

one-way designation, she has witnessed drivers becoming very frustrated with the way traffic is re-directed, and that children playing on the street along Shoreview Drive (where she resides) have been affected by an increased flow of re-directed traffic.

Councillor Goucher suggested this decision was made too quickly, and that the rights of other residents have been infringed upon.

Councillor Cosgrove agreed, noting that Council should have checked with the Traffic Management or Fire Department on this decision.

The Motion was put to the meeting and was CARRIED. (Deputy Mayor Oickle was opposed.)

8.4 Pleasant Street - One Way Street Designation

By memorandum dated January 20, 1993, Mr. Rick Paynter, Director of Engineering and Works and Town Traffic Authority, presented a Staff response to a petition against the one-way designation for Pleasant Street.

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that Council support the conclusions in the Director of Engineering's report, and that, under the direction of the Engineering Department, a Public Forum be held to receive input and suggested solutions from residents, to be brought back to Council within 30 days.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the Motion such that Council direct the Engineering Department to take immediate steps to correct the sight-line problems on Pleasant Street by cutting back of shrubbery. The Motion was CARRIED. (Deputy Mayor Oickle abstained.)

The Amended Motion was then put to the meeting and was CARRIED. (Deputy Mayor Oickle abstained.)

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Consideration - Resident 1993/94 Tax Exemption

By memorandum dated January 22, 1993, Mr. Ron Singer, Director of Finance,

presented the recommended 1993/94 Resident Tax Exemption for approval by Council.

Mayor Kelly suggested to Council they consider raising the exemption to \$400.00 from \$385.00.

ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that the 1993/94 Resident Tax Exemption be granted to all qualified applicants in the amount of \$400.00, in accordance with the resolution attached, dated January 26, 1993. **The Motion was unanimously approved.**

10.2 Status Report - 1993/94 Operating and Capital Budgets

Mr. Dan English, Chief Administrative Officer, noted that a first draft of the 1993/94 Operating and Capital Budget will be presented for discussion at a special meeting of Council on February 16, 1993 at 7:00 p.m.

10.3 M.P.S. Review

Mayor Kelly suggested that a review of the M.P.S., with translations of certain areas of the document, should be initiated.

ON MOTION of Councillor Goucher and Councillor Cosgrove the matter of a review of the M.P.S. be referred to B.P.A.C., B.W.A.C. and B.R.A.C. for comment and indication of each committee's concerns.

Deputy Mayor Oickle suggested it should be referred to all Town committees, commissions and boards.

The Motion was put to the Meeting and was LOST.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that the matter of a review of the M.P.S. be referred to the Planning Department, to identify the appropriate committees that should be involved. **The Motion was CARRIED.** (Mayor Kelly and Deputy Mayor Oickle were opposed.)

11. REPORTS

11.1 COMMITTEES/COMMISSIONS/BOARDS

11.1.1

Planning Advisory Committee

A. **BPAC Information Report**

The report dated January 14, 1993 was included in the agenda package for the information of Council. Councillor Davies suggested that Planning Staff provide an update on the status of the Sewage Treatment Plan expansion, including timing and cost factors.

Mr. Zwicker agreed, and suggested that an interim strategy plan also be developed by Staff.

B. **Bedford Park Development Agreement**

By memorandum dated January 21, 1993, Donna Davis-Lohnes reported the options available to Council on this matter, given that B.P.A.C. had voted to support a recommendation of the Planning Department that Town Council not amend the existing Development Agreement.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Town Council authorize the Chief Administrative Officer to schedule a Public Hearing on the Application for Amendment. **The Motion was unanimously approved.**

11.1.2.

By-Law/Policy Advisory Committee

By memorandum dated January 21, 1993, Mr. Dan English, Chief Administrative Officer, reported on several Policy/Procedure changes, and other items, brought forth by the committee.

A. **Proposed Policy - Roadside Improvements Works**

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Town Council adopt the proposed Policy regarding Roadside Drainage Ditch Infilling and/or improvement works, as provided in the package. **The Motion was unanimously approved.**

B. **Sewer Installation Policy #24201**

ON MOTION of Councillor Cosgrove and Councillor Davies, it was moved that Town Council adopt Policy #P-24201 for Sewer Installation, as provided in the

package. The Motion was unanimously approved.

C. BPAC Terms of Reference

By memorandum dated November 6, 1992, Mr. Dan English, Chief Administrative Officer, reported on suggestions that arose from discussion by and with the By-Law/Policy Advisory Committee and Planning and Economic Development Staff, with respect to the role and Terms of Reference of B.P.A.C.

ON MOTION of Councillor Cosgrove and Councillor Davies, it was moved that a closer link between B.P.A.C. and the Town's Economic Development Commission be established through the appointment of a committee member who serves on both.

Mayor Kelly indicated this could not be achieved until next November, when committee appointments are again up for renewal. Councillor Cosgrove inquired whether a change in committee appointments could be worked out, since new committee appointments had only just commenced for 1993. Mayor Kelly indicated this would be looked into.

Councillor Goucher suggested the matter be deferred until the receipt of a report from Councillor Cosgrove and himself, as members of a Bedford Board of Trade committee, which will be forthcoming. Council agreed to defer consideration on these matters until receipt of the BBOT report.

D. Council Meetings with Advisory Committees

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Council, on an annual basis, meet with all members of each of the Advisory Committees to review the function and role of their respective group. This meeting should occur as soon as possible following the annual November appointments by Town Council. The Motion was unanimously approved.

F. Notices of Reconsideration Procedures

Councillor Goucher noted this has been looked at before, when Council used to meet once a month, and the delay time after a Notice of Reconsideration was given was 30 days. It is now 14 days, and is within the Rules of Order. He suggested that the current procedure is a part of the process and is fair.

Councillor Cosgrove suggested that one point that needs particular review, is how other municipalities deal with a Notice of Reconsideration when it is given by a

Council member who abstains from voting.

ON MOTION of Councillor Cosgrove and Councillor Davies, it was moved that the Notices of Reconsideration Procedures be reviewed by the By-Law/Policy Advisory Committee.

ON MOTION of Councillor Goucher, it was moved that the Motion be **AMENDED** such that the review deal with the matter of abstentions only. **The Motion was LOST; no seconder.**

The Motion was put to the Meeting and was CARRIED. (Councillor Goucher voted against the Motion.)

11.1.3

Bedford Board of Health - Annual Report

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Council accept the Bedford Board of Health Annual Report as tabled. **The Motion was unanimously approved.**

11.1.4

Transit Advisory Committee - Verbal - Councillor Len Goucher

Councillor Goucher reported that B.T.A.C. had met for the first time in 1993 on Friday, January 22, 1993. Mr. Neil Smith was elected Chair; Ms. Bunty Hamilton was elected Vice-Chair.

The committee passed a Motion of support for a Metropolitan Authority Motion against the elimination of Provincial transit funding.

A draft of an Access-A-Bus study was tabled, and the committee will be reviewing the final report at the next meeting.

ON MOTION of Deputy Mayor Oickle and Councillor Cosgrove, it was moved that the meeting be extended to 11:00 p.m. **The Motion was CARRIED.** (Councillor Goucher was opposed.)

11.2 DEPARTMENTAL

11.2.1

Finance Report - Information Item - 1993 Assessment Roll

By memorandum dated January 8, 1993, Mr. Ron Singer, Director of Finance, provided an analysis report on the 1993 Assessment Roll. He also circulated a Supplementary Report dated January 22, 1993.

Mr. Singer verbally noted that the Provincial Assessment Department's new computerized system has meant increases or decreases in the assessed values of homes in Bedford, and that many calls and inquiries from residents expressing their concern have been received.

Mr. Singer indicated the new system should "ensure fairness, uniformity and equity in the assessed values of commercial, residential and resource property."

Mayor Kelly noted that the appeal process deadline on assessments is February 9, 1993.

12. **CORRESPONDENCE**

12.1 **Citizens Against Incineration - Proposed Metropolitan Waste to Energy Facility**

The correspondence was included in the agenda package for the information of Council. It was not discussed.

12.2 **Request for Support - UNSM - RCMP Cost Recoveries and Grants-in-Lieu**

The correspondence was included in the agenda package for the information of Council. It was not discussed.

13. **MOTIONS OF RECONSIDERATION**

13.1 **Development Agreement Application - Parcel M-1 - Bedford Village - Councillor Len Goucher**

The Motion to be reconsidered was read into the minutes:

ON MOTION of Councillor Hutt and Councillor MacLean, it was moved that Town Council agree to enter into a Development Agreement with Bedford Village Properties for Parcel M-1, subject to the amendment of Section 25 of the Agreement, to include the following sub-clauses (i) and (j) which have been agreed upon by the proponent:

(i) The Developer agrees to engage P.Lane & Associates to prepare an Environmental Impact Study and to develop a detailed Environmental Protection Plan which would include the designing of all protection measures to be utilized during construction, phasing, amount of exposed areas. This report would then become Appendix "D" to this Development Agreement.

(j) The Developer agrees to be responsible for maintaining the filter walkway system until all construction adjacent to that portion of the filter walkway is completed and the outside filter along that section is cleaned or replaced as appropriate.

Councillor Goucher urged Council to think about the people of Bedford, who put their confidence and trust in Council, and think about the confidence and trust among Council members. He noted that Bedford is heavy with public commitment, and that Council asks people to become involved through Public Hearings, Information Meetings and Advisory Committees. He asked that Council think about the messages that are being sent out to the people.

Discussion was then raised with respect to a letter that had been received in the Town office on January 25, 1993, addressed to the Mayor and Council, but which had not been circulated prior to this meeting. Mayor Kelly noted that a legal opinion as to whether the letter should be circulated had been sought. Mr. Peter McInroy, legal counsel, had advised that, in his opinion, it would be inappropriate for Council to read and discuss the letter prior to dealing with the Motion of Reconsideration.

Councillor MacLean indicated that he wished it recorded that he had received the letter and read it, and also spoke to the person who wrote it.

Councillor Goucher stated he felt the letter would not prejudice anything, and noted the letter **could** have been circulated before the meeting; there was nothing stopping the writer from delivering the letter to the homes of Council members.

Mayor Kelly called a short recess in order to contact Mr. Peter McInroy for confirmation of legal opinion on the letter. When Council resumed, he indicated the legal opinion was still that Council is advised to not discuss the letter prior to dealing

TOWN OF BEDFORD

with the Motion of Reconsideration.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Council **RECONSIDER** the Motion of January 12, 1993 on a Development Agreement with Bedford Village Properties. **The Motion was LOST.** (Councillor Goucher, Councillor Cosgrove and Mayor Kelly voted in favour; Councillor Davies, Councillor MacLean and Deputy Mayor Oickle were opposed.)

Councillor Goucher stated that he did not support the decision of Council, and that if an appeal is filed, he will support the appeal in any way possible.

14. MOTION OF RESCISSION - NIL
15. NOTICES OF MOTIONS - NIL
16. DEPARTMENTAL INFORMATION REPORTS - Deferred
 - 16.1 Fire Chief's Monthly Report - Month of November and December, 1992 - Deferred
 - 16.2 Building Inspector's Monthly Report Month of November and December, 1992 - Deferred
17. QUESTIONS - NIL
18. ADDED ITEMS - NIL
19. ADJOURNMENT

ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved to adjourn the 54th Regular Session of the Town of Bedford at approximately 11:10 p.m. **The motion was unanimously approved.**

MAYOR


CHIEF ADMINISTRATIVE OFFICER

MEETING #55

TOWN OF BEDFORD

Regular Session

Tuesday, February 9, 1993

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, February 9, 1993 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 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 Control; Rick Paynter, Director of Engineering and Works; and Ron Singer, Director of Finance.

Approximately 30 residents and the 2nd Bedford Scout Troop were present.

Mayor Kelly extended a special welcome to the 2nd Bedford Scout Troop and Leader Ron Hiltz.

3. APPROVAL OF MINUTES - #54 - Regular Session - January 26, 1993

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to APPROVE the minutes for Regular Session #54 - January 26, 1993.

The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions were made to the Order of Business:

Item 7.3 Letter - 2nd Bedford Scout Troop - Councillor Goucher

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Councillor MacLean 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 **Consideration - Proposed Lease to Purchase Agreement - Municipal Facilities - Boardwalk Development Ltd. re Bedford Waterfront**

Councillor Davies excused himself from discussion of this item due to a potential conflict of interest.

By memorandum dated February 4, 1993, Mr. Dan English, Chief Administrative Officer, reported on the proposed lease to purchase agreement. Mr. Ron Singer, Director of Finance, also provided, by memorandum, a report on Financial Projections for the Boardwalk proposal (Appendix D).

With the use of overheads, Mr. English reviewed the chronological history of the search for a Municipal Facilities site, noting the details were contained in Appendix A. He then reviewed a summary of the Boardwalk proposal, noting that Ron Singer would be verbally reviewing the financial details. Mr. English also showed a summary of the existing facilities and a space comparison of the two. The basic proposal is that the Town offices, Council Chambers and Bedford Branch Library will occupy 20,000 square feet of the 75,000 square foot Phase I facility. After 30 years of lease payments, the Town will be able to purchase the entire 75,000 square foot building for the nominal fee of one dollar.

Mr. English noted that there is a possibility of capital grants being available, particularly with respect to the Library. He also pointed out that the proposed Council Chambers, 4,518 square feet in size, would be designed for use as an auditorium or theatre, and could be revenue generating in that respect.

Mr. Singer reviewed a summary of the Municipal Facility Options from year 1 to 40.

Councillor MacLean questioned why the cost for the new facility is shown in "after tax" costs, while the costs for the current facility are not. He asked Mr. Singer to provide an example of comparing the two costs in "after tax" costs.

Mr. Singer, using the year 5 figures, showed that the "after tax" costs would be almost

identical for the two facilities. He pointed out that the Town will continue to receive taxes from the existing building even if the Town offices are not located there, but if the Town does not locate in the new Waterfront facility, it is not likely to proceed, and the Town will not receive any taxes from it.

Councillor Goucher also reiterated the point that if the Town does not participate in occupying the new facility, the Town will not receive the projected tax revenue. He stated that this was an important factor, and should not be ignored.

Councillor Hutt inquired about the proposed timing of the opening of Phase II of the facility.

Mr. Bruce Christmas, representing Boardwalk Developments Ltd., was asked to speak to Council with regard to this. Mr. Christmas displayed a model of the full, three phase facility. He noted that the Clock Tower will now have enough revenue generating space in it to make an elevator economically viable. The elevator will take visitors to a top level viewing station. He noted other interesting ideas, such as placing a time capsule beneath the Tower, and also that the reflecting pool will have a self-draining mechanism to drain the pool at night for security reasons.

He reported that, if the Town locates in Phase I, there is a strong interest in another 35,000 square feet from other private sector tenants; 24,000 square feet of that is **contingent** on the Town being the lead tenant. This would leave 10,000 square feet to be rented. For Phase II, an un-named organization has expressed strong interest in 36,000 square feet of space, which could accelerate it's development. Included in Phase II is a marina containing 75 slips. Phase III is still speculative.

Councillor Cosgrove inquired how funds for the Clock Tower elevator are proposed to be generated. Mr. Christmas indicated that a 1,700 to 1,800 square foot rental space has been added to the bottom of the tower, and it has been proposed that communications equipment be housed on the top of the tower.

Councillor Hutt expressed concern that the Town might be asked to cover operating costs for unleased space in the facility, should no other tenants be found. Mr. Christmas stated that the Town will only be paying operating costs on the space they occupy.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Bedford Town Council authorize the Mayor and Chief Administrative Officer to execute, on behalf of the Town, a Lease to Purchase Agreement with Boardwalk Development Ltd. for 20,000 square feet of space to house the Town Office, Council Chambers/Cultural Centre and Library effective July 1, 1994

subject to a legal review of the lease to purchase documentation and further subject to Department of Municipal Affairs approval of the lease arrangements.

Deputy Mayor Oickle stated that he could not support the Motion until Council has asked the residents of the town for input. He suggested that a Public Hearing should be held prior to a decision.

Councillor Goucher noted that the concept of the new facility has not been a secret and is nothing new for the Town. He suggested that the proposal can only benefit the Town, which badly needs a multiple-use facility. Councillor Goucher suggested that since the bid to locate the waste-to-energy incinerator in Bedford has failed, the Town must find innovative means of offsetting the costs of such capital projects as the Mill Cove sewage treatment plan expansion, the proposed enhanced school facility, and the Burnside incinerator. He suggested that the money being currently spent on rent should be going toward ownership.

Mr. Ron Singer, Director of Finance, was asked to estimate the cost to build the Phase I building, and to calculate the total expenditure of lease payments over 30 years. He indicated that it would cost, roughly, \$11 million to build and the Town would expend \$18 million in lease payments over 30 years.

Councillor Goucher pointed out that the future value of the building is roughly equal to the money expended. He stated that this was not a "foolish decision", and he supports the Motion. He indicated that he understood Deputy Mayor Oickle's concern, but that the concept has not been hidden from the public, and is nothing new.

Councillor MacLean spoke to the Motion, indicating that the desire for the facility must be balanced with the ability to pay. He suggested that the Town's future is in question at this time by the prospect of municipal reform. He noted that various Ministers and the Implementation Commissioner, who spoke recently with Council, have all indicated that amalgamation of the four municipalities is definitely the plan for the future. Councillor MacLean suggested that this is not the time for the Town to be spending funds on a new facility.

Councillor MacLean went on to suggest that it would be better to invest in some of the Town's other facilities, rather than in more attractive office space. He noted that the library and the offices are currently conveniently located compared to the proposed new location.

Councillor MacLean further suggested that while the tax revenue is an important factor, he questioned whether the project would not survive without the Town's

participation. He suggested that it may be delayed, but that eventually the private sector would fill the space, which would put the Town in a "win/win" position.

Councillor MacLean thanked the representatives of Boardwalk Developments, indicating that he felt they had done a good job on the proposal, but that he could not support it due to the political uncertainty, and the other needs of the Town.

Councillor Cosgrove spoke in support of the Motion. She recalled that twelve years ago, the Town had the opportunity to have it's own school board, but they could not afford to do so. Consequently, the Town must share an over-crowded C.P.Allen High School with the County. She suggested that the Town is in a similar position now with this decision.

Councillor Cosgrove agreed that the political structure could change, but that the timing is uncertain. She indicated that the Town facility at the Waterfront could be the "flagship", of the project and that if the Town does not participate, neither will anyone else.

Councillor Cosgrove went on to note the importance of the tax revenue and also the cultural facility, which even an enhanced school facility cannot fill the need for. She suggested that Council has to have "vision" for the future, take a positive approach and look at the long term.

Councillor Hutt spoke in support of the Motion, noting that he has spent a great deal of time considering this subject. He pointed out that the Town has already invested \$1 million in the waterfront project, and another half a million on the entrance and roadway.

Councillor Hutt commented on the objections to the location, being at "the other end of the town". He noted that is the only direction the Town has left to grow, and that eventually, the "other end" of town could become the main part of Bedford.

Councillor Hutt spoke on the advantages of eventually owning 75,000 square feet, the increased tax base, opportunities for employment, and the cultural centre.

He indicated that Municipal Reform is a concern, but Halifax and Dartmouth both do not appear worried, and are proceeding with their business as though it will not happen. He further noted that he had a previous concern with respect to the library, but that officials there have indicated that they have grown much since the move to the Wardour Centre, and expect that growth to continue if they move to the new facility.

Councillor Goucher again spoke to the Motion. He suggested that Municipal Reform is nothing but "smoke and mirrors" at this time, and that he does not feel it will happen. He urged Council to not be "fatalistic" about it. He noted that the Implementation Commissioner, who had spoken with Council recently, did not have any firm answers to their questions.

Councillor Goucher suggested that, while it is something to think about, it shouldn't stop the business of the Town, and that the Waterfront project is a positive thing for the Town.

Councillor MacLean suggested that Municipal Reform does have to be recognised as a definite possibility. He indicated that while he supports the idea of the new facility, he doesn't support the Town paying for it. He further suggested that there seems to be an information gap, and that he would like to see some discussion at a Public Forum.

ON MOTION of Councillor MacLean and Deputy Mayor Oickle, it was moved to DEFER further discussion of this matter, and that a Public Hearing be called within 30 days. The Motion was LOST. (Councillor MacLean and Deputy Mayor Oickle voted in favour; Councillors Goucher, Hutt and Cosgrove voted against the Motion.)

Deputy Mayor Oickle spoke again, noting that this Council has had 32 in-camera meetings over the course of one year and three months, and suggested that this proposal should be considered a "back-room deal" if there is to be no public input. He indicated that he did feel it was a good project, but that it was wrong that the people do not have a say in it. He expressed surprise at the attitude of the Mayor and Councillor Goucher, noting that they have always put the public process first.

Mayor Kelly stepped down from the Chair, turning it over to the Deputy Mayor, in order to speak to the Motion. He noted he had first raised this subject in 1986, when he expressed concern about the \$125,000 per year being spent on rent at the time, and now, after ten years the Town has expended \$1.6 million in rent with nothing to show for it. In 30 years time, it will have spent 11 million. He noted that he has always made it clear to anyone he spoke to that he felt the Town should have it's own facility. He refuted Deputy Mayor Oickle's suggestion that this was a back-room deal as being totally false.

Mayor Kelly went on to say that this decision says that Council is taking this town seriously, and taking the tax dollars seriously. He commented that, with respect to Municipal Reform, the town cannot go on saying "what if"; the town needs it's own identity and it's own space. He reiterated that by June 1994, the Town will have

spent \$2.1 million dollars in rent. He stated that the "future starts here."

Councillor Goucher also refuted Deputy Mayor Oickle's suggestion that this was a "back-room deal".

Deputy Mayor Oickle indicated that, while Council has been dealing with this matter within Committee over a long period of time, it has not been brought to the people. He noted that he had inquired to the Mayor when it would be brought to the people many times, and had expressed personal discomfort with it so privately discussed.

Mayor Kelly indicated that the process that has been taking place up to now had been negotiations between the Town and the proponent, and that the Council has a legal responsibility to deal in good faith and in private.

Councillor MacLean inquired whether any individual or organization has approached the Mayor requesting public disclosure.

Mayor Kelly indicated that A. J. Hustins had, and also that a letter from the Board of Trade requesting disclosure was received today.

The Motion was put to the Meeting and was CARRIED. (Mayor Kelly, Councillor Goucher, Councillor Hutt and Councillor Cosgrove voted in favour; Councillor MacLean and Deputy Mayor Oickle voted against the Motion.)

Deputy Mayor Oickle served Notice of Reconsideration for the next meeting.

6.2 Sale of Peregrine Lots

By memorandum dated October 30, 1992, Donna Davis-Lohnes, Senior Planner reported on the revised configuration for Lots 37 and 38 Peregrine Crescent.

Mr. Barry Zwicker, Director of Planning and Development Control, spoke to Council and displayed a diagram of the revised configuration of the lots. The diagram also contained the footprints of the houses built on the lots adjacent to lots 37 and 38, in order to demonstrate how they would fit on the lots. He noted that both the setback and side allowances would be within the limits, and the change in elevation on the lots does not present a problem; in fact, it could be an advantage in that the back basement of the house could be exposed. He also noted that the lots have good views. Mr. Zwicker pointed out that the surrounding resident's concern regarding the blocking of view planes may not be alleviated by making the two lots into one larger lot, as has been suggested, since, generally, the larger the lot, the larger the house will be.

Mayor Kelly inquired whether any appraisal of value had been done on the two lots. Mr. Zwicker indicated that none had been done, in the interest of keeping costs down, but that, when comparing the sale price of similar lots in the area, it was reasonable to expect the lots to be worth \$80 to \$85 thousand each. One larger lot would not likely be worth much more than \$100,000.

A real estate agent in the audience was asked, by consensus of Council members, to give an opinion as to the value of the lots. He noted that a recent sale of a large lot (approximately 90 ft by 130 ft) in that subdivision had been for \$120,000. He indicated that Mr. Zwicker's estimates were fairly accurate.

Councillor Cosgrove inquired whether the residents had known about the walkway along the rear of the lots. Mr. Zwicker indicated that the walkway has always been the primary reason for the Town purchasing the lots: to link the school to the park. When it was proposed to sell the lots, keeping the walkway was considered essential.

Councillor Goucher inquired whether it might be possible to move the lot line abutting the park over 15 feet, and re-divide the two lots so that they would both have 7 to 8 feet more frontage. Mr. Zwicker indicated that this would mean re-designating the parkland, which would involve 3 months of approval process time.

Councillor MacLean inquired whether the lots as they are now, are any different in size or configuration than what they originally were before the Town purchased them. Mr. Zwicker indicated that the frontage and configuration are the same as they were then.

Councillor MacLean noted that the common position of the surrounding residents that he spoke to was to have the two lots into a single lot.

ON MOTION of Councillor MacLean and Councillor Goucher, it was moved that lots 37 and 38 Peregrine Crescent be combined and sold as one lot. **The Motion was CARRIED.** (Councillor Davies and Councillor Hutt were opposed.)

6.3 Consideration - Funding Request - Citizens Against Incineration

Mr. Fred Hall, on behalf of the Citizen's Against Incineration, spoke briefly to Council noting that the group would like to request that the amount of the contribution be \$1,000, increased from the previously indicated \$847.00, and that the group will provide receipts and a refund of any extra money that is not spent.

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that Town Council authorize the following be provided to the Citizen's Against Incineration:

- a. \$1,000*
- b. Advertisement space in the Bedford Blueprint,*

with the proviso that their cause be taken throughout Metro, not just in Bedford.

Councillor Davies noted that there has been no indication from Mr. Hall that the groups cause will go out to all metro areas, and that he does not support Bedford paying for them to do so. He pointed out that \$1,000 will not go far in this regard.

Councillor Goucher expressed concern that there may be a potential for legal conflict by the Town making this contribution to the group. Mr. Dan English, Chief Administrative Officer, indicated that this potential does exist, and suggested that the Motion could be made subject to legal opinion.

There was some further discussion with respect to the proviso that the group extend their cause to areas outside of Bedford. It was finally agreed by the maker and seconder of the Motion that the Motion will not include that proviso, but that it will be subject to a legal opinion.

In addition, there was further discussion with respect to the amount of space the group requires in the Bedford Blue Print. Mr. Hall indicated that they need 2 pages. Mr. English noted that the deadline for the next Blueprint is February 15, and that much of the space has already been committed. He inquired if the group could wait until the following Blueprint, if they still wish to have two pages. After some discussion, Mr. Hall indicated that the group would wait for the next issue. So the Motion now reads:

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that Town Council authorize the following be provided to the Citizens Against Incineration:

- a. \$1,000*
- b. Two pages of space in the June issue of the Bedford Blueprint*

Subject to legal opinion.

Councillor Davies indicated that he would support the Motion, although he agreed that a legal opinion is required. He noted that although he had supported

incineration, he felt it was fair to support having the opposite views being heard.

Councillor Cosgrove indicated that she did not support the Motion. She commended Mr. Hall's tenacity, but noted that at the December 1, 1992 Citizen's Forum, Town Council had been "viciously attacked" by Mr. Hall and the Citizens Against Incineration for their decisions, and she did not wish to support the group at this time.

Councillor Hutt suggested that the group should be going to Metropolitan Authority to request funding, the same as the municipalities do. He questioned why a speaker was being brought in to speak to the people of Bedford, when the incinerator is not going to be located in Bedford.

The Motion was put to the meeting and was CARRIED. (Councillor Hutt and Councillor Cosgrove were opposed.)

6.4 Proposed Siting and Enhancement - New Elementary School

Three reports prepared by the Planning, Recreation and Finance Departments relative to the above-noted matters were included in the agenda package.

Mr. Barry Zwicker, Director of Planning and Development Control, spoke to Council, referring to a large blue print of the school site and building. He noted that the configuration of the building could change; that level of detail had not been reached yet. He reviewed the nine issues outlined in the Planning Department report.

With respect to the location of the soccer field, Deputy Mayor Oickle inquired about approaching the abutting residents for input with respect to the issue of screening and buffering. He inquired what the actual width of the buffer was between the soccer field and the abutting property lines.

Mr. Zwicker indicated that it was not his role to seek public input on this matter, and that there was a time factor to consider at this time. He noted that the buffer zone was 25 feet wide at one end, widening to 75 feet at the other end. In response to a question from Councillor MacLean, he indicated that the buffer between the parking lot and abutters was 75 feet at it's narrowest, and heavily treed.

Councillor Hutt reported that he has been approached by residents who were concerned about possible lighting of the field and the buffer. Although the field will not be lighted, he noted, the buffering is only 25 feet and sparsely treed. He indicated that he did feel the people should be approached, but that he understood

there was little or no time left to do so.

Following further discussion with respect to the buffering, Councillor Goucher suggested that the location of the soccer field does not have to be decided upon tonight, just whether or not Bedford will fund the enhanced school facility. He suggested that there would still be time to talk with residents.

Mr. Zwicker noted that if a full-size soccer field is desired, there is no other place for it to go.

Mr. Bob Nauss, Director of Recreation, then briefly reviewed the Recreation Department memo in the package. He urged Council to deal with this matter quickly, reminding them that the Department of Government Services require an answer right away.

Councillor Goucher inquired about air-conditioning for the school, noting that he has visited another community school, Tallahassee, during the warm months, and found the heat in the building and the gym to be very uncomfortable.

Mr. Nauss noted that air-conditioning had been estimated to cost \$225,000, but that the Community Education Committee had to prioritize cost factors, and air-conditioning had been eliminated. Councillor Goucher suggested that perhaps the ducting, at least, could be put in place.

Councillor Cosgrove reported that engineers at N.S. Power have suggested that air-conditioning is not an efficient way to cool the building; instead, a ventilation system designed to utilize the air at night to cool the building is much more efficient. She noted that they will be involved in the development of efficient power systems for the facility.

ON MOTION of Councillor Goucher and Councillor Cosgrove it was moved that Town Council approve the additional funding to enhance the new elementary school to be constructed by the Province, with proper ventilation systems incorporated so that it can be used year round.

Councillor Hutt suggested that the School Trustees be approached to request that the special levy on area residents be suspended for three years, in return for Bedford agreeing to the extra funding.

Councillor Davies reported that he has spoken to the school trustees, and they have indicated that they are supportive of presenting that position to the Board.

Councillor Hutt inquired about the higher operating costs for the enhanced portions of the school. Mr. Nauss reported that, in the past, joint-use agreements and user-pay programs have been used to offset some of these costs.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved to extend the meeting to 10:45 p.m. The Motion was unanimously approved.

Councillor MacLean spoke briefly, indicating that, while he felt the facility was expensive, he would support the Motion.

Deputy Mayor Oickle inquired when Council would discuss the method of funding for the facility. Mayor Kelly suggested that it be discussed separately, during Capital Budget discussion next week.

After some discussion, Council agreed that the financing should be discussed prior to making a decision on whether to fund the enhanced facility.

ON MOTION of Deputy Mayor Oickle and Councillor MacLean, it was moved to extend the meeting to 12:00 midnight. The Motion was unanimously approved.

ON MOTION of Deputy Mayor Oickle and Councillor Cosgrove, it was moved to Table the Motion. The Motion was unanimously approved.

ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that Town Council direct the Director of Finance to initiate Scenario 2 i.e. Special Levy to be collected over three years.

Councillor Davies indicated that, while he liked Scenario 2 in that it means the project is paid off in three years, as opposed to borrowing the money in Scenario 1, he had a concern with respect to the year 1995/1996, when a number of other significant financial commitments will be targeting the budget. He inquired about the 12% borrowing policy. Mr. English indicated that if Council wishes to maintain the 12% ceiling, then borrowing limits have already been reached in the 1993/94 Budget that will be under discussion next week.

Councillor Davies indicated that since the cost of borrowing for the facility will add an additional \$500,000 to the costs, a three-year special levy is the best way to handle it.

Mr. English noted that the budget to be discussed next week already reflects a 2% increase in the tax rates.

Councillor Goucher spoke to the Motion, indicating that Council cannot consider borrowing since it has not been done for many other important capital projects that have been on hold for some time; the special three-year levy was the only way to go.

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

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

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that the Town of Bedford write to both school trustees requesting that appropriate consideration be given to withholding the 1993, 1994 and 1995 special levy on Bedford residents, in lieu of Bedford Town Council agreeing to the additional funding for the enhanced school facility. The Motion was unanimously approved.

6.5 Change in Date - Citizens Advisory Forum - March 24, 1993

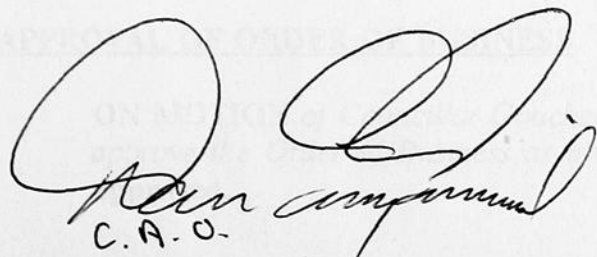
ON MOTION of Councillor Davies and Deputy Mayor Oickle, it was moved that the date for the third Citizens Advisory Forum be changed to March 24, 1993. The Motion was unanimously approved.

ON MOTION of Mayor Kelly, it was moved to adjourn the 55th Regular Session of the Town of Bedford at approximately 11:10 p.m. to reconvene on February 23, 1993. The motion was unanimously approved.



A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

Mayor



Two handwritten signatures in black ink. The first is a large, circular signature, and the second is a more complex, multi-looped signature.

C.A.O.

MEETING #56

TOWN OF BEDFORD

Special Session

Tuesday, February 16, 1993

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, February 16, 1993 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 were in attendance at the commencement of the Meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Bob Nauss, Director of Recreation; and Ron Singer, Director of Finance.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

ON MOTION of Councillor Davies and Councillor Goucher it was moved to add the following to the Order of Business:

Item 5. Discussion - Enhanced School Facility - Energy Efficiency -
Councillor Cosgrove

Item 6. Discussion - Metropolitan Authority - Incinerator Siting -
Deputy Mayor Oickle

The Motion was unanimously approved.

4. 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.

5. Discussion - Enhanced School Facility - Energy Efficiency - Councillor Cosgrove

Councillor Cosgrove made a presentation to Council, with the use of overheads, regarding concerns she has that the new enhanced school facility should be built using the highest standards of energy efficiency, and that the buildings be designed and technologies selected to minimize life cycle costs and environmental impacts.

Councillor Cosgrove circulated a brochure published by the Department of Natural Resources, entitled "Meeting the Challenge", which outlines the Province's own *Nova Scotia Energy Strategy II*. Charts were displayed depicting the differences in the costs of operating an R2000 home, an Energy Efficient home, and a conventional home, indicating that this type of savings in operating costs will apply to a larger facility like the enhanced school. Councillor Cosgrove pointed out that what is being asked for is that the Province build the facility to its own standards as outlined in the Strategy.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that the Mayor correspond with the Minister of Government Services, Neil Leblanc; the Minister of Education, Guy Leblanc; and the Minister of Natural Resources, John Leefe, to convey the Town's concerns. Also, to indicate that this is a matter of priority and should be dealt with as such.

Councillor Davies indicated that his only concern was with respect to timing, and that he hoped the matter would be dealt with by the Province as soon as possible.

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

6. Discussion - Metropolitan Authority - Incinerator Siting - Deputy Mayor Oickle

Deputy Mayor Oickle stated that he was unhappy with the process in relation to the Authority's Motion at its February 9th meeting to site the incinerator in Burnside. He noted that Mayor Kelly had attempted to give an additional explanation of Bedford's bid, but that he was not acknowledged by the Chair. The City of Dartmouth, however, had been given an opportunity to change their bid during the meeting, and it was subsequently accepted subject to Dartmouth City Council approval.

Mayor Kelly explained further the sequence of events prior to the acceptance of the Dartmouth bid, noting that he had tried to indicate that the Bedford bid included an *estimate only* of the Business Occupancy taxes; it was taken as a firm figure. The Chair did not allow this explanation. One member of the Authority then made a *counter-offer* to Dartmouth, suggesting that they should drop the cap of 150,000 tons per day stated in their bid. Mayor Kelly reiterated that this was a *counter-offer* by

the Authority, not a request by Dartmouth to change their bid.

Councillor MacLean raised concern that certain costs had been inappropriately applied to the Bedford proposal, making the Dartmouth bid look more attractive.

Mr. Dan English, Chief Administrative Officer, indicated that it was also unusual to have the two bidders present at the table while consideration for acceptance of one of the bids was taking place.

Councillor Goucher spoke, stating that he also had "problems" with the process, and that what had happened was "totally unacceptable". He raised the point that the Dartmouth and Halifax County combined representation on the Authority, of 6 members, out-weighs the other representation, and, in effect, gives them control of the Authority. He further stated that he felt the Bedford proposal had never been looked at objectively by the Authority.

Mayor Kelly indicated that a suggestion has been made to change the ratio of the membership to a balance of 3 members per municipality, with the Chair able to vote in the case of a tie. This will be brought forward for discussion at an Authority meeting in the near future.

ON MOTION of Deputy Mayor Oickle and Councillor Davies, it was moved that the Bedford representatives to the Metropolitan Authority convey Bedford Town Council's concerns regarding the process which took place during the February 9, 1993 meeting on the siting of the W.T.E. facility for clarification. In addition, to request an independent financial review of the two bids.

Councillor Davies indicated that he agreed Council should be challenging the Authority on the process. He further suggested that an independent arbitrator should have been used; that Bedford had not been treated fairly; and that, possibly, the matter is open to legal action.

Mayor Kelly stated that he took exception to earlier suggestions that he had not adequately represented the concerns of Council at Metropolitan Authority, and pointed out that he also represents the people of Bedford.

Councillor Goucher indicated that he had been present at the meeting on February 9, and that he felt the Mayor had done everything within his power to put forward the position of Bedford, and that a good job had been done.

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

7. **Request for Public Information Session - New Town Facility (Deputy Mayor Oickle Verbal)**

Deputy Mayor Oickle spoke about his concern with respect to Council's decision to relocate Town offices to a new facility being constructed by Boardwalk Developments, and the fact that public participation had not been sought on the matter by means of a Public Hearing. He indicated that he would like Council to now consider holding a Public Information Session on the matter.

ON MOTION of Deputy Mayor Oickle and Councillor MacLean, it was moved that a Public Information Session be scheduled for Monday, February 22, on the subject of Council's decision to relocate the Town offices.

Councillor Goucher rose to speak on Point of Privilege at this time.

Councillor Hutt questioned whether this was allowed under the Town's own Rules of Order, since there was no provision for Point of Privilege in those Rules of Order.

Mayor Kelly indicated that when a matter arises that is not covered under the Town's own Rules of Order, the procedure is to then consult the Kerr & King Rules of Order, and adopt them for the time being.

Discussion followed as to whether this was the accepted procedure. Mayor Kelly then called a brief recess in order to consult with the Town solicitor on the question.

When Mayor Kelly returned, he reported that the Town legal counsel concurred that the procedure was that Kerr & King Rules of Order become the Town's "enhanced" Rules of Order when a matter is not covered under same. He then read aloud the rule Point of Privilege, as requested by Councillor Hutt.

Councillor Goucher on the Point of Privilege, recalled that Deputy Mayor Oickle at the last meeting had "chastised" Mayor Kelly and himself on the number of "in-camera" meetings that Council has had, and pointed out that Deputy Mayor Oickle had voted against public participation during the incinerator discussions.

Councillor Goucher went on to note that Council had made a decision regarding the intention to relocate Town offices to the Waterfront in 1989, and that these future intentions had been made clear during negotiations with the current landlord. He asked why Council is now being criticized by Deputy Mayor Oickle and the landlord for a "lack of openness."

Councillor Goucher stated that he felt the proposal to relocate Town offices is a "better deal" for the Town, and he questioned why Councillor MacLean and Deputy Mayor Oickle appear to be so against the proposal.

He then referred to a flyer published by the "Committee to Elect Bill MacLean", which lists Mr. A. J. Hustins, the current landlord, as being on the Committee.

Deputy Mayor Oickle responded to Councillor Goucher's remarks, indicating that he had been satisfied that the results of a scientific poll on the incinerator, conducted by Corporate Research, and which supported the incinerator, were more accurate than public input via a referendum. This was why he had not supported a referendum at that time. He went on to note that all he has ever asked for on the new Town facility is a Public Hearing, and that Councillor Goucher is now alluding to political motivations, and making innuendos.

Councillor MacLean asked Councillor Goucher if he was making allegations of impropriety on his part. Councillor Goucher indicated that he could not say whether anything wrong is being done, and that it was not a question of impropriety; rather a question of motivation.

Councillor MacLean suggested that it was irresponsible and inappropriate to speak in those tones at a public Council Session.

Councillor Goucher indicated that the rule of Point of Privilege is to give the opportunity to respond to "stones thrown", and that was what he was doing. He suggested that certain facts he has referred to "raises questions." He referred to a newspaper article that quoted Councillor MacLean and Deputy Mayor Oickle. Councillor Goucher suggested that perhaps they should have abstained from voting on the Town office relocation matter.

Mayor Kelly warned Councillor Goucher to keep to the facts, and not speak on the subject of personalities.

Councillor MacLean again stated that he felt Councillor Goucher's comments were irresponsible, and that he was raising issues without substantiation. He stated that he was disappointed with this level of conversation.

Councillor Goucher stated that he was disappointed with the actions of Councillor MacLean and Deputy Mayor Oickle, and that he felt full public disclosure was required.

Councillor MacLean suggested that the debate be ended at this time, to be continued in-camera.

The Motion was put to the meeting and was LOST. (Councillor Cosgrove, Mayor Kelly, and Councillor Goucher were opposed; Deputy Mayor Oickle and Councillor MacLean voted in favour; Councillor Davies was absent from the discussion and voting.)

8. 1993 - 1996 Capital Budget

Copies of Draft 1 of the three-year Capital Budget, dated February 12, 1993, were circulated.

Mr. Dan English, Chief Administrative Officer, provided a brief overview of the document with the use of overheads. A summary of the 1992/93 Budget figures, with Actuals, and the new 1993/94 Budget figures was shown. Mr. English pointed out that the total capital expenditure figure of \$2,094,900 includes all projects identified by the various Town departments.

Mr. English then reviewed the various Sources of Funding. He noted that under Source 5 - Borrowing - the maximum borrowing next year should not exceed \$400,000 if Council wishes to maintain the 12% maximum policy. He then reviewed various borrowing scenarios. Mr. English stated that Council should decide on two issues: whether to adhere to the 12% policy on borrowing, and then to prioritize the list of projects proposed.

Questions from Council followed Mr. English's presentation.

Source #4 - Operating Reserve

Councillor Davies inquired about projects listed as coming from Source #4 - Operating Reserve, and particularly about the groundwater infiltration program, which reflects a proposed amount of \$50,000. He inquired to Mr. Rick Paynter, Director of Engineering, whether a lesser amount would still be of use to the Department for the program. Mr. Paynter indicated that any amount of funds would be an advantage, and could be utilized.

Councillor Davies commented that the reserve accounts are being depleted, and that there is no program in place to provide for ongoing allocation of revenues to these funds. He suggested that some forward planning should be considered.

Sewer Pollution Charge on County Water Bills

Mr. English pointed out that recommendations regarding reserve funds are included in the Staff report, as well as recommendations with respect to Sewer Redevelopment fees and a proposed sewer pollution charge on County water bills.

Councillor Hutt indicated that while he agrees with the concerns raised about the reserve funds, he also had a concern with respect to the already proposed tax increases next year, such as for the enhanced school facility.

Councillor Davies pointed out that Bedford Council is in a "quandary". It is desired that the 12% borrowing policy be adhered to, but the reserve accounts are at zero, and residents are already facing a possible 5% increase in taxes.

Councillor Hutt also pointed out that the special levy for the enhanced school and the proposed pollution tax on the water bills are, in fact, both means of building reserves, and the Town cannot expect to do much more.

Councillor Goucher indicated that he, too, would not like to see the 12% limit on borrowing exceeded.

Deputy Mayor Oickle suggested that Staff provide information for the next meeting as to how the \$5.9 million current debt is reducing.

Mayor Kelly directed Council to review the document for discussion at the next meeting, and be prepared to prioritize the list of Capital projects.

9. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 56th Special Session of the Town of Bedford at approximately 10:00 p.m. **The motion was unanimously approved.**

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #55

TOWN OF BEDFORD

Reconvened Session of February 9, 1993

Tuesday, February 23, 1993

A reconvened Regular Session of the Town Council of the Town of Bedford took place on Tuesday, February 23, 1993 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. ATTENDANCE

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

Staff members in attendance included Dan English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Barry Zwicker, Director of Planning and Development Control; Bob Nauss, Director of Recreation; and Ron Singer, Director of Finance.

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.6 M.P.S Review

Barry Zwicker, Director of Planning and Development Control, spoke to Council referring to a memorandum written by Donna Davis-Lohnes, outlining Planning Staff's recommendations as to the participation of the various Town committees/commissions/boards in the proposed M.P.S. review. He noted that it is Staff's recommendation that all those that had participated in the original M.P.S. Strategy 1991 should also participate in it's review.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that all Town Committees/Commissions/Boards be included in the review of the M.P.S. document. The Motion was unanimously approved.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

8. PETITIONS AND DELEGATIONS

8.1 Mr. Earl Forgeron re Item 10.1 (previously circulated and attached)

Mr. Forgeron spoke to Council regarding the public miss-use of a walkway running along the back and side of his property. The walkway was built for the purpose of public access to a park.

With the use of an overhead, Mr. Forgeron pointed out that people are not using the designated walkway because it is made impassable in one place; they are transversing his property instead. He indicated there are other walkways/access to the park from the subdivision.

Mr. Forgeron further indicated that there were safety concerns - children have been using the hill on his property to slide down, sometimes onto the road at the bottom, and he put up a fence to prevent it. In addition, there has been much littering by pedestrians.

Mr. Forgeron offered solutions: (a) Clean up the debris and fallen trees and put up a fence along the walkway - estimated to cost \$7,500. (b) Return the 20 foot wide land to the abutting property owners - estimated to cost \$4,800 for surveyor's fees.

He asked that the Town share in the costs of either of these solutions. He further noted that an informal poll of the neighbouring residents had been unanimously in support of contributing to a solution.

Councillor Hutt asked for clarification regarding the request. Mr. Forgeron confirmed that each of the 9 properties that abut the walkway would receive 10 feet to either side of the walkway.

Mr. Barry Zwicker, at the request of Council, explained that during the approval process for the subdivision, Council at that time had made approval contingent on the proponent including this walkway, and to keep it in its natural state. Staff had not recommended or supported the idea at that time, because of the unsuitability of the land.

Mr. Forgeron pointed out that at the time of his making an offer on the lot, the walkway was not shown on the subdivision plan.

Mr. Zwicker agreed that during early marketing of the subdivision it was not shown; it came about only as a result of a requirement by the then Council.

Mayor Kelly thanked Mr. Forgeron for his presentation, and noted that Council would be discussing the matter under the next agenda item.

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Walkway - Admiral's Cove Estates - Lots B42 and B43 - Mr. Earl Forgeron

Mr. Barry Zwicker, Director of Planning and Development Control, indicated a Staff report included in the agenda package which outlined the history of the walkway system in this subdivision. He noted that the design of the system, which was to reflect the "old" walkway system in the area and be kept in its natural state, was not supported or suggested by Staff at that time, because of the impracticality of this particular path that has a 20 foot rock wall at the bottom end of it. He further noted that there is another walkway at the end of DeWolfe Court that provides access to the park.

Mr. Zwicker indicated that there is reason for concern regarding liability if the Town encourages the use of the walkway. He stated that Staff recommend the disposal of the land, and that this recommendation be forwarded to the appropriate committees for consideration and recommendation.

Mayor Kelly inquired about an earlier Supreme Court decision in relation to this matter, and whether disposal of the land would impede this decision. Mr. Zwicker indicated that it would not. He also noted that the developer has been contacted and is in agreement with the recommendation.

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved that the comments of Mr. Forgeron, along with the recommendation of Development Staff, be forwarded to the Bedford Recreation Advisory Committee, and Engineering and Recreation Staff for review and recommendation back to Council. The Motion was unanimously approved.

10.2 Establishment of Meeting Date - Town Council/Municipal Reform Advisory Committee

Mayor Kelly asked for, and received, consensus of Council for the meeting date of March 9, 1993 at 6:30 p.m.

11. REPORTS - NIL