have been delegated. The Planning Department will be coordinating with other Town Departments to complete a Staff Report by early in the new year - January or February.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM -NIL

8. PETITIONS AND DELEGATIONS

8.1 Ms. Susan Warman - Proposed Crosswalk Guard - Meadowbrook/Pleasant

This item was deleted from the Agenda, since Ms. Warman was not present at the time of the item.

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Proposed Renewal - Bedford Park Development Agreement

By memorandum dated December 2, 1992, Ms. Davis-Lohnes, Senior Planner, reported on a request received from Bedford Park Developments Ltd. to extend development agreement #84-01/02.

Ms. Davis-Lohnes indicated that an extension of five years would be her recommendation.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Development Agreement #84-01/02, Bedford Parks Developments Ltd., be extended for a further five years. The Motion was unanimously approved.

10.3 Public Information Session - WTE Facility - Bedford Location

Draft copies of the Purpose and Objectives, Agenda and the Rules of Order for an

upcoming Public Information Session on December 9, 1992, were circulated with the agenda package.

ON MOTION of Councillor MacLean and Councillor Davies, it was moved that Council endorse the Purpose and Objectives, Agenda, and Rules of Order as circulated, for the WTE Facility - Bedford Location Public Information Session on December 9, 1992. The Motion was unanimously approved.

10.4 Discussion - Snowplowing and Salting

Mayor Kelly requested that Staff report on the Town's policy with respect to plowing and salting on hills, for the next meeting.

11. REPORTS - NIL

11.1 COMMITTEES/COMMISSIONS/BOARDS - NIL

11.2 CORRESPONDENCE - NIL

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

14.1 Drainage Corrective Works - DeWolfe Court - Councillor Davies

Councillor Davies indicated his reasons for wanting to rescind the following Motion, it has been brought to Council's attention that there may be other contributing factors to the drainage problems, such as channelized run-off from Condor Court, and because of a precedent set by a Council decision to fund corrective works at Falcon Run by 100%.

ON MOTION of Councillor Davies and Deputy Mayor Oickle, it was moved that the following Motion be RESCINDED:

ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that Council approve the awarding of a contract for drainage improvements at DeWolfe Court to Vernon Kynock Trucking Limited, in the amount of \$8,897.05, to be cost-shared three ways between the Town, Mr. Stapleton and Mr. Whiting.

The Motion was CARRIED. (Councillor Hutt was opposed.)

Councillor Davies indicated that some consideration should be given to changing the cost-sharing percentages.

Councillor MacLean inquired whether a legal opinion has been received on this matter. Mr. Rick Paynter indicated that a legal opinion with respect to Ridgevale was requested, which was a different matter, but that the advice **could** be applicable to DeWolfe Court. He further noted that the run-off from Condor Court did not contribute to increase the volume of run-off, but that the problem was due to the topography and channelization, and low ground absorption.

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that Council approve the awarding of a contract for drainage improvements at DeWolfe Court to Vernon Kynock Trucking Ltd., in the amount of \$8,897.05, to be cost-shared such that the Town contributes \$6,897.05, and Mr. Stapleton and Mr. Whiting each contribute \$1,000.00.

*ON MOTION of Councillor Cosgrove and Councillor Hutt, it was moved that the matter be DEFERRED until Legal opinion has been received. **The Motion was LOST.** (Councillors Davies and Goucher, Deputy Mayor Oickle and Mayor Kelly were opposed to the Motion; Councillors Cosgrove, Hutt and MacLean voted in favour.)*

Councillor Goucher indicated that he would support the Motion, referring to the precedent set by the Falcon Run matter.

Councillor MacLean indicated he could not support a higher level of cost-sharing without a clear idea of legal liability.

Councillor Davies indicated that he had difficulty with cost-sharing over 50%. He noted that he had also voted against the Falcon Run matter.

Councillor Hutt indicated that he agreed with Councillor Davies that 80% cost-sharing by the Town was too high.

Deputy Mayor Oickle noted that the two residents have incurred property damage, and that it is only fair that the Town increase it's share of the costs.

The Motion was put to the Meeting and was LOST. (Deputy Mayor Oickle and Mayor Kelly voted in favour; Councillors Davies, Hutt, Cosgrove and MacLean were opposed.)

ON MOTION of Councillor Davies and Councillor Cosgrove, it was moved that Council approve the awarding of a contract for drainage improvements at DeWolfe court to Vernon Kynock Trucking Limited, in the amount of \$8,897.05, to be cost-shared such that the Town contributes 50% of the cost, and the remaining 50% shared between Mr. Stapleton (25%) and Mr. Whiting (25%). **The Motion was CARRIED.** (Councillor Hutt and Councillor MacLean were opposed.)

14.2 Appointment of Deputy Mayor - 1992/93

Mayor Kelly stated that Councillor Goucher now wished to have this item withdrawn.

Deputy Mayor Oickle noted that any changes to the Order of Business must be voted on during Item #4, and since this item was not deleted at that time it could not be withdrawn now. He requested that the item go ahead, indicating that he wished to have Council show a vote of confidence in his appointment as Deputy Mayor.

There was some discussion on the point of whether the item could be withdrawn. Mayor Kelly and Dan English, Chief Administrative Officer, after referring to the Rules of Order, both indicated that if the person who gave notice of a Motion now wishes to not make the Motion, and isn't going to ask for a seconder, there is no provisions to force that person to make the Motion.

Councillor Goucher indicated that he had no intention of pursuing the matter, and was withdrawing the item in the interest of Council unity. He suggested that it would be more positive to allow people to agree to disagree, and respect each other's judgement and where they stand.

Councillor MacLean commended Councillor Goucher for his stand, and noted that he felt there had been a sense of positive support from Council at this meeting.

15. NOTICES OF MOTIONS - NIL

16. DEPARTMENTAL INFORMATION REPORTS

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

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved to accept the Fire Chief's Monthly Report for October 1992 as circulated. **The Motion was unanimously approved.**

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

ON MOTION of Councillor MacLean and Councillor Cosgrove, it was moved to accept the Building Inspector's Report as circulated. **The Motion was unanimously approved.**

17. QUESTIONS

17.1 Status Sheet

Items #10.1 and #10.5 on the Status Sheet - Mayor Kelly noted that reports on these two items will be forthcoming at the next Regular Session.

18. ADDED ITEMS

Mayor Kelly commended Council for their cooperation and cohesion during this Session.

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 49th Regular Session of the Town of Bedford at approximately 10:10 p.m. **The motion was unanimously approved.**

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #50

TOWN OF BEDFORD

Public Hearing #92-16

Tuesday, December 15, 1992

A Public Hearing of the Town of Bedford took place on Tuesday, December 15, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

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

Staff members in attendance included Donna Davis-Lohnes, Senior Planner.

Development Agreement Application - #29 Central Street and #2 Balsam Street

INTRODUCTION

Donna Davis-Lohnes, Senior Planner, verbally reviewed the background to the application, noting that a Public Information Meeting was held on October 26, 1992 and that a Staff report had been reviewed by the Planning Advisory Committee on November 4, 1992 and they had voted to recommend the agreement. Correspondence from an abutting lot owner, and well as all other written documentation for the application, was included in an information package with the agenda.

Ms. Davis-Lohnes went on to note that a concern expressed by the abutting lot owner, regarding a fence along the lot line, has been addressed by the applicant.

She then reviewed the project with the use of overheads, and explained that the reason for the application was with respect to yard and setback requirements. A sketch of the proposed building footprints and lot lines was shown. Ms. Davis-Lohnes noted that the lot areas would each be 4,800 square feet, which is smaller than the normal 6,000 square foot lot. She then read aloud the Staff recommendation, which was to approve the application with the proviso that no further development or building be allowed on the two properties.

Mayor Kelly asked Council if they had any questions for Ms. Davis-Lohnes before he opened the floor to the public.

Councillor Cosgrove inquired whether the applicant had expressed interest in developing the lots further in the future. Ms. Davis-Lohnes indicated that he had not, but that Staff were just including that condition in their recommendation.

Councillor Cosgrove then inquired as to the height of the fence that is to be placed along the lot line. Ms. Davis-Lohnes noted that a three-foot fence had been indicated, to be placed along a retaining wall on the lot line, primarily for the protection of children who may fall over the retaining wall; however, the height had not been specified in the agreement.

Mayor Kelly suggested that the specific height of the fence should be included in the agreement, in order to avoid any misunderstanding. He then opened the floor to the public.

SPEAKERS

Mr. John Marshall

Mr. Marshall indicated he was the abutting lot owner, and that he is satisfied with the agreement with respect to the fence along the lot line. He then inquired about the possibility of the applicant building a second storey on the building closest to his house.

Ms. Davis-Lohnes indicated that although the applicant had not expressed any desire to build a second storey on the building, there was not any restriction on him doing so in the agreement.

Mr. Marshall expressed a concern that a second storey **could** have an affect on the draw of his chimney, and that he would like to have an opportunity to discuss this concern before any possibility of a second storey being built.

Ms. Davis-Lohnes again noted that it was not the intention of the applicant to build a second storey at this time, and he had included a set of building plans with his application, which could be attached to the agreement with a clause to restrict his ability to construct a second storey without first coming back before Town Council.

Mayor Kelly inquired whether the type of material to be used for the fence had been specified in the agreement. Ms. Davis-Lohnes indicated that it had not. Mayor Kelly again suggested that details with respect to the type of material, height and design of the fence should be included in the agreement.

Ms. Davis-Lohnes indicated that she would contact the applicant with respect to same.

TOWN OF BEDFORD

Councillor Cosgrove suggested to Mr. Marshall that houses in other subdivisions were of varying heights, side by side, and that this did not seem to affect the draw of the chimneys. Mr. Marshall indicated that he did not **know** whether his chimney would be affected but that he was concerned that it could.

The suggestion of whether to include a restrictive clause in the agreement, with respect to the height of the building, was again discussed by Council. Councillor Hutt indicated he did not feel the Town could restrict one resident and not another. Mayor Kelly indicated the only way to guarantee that a second storey is not built without Council approval was to include a clause respecting same in the agreement.

Councillor MacLean suggested that Mr. Marshall has the right to build a second storey on his own house, without restrictions, and therefore, Council does not have the right to restrict the applicant. Mayor Kelly responded, noting that Council is dealing with a specific development agreement at this time.

After three calls by Mayor Kelly there were no further speakers or questions from Council.

Therefore, Public Hearing #92-16 of the Town of Bedford was adjourned at 7:30 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #51

TOWN OF BEDFORD

Public Hearing #92-17

Tuesday, December 15, 1992

A Public Hearing of the Town of Bedford took place on Tuesday, December 15, 1992 at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

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

Staff members in attendance included Donna Davis-Lohnes, Senior Planner.

Councillor Davies excused himself from the Public Hearing for reasons of possible conflict of interest.

Amendment to Development Agreement Application - Waterfront Development Project - Site 3.2

INTRODUCTION

Donna Davis-Lohnes noted that a Public Information meeting had been held on October 26, 1992 and the Planning Advisory Committee had reviewed the proposed amendment of the Development Agreement in November, and had recommended supporting the amendment.

She explained that the amendment was specifically in reference to the proposed Clock Tower, which had not been included in the original agreement. The proposal is to build a 150 foot tower with a public viewing stand therein. Ms. Davis-Lohnes noted it was staff's recommendation to approve the amendment, and that a specific clause to be inserted in the agreement was included in the copy of Mr. Barry Zwicker's memorandum in the agenda package.

Mayor Kelly asked Council if they had any questions for Ms. Davis-Lohnes. There were no questions from Council.

Mayor Kelly then opened the floor to the public. After three calls, there were no speakers.

Mayor Kelly again asked whether there were any questions from Council.

Councillor Cosgrove spoke to the proponent, Mr. Christmas, with respect to a concern about access to the public viewing stand by the physically challenged. She mentioned the possibility of a ramp or an elevating device.

Mr. Christmas indicated that a ramp was not possible because of the gradient required. He further indicated that an elevating device to bring people to the level of the proposed viewing stand would be prohibitively expensive. He did indicate it may be possible to install an elevating device for wheelchairs which would bring them up one level above street level. He indicated this would be looked into further.

Councillor Hutt inquired about the hours of use for the viewing stand. Mr. Christmas indicated it would be open from 9:00 a.m. to 9:00 p.m., and that possibly a nominal fee could be charged, but that the proceeds would be donated to a charity. Councillor Hutt suggested it could also cover the cost of an elevating device.

Mayor Kelly inquired further about the possibility of an external elevator, similar to one at the CN Tower in Toronto, suggesting this would be a tourist attraction.

Mr. Christmas noted this would cost in excess of \$200,000, and was not a viable idea.

After three calls, there were no further questions from Council.

Therefore, Public Hearing #92-17 of the Town of Bedford was adjourned at 7:45 p.m.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #52

TOWN OF BEDFORD

Public Hearing #91-18

Wednesday, January 6, 1993

A Public Hearing of the Town of Bedford took place on Wednesday, January 6, 1993 at 7:00 p.m. in the Lion's Den, LeBrun Centre, 36 Holland Ave., Bedford, Nova Scotia. Mayor Peter Kelly presiding.

ATTENDANCE

Deputy Mayor Stephen Oickle and Councillors Anne Cosgrove, John Davies, Len Goucher, Harris Hutt, and Bill MacLean.

Staff members in attendance included: Rick Paynter, Director of Engineering and Works; Barry Zwicker, Director of Planning and Development; and Jenifer Tsang, Planner.

Peter McInroy was also in attendance to provide legal counsel.

Approximately 75 residents were also present.

**DEVELOPMENT AGREEMENT APPLICATION
CIVIC #171 HAMMONDS PLAINS ROAD - PARCEL M-1 BEDFORD VILLAGE**

INTRODUCTION

The purpose of the Hearing was to receive both written and verbal submissions relative to a Development Agreement Application for the above.

At the request of Mayor Kelly, Mr. Zwicker explained that this is the second Public Hearing regarding this proposed development. Following the Public Hearing held on September 29, 1992, the proponent submitted a revised plan, which included revisions that were considered to be substantial, therefore requiring a second Public Hearing.

With the use of a plan of the proposed development, Mr. Zwicker provided a brief overview of the substantial changes that the proponent has made since the September Public Hearing.

Mr. Zwicker outlined the proposed changes to the plan as follows:

- increase the separation distances from all watercourses to the buildings and/or parking areas to a minimum of 50 feet;

and Village Crescent and the proposed multiple family lots from a minimum of 50 feet to a minimum of 75 feet for Building No. 3 and a minimum of 85 feet for Buildings No. 1 and 2.

- the increased buffers have been achieved by modifying the multiple unit buildings. Buildings No. 1 and 2 have been shortened by 35 feet with the ends closest to the Hammonds Plains Road increased from 3 to 4 storeys in height. The ends closest to Village Crescent remain at 3 storeys.
- Building No. 3 has been shortened by 70 feet from that shown on the original concept and by 35 feet from that shown on the alternative concept, with the height being increased to 4 storeys at the rear towards Village Crescent and with basement units on the side closest to Jack's Lake Brook.
- to provide an increased buffer, modifications were made to the boundary between the multiple unit buildings and the park land. Additional parking is proposed for a portion of the park land.
- the actual location of the Brookshire Court intersection is unknown at this time. If the alternate intersection location proposed in the revised plan is approved by the Department of Transportation, Commercial Building No. 3 will be reduced in size to be a single storey building with 5230 square feet.

QUESTIONS FROM TOWN COUNCIL

Councillor Goucher inquired about the distance of Building No. 2 from the watercourse. Mr. Zwicker noted that it was 65 feet and the site disturbance area is 15 feet. With respect to the Brookshire Court intersection, Councillor Goucher asked Mr. Zwicker for clarification on the approved location and the alternate that is being proposed.

At the request of Councillor Goucher, Mr. Zwicker read for the record, the following excerpts pertaining to this proposed development from the minutes of the various Advisory Committee meetings:

from the November 12, 1992 Bedford Recreation Advisory Committee Meeting -

B. Nauss reported that the developers for Brookshire have submitted substantial changes to the proposed development plan for lot M-1, and Town Council had passed a Motion at their last meeting requesting all relevant Town committees to review and comment on the proposed plan and its changes, as it applies to each committee's particular area of concern.

B. Nauss noted that the existing playground is located on land that is not currently owned by the Town, and the developers are proposing to move the playground to another area and donate the land to the Town. The new

playground will be smaller than the original.

The committee looked at a plan for M-1 and discussed the above. T. Edwards raised questions as to whether the new playground was big enough, given its proximity to the apartment buildings where it may receive a large number of children using it. He also expressed concern regarding the proximity of buildings and parking lots to the water courses in area.

ON MOTION of T. Edwards and L. Goucher it was moved that BRAC recommends to Council that the distances of the buildings and parking lots to the water courses be more than proposed; and that BRAC recommends to Council that the proposed playground be enlarged, due to a concern that the proposed size would be insufficient given the projected increase in population.

C. MacLean indicated that it is felt by people who now live in the area that the current playground, which is also located near to an apartment building, is under utilized and there is rarely more than 10 children at one time at the park. She suggested that apartment buildings do not necessarily mean large numbers of families with children will be living in them.

The MOTION was put to the meeting and was LOST. (C. MacLean, S. Oickle, J. Davies, B. Dompierre voted against the Motion; L. Goucher and T. Edwards voted in favour; W. Hutt abstained.)

T. Edwards inquired whether a new Motion should be made, or a comment put forth by the committee, as was requested by Council. It was agreed by members that the above discussion and Motion was sufficient.

from the November 4, 1992 Bedford Planning Advisory Committee Meeting -

ON MOTION of D. Geddes and W. Hutt, it was moved that these revisions do not address the previous concerns expressed by BPAC therefore we recommend to Town Council that this development agreement not be approved.

ON MOTION of Councillor Goucher and R. Hattin, it was moved to amend the previous motion to read that BPAC moves that these revisions do not address the previous concerns expressed by BPAC and the newly addressed concerns raised by the Proposed amendment to the contract development agreement regarding height therefore we recommend to Town Council that this development agreement not be approved.

The AMENDMENT was voted on and CARRIED. Chairman Pryde was opposed.

The AMENDED MOTION was voted on and CARRIED. Chairman Pryde was opposed.

from the October 28, 1992 Bedford Waters Advisory Committee Meeting -

ON MOTION of R. Morchat and J. Salisbury, it was moved that BWAC has reviewed the revised plans for Parcel M-1 and is restating their concerns regarding this proposed development and the required 100 foot buffer as defined in Policy E-8. Concerns regarding Policy E-8 stated in previous motions do not appear to be addressed and BWAC reiterates their stand in regards to the previous motions.

The MOTION was voted on and CARRIED. K. Rhodenizer abstained.

and

ON MOTION of K. Rhodenizer and Councillor Goucher, it was moved that Mike Horwich continue making presentations regarding Parcel M-1, on behalf of BWAC.

The MOTION was unanimously approved.

Councillor Goucher expressed his concern that a recommendation was not put forward by the Bedford Recreation Advisory Committee regarding this proposed development. Councillor Goucher mentioned that at the November 12 BRAC meeting, a Town Councillor had indicated to the committee that "he did not feel comfortable making a recommendation on the plans because he had not looked at the plans yet." Councillor Goucher noted his objection that BRAC had received "bad advice" from a Town Councillor and therefore the committee did not make a recommendation.

At the request of Mayor Kelly, Mr. McInroy provided a legal opinion. Mr. McInroy stated that it is within the committee's right to not provide a resolution for Town Council if the committee so decides.

Councillor Goucher raised concern regarding events that occurred on October 27, 1992, the date the new application was received by the Town. He asked Mr. Zwicker if he had been in contact with any of the Town Councillors on October 27. Mr Zwicker indicated that some Town Councillors may have been in the office on that date but he did not recall exactly who they were. Councillor Goucher suggested that several councillors had knowledge of the new development application prior the Council Meeting and this information directly affected the Motion of Reconsideration. Mr. McInroy advised Councillor Goucher that this issue should be

one raised in the courts not at a Public Hearing. He also noted that it is not important who saw the development application first, as long as all the information is made available to the public.

Mr. Zwicker explained to Council that he had discussed the letter with Mr. Dan English that was received by fax on October 27, 1992 and they had agreed it should not be circulated prior to the meeting due to concern regarding the impediment of the process of a Motion of Reconsideration.

Councillor MacLean noted that he had "no idea if he did talk to Mr. Zwicker on that particular day" and restated that he did not have any familiarity with the contents of the envelope.

Tom Swanson, Alderney Consultants

Mr. Swanson, representing the proponent, briefly reviewed the changes made to the location of the Brookshire Court intersection, and changes made to increase the environmental protection of the watercourses.

Pat Lane, Environmental Consultant, P. Lane and Associates was also in attendance to answer questions regarding the environmental protection plan.

QUESTIONS FROM TOWN COUNCIL

Councillor Cosgrove inquired about changes made to the distance between parking lots and the brook. Mr. Swanson explained with the use of the map, that the buildings and parking were pulled farther from the brook. It was indicated that the parking lot is a minimum of 75 feet from the brook.

Councillor Goucher read Clause 25(g) from the proposal agreement application and questioned P. Lane on the statement "if the assumptions are proven to be invalid" and suggested that for accuracy, tests be taken over a longer period of time. P. Lane indicated that the environmental protection plan is very thorough and they would be assessing data in much more detail.

Councillor Cosgrove inquired about the information to be collected. Ms. Lane stated that they will be collecting data on soil types and erodability on the entire site. She also indicated that the environmental protection plan lessens the impact on the environment to enable the developer to proceed safely with the project.

Councillor MacLean inquired about the buffer being less than 100 feet. Ms. Lane confirmed that she believed that 50 to 100 feet is adequate when combined with a full environmental protection plan. She indicated that careful attention to construction practices and the time of year are also necessary. With respect to this proposal, Ms. Lane confirmed that with the proper

environmental protection plan, this proposal was appropriate for this area.

Councillor Davies inquired if the environment protection plan had been finalized. Ms. Lane indicated that they have had discussions with the Town staff regarding the plan.

Councillor Goucher questioned the clause 25(a) in the development agreement application with respect to "withholding 20 acres of land presently inside the Development Boundary elsewhere in the Town from development until the Sewage Treatment Plant is expanded." Mr. Zwicker reported that this principle is based on the formula of 70 gallons per person/18 people per acre. Councillor Goucher suggested that 20 acres of the CCDD land be withheld because of its impact on the Sewage Treatment Plant.

Councillor Goucher questioned Mr. Swanson on BWAC's request that bottom sampling be done on Paper Mill Lake. Mr. Swanson indicated that no further testing is being done at this time because of the expense, but when Town Council approves this proposal in principle, P. Lane and Associates will continue with the study before any construction begins. Mr. Swanson also mentioned that they do not know if bottom sampling will be part of that study. Councillor Goucher suggested that they work with BWAC to decide what should be undertaken in the study. Mayor Kelly inquired about the possibility of this being incorporated into the agreement. Mr. Zwicker confirmed that the environmental protection plan would be part of the development agreement.

There were no further questions from Council, and Mayor Kelly opened the floor to the public.

Mr. Mike Horwich - 32 Bedford Hills Road

Mr. Horwich noted that he was the past Vice-Chair of BWAC and would present BWAC's position on the proposed development. Mr. Horwich also mentioned that he had discussed the committee's concerns at the September Public Hearing.

Mr. Horwich read and discussed portions of Policy E-14 (MPS, page 14) and from the Impact Assessment Report (MPS, page 111). Mr. Horwich questioned the "development coming before the assessment" and suggested that the assessment should be first as indicated in the intent of the MPS.

Mr. Horwich indicated that serious changes have **not** been made to this development since the last Public Hearing and that they still do not have information on the flow rates and soil types. He also mentioned that they have not seen the type of filtration system that the developer is proposing and he is not convinced that it would work on this environmentally sensitive area and suggested that they should not allow Bedford Village Properties to use the site as a "guinea pig." Mr. Horwich stated that the contaminants will flow down Jack's Lake Brook and into the

swimming area in Paper Mill Lake.

Mr. Horwich commented that the increased buffer from 35 feet to 50 feet was good but BWAC does not believe it is sufficient.

Mr. Horwich inquired about the level of protection a second layer of geotextile represents. Mr. Swanson responded that the second layer is to enable maintenance without affecting the integrity of the system and commented that the filter system is only one of many environmental protection plans.

Mr. Horwich commented that he believes environmental controls on this development are an "afterthought" and further environmental assessments should be done on the land before the proposal proceeds. He also stated that the onus should be on the developer to show that the proposal complies with the MPS and not the residents having to prove the development doesn't conform. Mr. Horwich urged Town Council to reject the proposal because of noncompliance with MPS policies.

Neil Stuart - 58 Village Crescent

Mr. Stuart noted that he has been a resident of Village Crescent for 14 years and is presently the Chairman of the Bedford Village Resident's Association. He also noted that his wife had presented comments on his behalf at the previous Public Hearing regarding this issue.

Mr. Stuart raised concern that even though the size of the building footprints were smaller, they were higher and the total number of units remain unchanged and the proposed development still does not comply with the MPS.

Mr. Stuart commented that he had met with Mr. Hattie and Mr. Betz to discuss the possibility of a land purchase to reduce the amount of environmental damage. He also mentioned that it was suggested to the developers that they replace the middle multiple-unit building with R-1 housing. According to Mr. Stuart, upon hearing this suggestion, Mr. Hattie replied that they are unlikely to do that because of the difficulty selling "lower density single family housing in that area."

Mr. Stuart indicated that the proponent knows if this proposal is rejected, that it can not be successfully appealed due to the noncompliance of the MPS policy E-8. Mr. Stuart went on to say that he thought Town Council should be asked why it does comply with the MPS.

Mr. Stuart asked Ms. Lane if she could guarantee that there would be no further pollution to Paper Mill Lake during construction or after constructions completed. Ms. Lane responded that they would have adequate safeguards in place to prevent siltation from entering the lake or brook. She mentioned having a bio-engineered wetland as an example of a contingency plan that

would help prevent sediment from entering into Paper Mill Lake during an accidental event. She mentioned that she has designed wetlands for areas in the Nile Delta and in Halifax. She also noted that they would have contingency plans for the worse case scenario but no one can guarantee zero risk.

Mr. Stuart urged Town Council to reject this proposal and make their decision soon.

Francine Cosman - 59 Bedford Hills Road

Ms. Cosman noted that she has been a resident of Bedford Hills Road since 1974 and that she also had attended the previous Public Hearing regarding this issue. She mentioned that she wasn't aware that a new development report had been produced by the Town and asked Mr. Zwicker to confirm this.

Ms. Cosman inquired about this being a new Public Hearing or a continuation of the previous one held on September 29. Mr. Zwicker indicated that it was a new Public Hearing. Ms. Cosman mentioned that she had made comments at the previous Public Hearing and wished to know if these comments would still be taken into account or if she had to repeat herself. At Mayor Kelly's request, Mr. McInroy stated that all the background information is part of the package and comments made at the previous Public Hearing should be taken into account, therefore it is unnecessary to repeat those comments. Mr. Zwicker agreed with Mr. McInroy's statements.

Ms. Cosman commented that the problems raised at the previous Public Hearing were never dealt with and the development still does not comply with the MPS.

Ms. Cosman stated that Town Council is allowing apartment buildings to be constructed all at one end of the Town. She also stated that she does not want to see her subdivision overloaded with apartments and encourage the Council to decide where the apartment buildings should be located and do some long term planning.

Ms. Cosman wished to reiterate what she had mentioned at the previous Public Hearing with respect to her concerns regarding the Convenience Store. She stated that, presently, she has only a three minute walk to a convenience store in her area and they do not require another one. She also mentioned the "negative potential" of the temptation to their young people to buy cigarettes, and beer and play videogames, in addition to the problems created by the increased amount of traffic that would be generated by this store.

Ms. Cosman expressed concern regarding the plan to alter the size of the playground. She indicated that although the playground is not utilized as much in the winter due to cold temperatures, the area is well used in the summer and is a gathering place for young people.

With respect to overcrowded school concerns, Ms. Cosman stated that 20 students estimated for 108 units was not a realistic amount and should be reassessed.

Ms. Cosman mentioned the "unwritten policy" regarding the "as of right use" of Mill Cove Sewage Treatment Plant that was discussed at the previous Public Hearing and inquired if it had been made an official policy. Mr. Zwicker indicated that it has not.

Ms. Cosman commented that she was impressed with Pat Lane and reiterated the comment by Mike Horwich that the assessment should be done "first not last." Ms. Cosman expressed concern that the developer would decide that the cost of the environmental protection plan was too high to complete. Mr. Zwicker responded that all parts of the environmental protection plan would be in place before construction started. Ms. Cosman inquired about the possibility of the developer hiring a company other than P. Lane and Associates to complete the environmental protection plan with less stringent controls. Mr. Zwicker confirmed that they could hire a different company. Ms. Cosman commented that she has watched Paper Mill Lake deteriorate over the past few years and suggested that the Town hire the best possible company to provide the environmental protection plan and then pass the cost on to the developer.

With respect to the high vacancy rate in Bedford, Ms. Cosman reminded Town Council that she had listed the number of vacancies at the previous Public Hearing.

Ms. Cosman stated that she was very concerned about this development not complying with the MPS and urged Town Council to reject the proposal.

Ted Hooley

Mr. Hooley noted that he had made comments opposing this development at the September Public Hearing.

At Mr. Hooley's request, Mr. Paynter explained that the Town's calculations indicate that there would be 3400 vehicle trips impacting on Hammonds Plain Road when the total development is complete. Mr. Paynter explained that it would be approximately three years before the development is completed and that Hammonds Plain Road is capable of handling this amount of traffic. Mr. Hooley inquired about the possibility of a traffic signal. Mr. Paynter responded that the traffic flow on Hammonds Plain Road at this time would not support a traffic light. He also indicated that there is ongoing monitoring of the traffic situation and when the traffic volume grows, it will be addressed at that time.

Mr. Hooley mentioned that children are bused to schools in other areas of Bedford and inquired about the location of the bus stop for these children if this development proceeds. With respect to the proposed location of the convenience store, Mr. Hooley indicated that it would be a dangerous situation for these children to continue to get on and off the bus at their present

location.

Mr. Hooey inquired about the possibility of blasting and mentioned that there was an explosion in his yard six years ago during construction of Eastwood Terrace. Mr. Paynter responded that until the building plans are presented to the Town for approval they do not know if there will be blasting. He also stated that he was aware of blasting that occurred in Basinview Estates and mentioned that seismographic testing is not done by the Town, it is contracted out.

Mr. Hooey discussed BPAC and BWAC advising Town Council that the development does not comply with the MPS, and suggested that the Councillors take the advice of the advisory committees and the public and reject the proposal.

Lee Stark - 26 Village Crescent

Mr. Stark noted that he had objected to this proposal at the previous Public Hearing and is still opposed. Mr. Stark provided a copy of plans he had received from A. Hattie and questioned Mr. Swanson on the location of retaining walls and the slope of the land. Mr. Stark indicated that the developer would have difficulty staying out of the buffer areas while the development is under construction. At the request of Mr. Stark, Mr. Zwicker confirmed that the developer provides the Town with a \$50,000 security deposit, before construction starts, to ensure that everything is completed as requested. Mr. Stark expressed concern that many trees in the buffer zone will be destroyed because their roots will be disturbed during construction.

Mr. Stark also raised concern about the filter berm system, commenting that he had never seen one before. At Mr. Stark's request, Mr. Zwicker confirmed that the Town does monitor the site on a daily basis. Mr. Paynter also confirmed that they do provide daily inspection during pre-construction to ensure that the environmental protection plan is being followed and during construction, building inspectors provide daily inspections. Mr. Stark also questioned P.Lane and Associates doing the data collection. He suggested it would be more beneficial to the Town if an independent source was hired. Mr. Zwicker indicated that if there was any problems with the environmental protection plan, the Town would contact the Department of Environment. Mr. McInroy also confirmed that the Department of Environment would visit the site if they hear of silt problems.

Mr. Stark suggested that Town Council listen to the Advisory Committees and reject this proposal.

Mike Farrell - 67 Bedford Hills Road

Mr. Farrell noted that he has been a resident of Bedford Hills Road since 1974. Mr. Farrell commented that he has seen the amount of water that flows through the brook when it rains and believes there will be problems with the filter berm system. Mr. Farrell also expressed his