

**ON MOTION** of Councillor Hutt and Councillor MacLean, it was moved that Councillor Davies and Councillor Goucher be appointed to serve on the Organizational Review Steering Committee for a period of 2-3 months. **The Motion was unanimously approved.**

**6.3 Sale of Town Owned Land - Peregrine Lots - DEFERRED**

**6.4 Town Owned Land - Doyle St.**

Donna Davis-Lohnes reviewed the background information on the above and displayed overheads depicting two possible lot layouts for the land, for either a RSU zone or by development agreement under the current CCDD zoning.

Mayor Kelly noted he felt Council had made a commitment to the area residents to re-zone the land to residential, and suggested that a Public Information meeting should be held prior to Council making a final decision, to inform the residents of the two possible scenarios.

Councillor Davies suggested that making an amendment to the current CCDD zoning would involve the public input more than if Council were to change the zoning to R1.

Donna Davis-Lohnes suggested a third option for Council that the area be designated residential with an RSU zoning, but that a policy to provide for the development agreement process could also be established.

**ON MOTION** of Councillor Davies and Councillor Hutt, it was moved that the designation of the town-owned portion of the Hammond Centre CCDD Zone be changed to residential and the zoning to RSU, with a policy established to enable entering into a development agreement to permit single family lot development on the land. **The Motion was CARRIED.** (Councillor Oickle and Councillor Goucher were opposed; Councillors Hutt and Davis, Deputy Mayor MacLean and Mayor Kelly voted in favour.)

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

**8. PETITIONS AND DELEGATIONS**

**8.1 Petition - Students of Millwood High School**

A student from Millwood High School presented a petition regarding the preservation of the Bedford Barrens to Mayor Kelly.

Mayor Kelly thanked the student. Councillor Oickle indicated that Bedford Town Council is prepared to consider the matter of the Barrens when the provincial and federal governments respond and become more involved, which is hoped to be soon.

Councillor Goucher noted that it was "nice to see the students involved in the process."

**8.2 Francis Mackenzie, Director, B.E.D.C. - Town of Bedford Opinion Survey**

Mr. Mackenzie noted that the third annual Residents Opinion Survey for 1993 has been completed and that copies had been circulated to all Council members and residents associations, and are available at the public library.

He then displayed a series of overheads reviewing the results of the survey for Council.

Mayor Kelly noted that there seemed to be an overall desire by residents to maintain the small-town character of Bedford. He commended the staff of the E.D.C. for their work, noting that the points raised in the survey are valid and important and will be followed-up where necessary.

**9. MOTIONS - NIL**

**10. NEW BUSINESS**

**10.1 Special Election - November 6/93 - Appointment of Returning Officer**

By memorandum dated October 6, 1993, Mr. Dan English, Chief Administrative Officer, reported to Council that the appointment of a Returning Officer is required for the Municipal Special Election to be held on Saturday, November 6, 1993.

*ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that the Chief Administrative Officer be appointed as Returning Officer for the 1993 Special Election. The Motion was unanimously approved.*

**10.2 Consideration of Approval - Temporary Borrowing Resolution - 1993/94 - Capital \$766,000**

By memorandum dated October 6, 1993, Mr. Ron Singer, Director of Finance, provided Council with information relative to the recommended Temporary Borrowing Resolution in the amount of \$766,000 for 1993/94.

**ON MOTION** of Councillor Davies and Councillor Goucher, it was moved to approve the Temporary Borrowing Resolutions totalling \$766,000, and that the appropriate documentation be forwarded to the Minister of Municipal Affairs for approval.

Councillor Davies inquired whether this would be the only borrowing for this fiscal year.

Mr. Singer indicated that it was and went on to explain how the budgeted amount for borrowing had changed because 2 projects were deferred and the cost for one was increased.

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

**10.3 Consideration - Proposed Engineering Study - Fire Station - DEFERRED**

**10.4 Lots 1 -10 - River Lane - Legal Access**

By memorandum dated October 6, 1993, Donna Davis-Lohnes, Acting Director of Planning and Development Control, provided background information regarding legal access to Lots 1 - 10 abutting a privately-owned street known as River Lane.

Ms. Davis-Lohnes displayed an overhead of a map of the area. The matter was discussed by Council, and Mr. Jim Edmonds of Meadowview Street, a lot owner, was given permission to address Council on the matter.

Mr. Edmonds indicated that he had further written information that he could provide to staff. He reported that the lot owners had supported the construction of Bedford Place Mall, and had an agreement with the previous owners for the right to cross their land for access, but that this had not been upheld when the mall was sold to Marathon Realty. He suggested that if these lots were developed, the Town could receive up to \$ 1 million in assessments.

Councillor Davies suggested that staff prepare a financial impact on tax and assessments, and legal costs involved with possible expropriation, and also a written indication of what the lot owners plan to do with the lots if access were available, be prepared for Council before any decision is made.

**ON MOTION** of Councillor Oickle and Councillor Goucher, it was moved that Council defer further discussion of this matter pending a further report by staff. **The Motion was unanimously approved.**

**10.5 Consideration - Awarding of Tender #93-20 - Hauling of Bulk Salt**

By memorandum dated October 7, 1993, Mr. Rick Paynter, Director of Engineering and Works reported the results of Tender call #93-20 and staff's recommendation.

**ON MOTION** of Councillor Goucher and Deputy Mayor MacLean, it was moved that Tender 93-20 - Hauling of Bulk Salt, be awarded to Nova Scotia Sand and Gravel at the tendered price of \$10.44 per metric tonne (G.S.T. Included.) **The Motion was unanimously approved.**

**10.6 Consideration - Awarding of Tender #93-21 - Sidewalk Plowing**

By memorandum dated October 7, 1993 Mr. Rick Paynter, Director of Engineering and Works, reported on the results of Tender call #93-21 and staff's recommendation.

**ON MOTION** of Deputy Mayor MacLean and Councillor Davies, it was moved that Tender #93-21 be awarded as follows:

- John Vincent Trucking, Model #743 \$32.10/hour
- L.F. Beckman Contracting, Model #7753 Bobcat \$34.00/hour
- Bollivar Construction, Model #743 Bobcat \$37.50/hour

**The Motion was unanimously approved.**

**10.7 Proposals - Fort Sackville Foundation - Christmas Season**

By memorandum dated October 8, 1993, Colleen Hennessy, Secretary/Treasurer for the Fort Sackville Foundation, requested Council's consideration for the following:

1. Hosting of the Town of Bedford's New Year's levee at the Manor House;
2. Designating a large spruce tree located at the Fort site as the "Town Christmas Tree", in lieu of the tree traditionally used at Fish Hatchery Park.

Councillor Hutt stated that he felt the Town christmas tree should remain at Fish Hatchery Park. Following discussion, Council was in agreement with the Fish Hatchery location.

Councillor Goucher expressed concern about the soundness of the floor structure of the Manor House. Mr English agreed to obtain a report on this matter from the Building Inspection Department.

Deputy Mayor MacLean indicated that the Foundation's Program & Special Events Committee will initiate further investigation and planning, including a review of the safety factor.

**10.8 Award of Tender 93-22 - Machine Asphalt Patching**

By memorandum dated October 12, 1993, Mr. Rick Paynter, Director of Engineering and Works, reported on the results of tender call #93-22 and staff's recommendation.

*ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved that Tender #93-22, Machine Asphalt Patching, be awarded to Dexter Construction Company Ltd., in the amount of \$14,953.23 (G.S.T. included), to be funded from the appropriate accounts of the Engineering and Works Department's 1993/94 Operating Budget. The Motion was unanimously approved.*

**10.9 Update - Metro Authority - Landfill Site Selection**

Mayor Kelly reported that National Gypsum Ltd. has decided it will not participate in the proposed landfill at the National Gypsum Mine near Dutch Village, N.S., and that the Metropolitan Authority is now exploring alternative sites and options again.

Councillor Goucher expressed the opinion the compensation package awarded to Dutch Village was "too rich", and urged the members of the Metropolitan Authority to consider very carefully any future compensation packages.

Mayor Kelly indicated that he was hopeful that the province would now get involved.

**11. REPORTS**

**11.1 COMMITTEES/COMMISSIONS/BOARDS - NIL**

**11.2 DEPARTMENTAL**

11.2.1

Recreation Department - Lion's Pool Project

*ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved to defer discussion of this item until the last meeting in November. The Motion was unanimously approved.*

12. CORRESPONDENCE

12.1 Barry Ward, Solicitor - Electoral Boundaries Issue

Town Council reviewed, for information purposes, a letter from Mr. Barry Ward outlining the fact that the Nova Scotia Court of Appeals has postponed the Appeal Hearing on the Electoral Boundaries Issue to January 31, 1994. It was noted that the House of Assembly may deal with the matter prior to that date which would then remove the requirement for an Appeal Hearing. It was agreed that no further legal expenses should be incurred on this matter unless authorized by Council.

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTIONS OF RESCISSION - NIL

15. NOTICES OF MOTION

15.1 Councillor Hutt served a Notice of Rescission on the Motion approved by Council September 7, 1993 regarding the RCDD Public Participation Committee - Union Street.

16. DEPARTMENTAL INFORMATION REPORTS

16.1 Fire Chief's Monthly Report - Month of September, 1993

*ON MOTION of Councillor Oickle and Councillor Davies, it was moved to accept the Fire Chief's Monthly Report for September 1993 as circulated. The motion was unanimously approved.*

16.2 Building Inspector's Monthly Report - Month of September, 1993

*ON MOTION of Councillor Oickle and Deputy Mayor MacLean, it was moved to accept the Building Inspector's Monthly Report for September 1993 as circulated. The Motion was unanimously approved.*

TOWN OF BEDFORD

Regular Session

Tuesday, October 12, 1993

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

19. ADJOURNMENT

*ON MOTION of Mayor Kelly, it was moved to adjourn the 76th Regular Session of the Town Council of the Town of Bedford at approximately 9:00 p.m.*

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

Mayor Kelly asked Councilor Anne Gagnon was there for the 76th regular session.

There were approximately 23 residents present.

Prize to commemorate the 250th Anniversary of the founding of the town of Bedford, October 12, 1643, was presented to Mr. Dan English, C.A.O.

ON MOTION of Councilor Goucher and Councilor Levesque, it was moved that the Town Council adjourn the 76th Regular Session at 9:00 p.m.

3. APPROVAL OF MINUTES - Minutes #75 - Regular Session, September, 1993  
Meeting #76 - Regular Session, October, 1993

ON MOTION of Councilor Levesque and Councilor Goucher, it was moved that the minutes of Meeting #75, Regular Session, September 22, 1993, and Meeting #76, Regular Session, October 12, 1993, be approved as read.

MEETING #77

TOWN OF BEDFORD

Regular Session

Tuesday, October 26, 1993

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, October 26, 1993 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Kelly presiding.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Dan English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Acting Director of Planning; Ron Singer, Director of Finance; and Fire Chief Neville Wheaton.

Mayor Kelly noted Councillor Anne Cosgrove was ill and not able to be in attendance.

There were approximately 20 residents present.

Prior to commencement of the Session, a Proclamation designating the month of October to be Mi'Kmaq History Month throughout Nova Scotia was read aloud by Mr. Dan English, C.A.O.

*ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Bedford Town Council recognize October as Mi'Kmaq History Month. The Motion was unanimously approved.*

3. APPROVAL OF MINUTES - Meeting #75 - Regular Session, September 28/93  
Meeting #76 - Regular Session, October 12/93

*ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that the minutes of Meeting #75, Regular Session, September 28, and Meeting #76, Regular Session, October 12, 1993, be approved as circulated. Motion unanimously approved.*



Deputy Mayor MacLean requested an amendment to the August 31, 1993 minutes respecting the Ferry Amalgamation issue, however, the Mayor advised that these minutes were previously approved. The Chief Administrative Officer agreed to verify this.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions were made to the Order of Business:

Item #6.3 Request to extend Capital Storm Drainage Program re 389/393  
Hammonds Plains Road

Item #6.6 Report from Staff on Use of Manor House for New Year's Levee

Item #10.5 Request for Citizen Appointment from Bedford to Citizen's Committee  
on Recycling

Item #10.6 Future Administration of Waterfront Development Project

5. APPROVAL OF THE ORDER OF BUSINESS

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, 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 Proposed Regional Library Funding

Councillor Hutt reported that the matter of funding for the Regional Library had been referred to the County Executive Committee for consideration, and they had met on October 19. As a result, another joint meeting between the Bedford and Halifax County Councils has been unofficially requested.

*ON MOTION of Councillor Hutt and Councillor Goucher, it was moved to DEFER further discussion of the Regional Library Funding until a joint Council meeting with Halifax County on future funding is held. The Motion was unanimously approved.*

6.2 Amalgamation - Dartmouth Ferry/Metro Transit - Supplementary By-Law

Included in the agenda package was a copy of a proposed amended municipal by-law relative to the amalgamation of the Dartmouth Ferry System with Metro Transit as

submitted by Mr. Dan Gallivan, legal counsel for Metropolitan Authority.

**ON MOTION** of Councillor Goucher and Councillor MacLean, it was moved that Council approve the proposed by-law amendment respecting Amalgamation of the Dartmouth Ferry system with Metro Transit. **The Motion was unanimously approved.**

**6.3 Storm Drainage - Problems - Ambercrest and Snowy Owl  
Request to extend Capital Storm Drainage Program re 389/393 Hammonds Plains Road**

By memorandum dated October 19, 1993, Mr. Rick Paynter, Director of Engineering and Works, reported on the continuing drainage problem reviews relative to Ambercrest Drive and Snowy Owl Drive. Also included were copies of engineering, insurance and a legal liability issue report on the matter.

Mr. Paynter reviewed the matter briefly for Council and requested direction as to whether or not to continue involvement in these matters as it was the opinion of staff that no further action was necessary, particularly as it related to the properties where the Insurance Company has already handled the claims.

Mayor Kelly suggested that Council deal separately with the problems at Ambercrest and Snowy Owl first.

Councillor Goucher expressed concern with respect to the ramifications of a paragraph contained in the Boyne Clark legal report (page 4, first paragraph), and suggested that the effect could be staggering on the Town's budget. He indicated that Council should deal with the subject as a whole, not just one problem at a time.

Mr. English pointed out that the insurance report in terms of the Snowy Owl properties concluded that the Town was not liable however, noted that if the property owners were dissatisfied, that would be a matter between them and the Insurance Company. Mr. English also noted that the Town pays a significant amount in annual premiums for liability insurance as a protection against such claims. He pointed out that no insurance claims have been filed with the Town respecting the Ambercrest drainage problems.

Mayor Kelly inquired whether the insurance company has seen the legal report. Mr. English indicated that they had not however, the legal report did not address the specifics of these particular properties but was rather a general report on liability considerations. Mr. English suggested that a meeting should be held involving Mr. McInroy, representatives of the Insurance Company, and interested Councillors to

further clarify these matters.

Councillor Goucher suggested that Council needs more time to review the solicitor's report, and should not be dealing with the individual issues in light of the report.

**ON MOTION** of Councillor Goucher and Councillor Davies, it was moved that further discussion of this item be Deferred until a meeting can be arranged between legal and Insurance Officials following which same will be discussed at the next Regular Session. **The Motion was unanimously approved.**

Another memorandum dated October 25 reported a request to extend the 1993/94 Capital Storm Drainage Program for 389/393 Hammonds Plains Road was not discussed.

#### 6.4 Petroglyph Advisory Report

Mayor Kelly reported that he had attended a meeting with Premier Savage, MLA Francene Cosman and representatives of the MicMac community. He further noted that the Province has an interest in the matter and has forwarded a written request for a 3 month delay on any decisions respecting future use of the lands in question, to allow them to fully explore all options for addressing the issue.

Councillor Hutt indicated that Item #14.1 related to this issue, and suggested that it be brought forth at this time to be dealt with first. Council concurred.

#### 14.1 Councillor Harris Hutt - RCDD - Union Street - Redden Brothers

Councillor Hutt reported that the developer, Mr. Redden, would like to request that the formation of the RCDD Public Participation Committee proceed and that it be allowed to commence it's process during the three month delay requested by the province. He noted that Mr. Redden has indicated that no action will be taken on the land, and that he is prepared to wait a reasonable time beyond three months if the report from the Province is not completed within that timeframe.

**ON MOTION** of Councillor Hutt and Councillor Davies, it was moved to Rescind the following motion approved on September 7, 1993:

*ON MOTION* of Councillor Goucher and Councillor Davies, it was moved that Council DEFER further discussion of this item until the Petroglyph Advisory Committee's report is dealt with by Council.

Councillor Goucher read aloud the letter from Premier Savage, and noted that in his opinion, the Motion to rescind goes against the Premier's request, and that if it is approved will be sending the wrong message to the Province. He said he hoped that Council would cooperate with the Premier's request.

Councillor Hutt again noted that Mr. Redden is only attempting to save time and is entitled to some action on his long outstanding request.

Councillor Davies suggested that there has been a spirit of cooperation on this matter from both Council and Mr. Redden, and that the intent of the motion will have no impact on the situation.

Councillor Goucher pointed out that other owners of property in that same area, such as St. Paul's Home, are not "pressuring" Council in this respect, only the Redden Brothers.

Deputy Mayor MacLean suggested that the matter should move forward, and that all Mr. Redden wants is to keep "moving down the path". He indicated that he would support the Rescission Motion.

Councillor Oickle also indicated support, noting that if the Province does not decide in a positive way then the RCDD process is delayed for 6 months.

*ON MOTION of Councillor Goucher, it was moved that the Motion be DEFERRED for two weeks to allow Mayor Kelly, out of courtesy, to contact the Premier and report what Council is proposing.*

**The Motion was LOST as there was no seconder.**

Mayor Kelly expressed concern that the proponent would expend funds on consultants and engineering if the RCDD committee proceeds, and that this would increase the value of the land.

Ms. Davis-Lohnes explained the RCDD committee process, noting that it would take one month before the committee could be established and would take approximately 3 to 4 months to complete its work. The proponent would incur some consulting expenses, but no detailed engineering plans would be prepared during this time period.

Councillor Davies suggested that Mayor Kelly send a letter to the Premier, expressing Council's spirit of cooperation, and explaining that Council has a legal obligation to the proponent to consider their application.

**The Rescission Motion was put to the Meeting and was CARRIED.**  
(Councillor Goucher and Mayor Kelly were opposed.)

**ON MOTION of Councillor Hutt and Councillor Davies, it was moved that the RCDD Committee for the Union Street RCDD be established and allowed to fulfil its mandate. The Motion was CARRIED.** (Councillor Goucher and Mayor Kelly were opposed.)

#### 8.1 Mr. Greg Isenor - Peregrine Crescent

Mr. Isenor was given permission to speak to Council prior to the next item. He spoke against the sale of the Peregrine lots as two lots on the basis that they would be too small and the resulting development of the lots would devalue his own property. He indicated that much correspondence from him regarding this matter is already on record, and that he will be forwarding a legal document to the Mayor that will hold Town Council responsible for any devaluation of his property.

Deputy Mayor MacLean inquired whether Mr. Isenor had received an opinion from an expert on whether his property would be devalued. Mr. Isenor indicated that he had in the past.

**ON MOTION of Deputy Mayor MacLean, it was moved that the Town of Bedford appoint an appraiser to determine whether the development of the two Peregrine lots would have a negative impact on the value of Mr. Isenor's property.**

Councillor Goucher pointed out Council had already voted to sell the lots as two lots and to pay for Mr. Isenor's appraisal would be setting a dangerous precedent.

The Motion was LOST as there was no seconder.

Mayor Kelly thanked Mr. Isenor for his comments and advised that same would be taken into consideration by Town Council.

#### 6.5 Proposed Sale - Peregrine Lots

By memorandum dated October 8, 1993, Mr. English, Chief Administrative Officer, reported on the results of the Public Tender for the sale by the Town of two surplus lots on Peregrine Crescent. Mr. English noted however since this matter was deferred on October 12, the high bid of \$141,500 received from Mr. Robert Reid had been withdrawn. The second highest bid was pointed out to be \$131,150 from Ms. Cathy Rooney.

Councillor Hutt stated that although he appreciated Mr. Isenor's concerns, he noted that the main objective in selling these lots was to raise capital funds for the Town. He also noted that through the most recent deferral of two weeks, the Town has lost approximately \$10,000 on the sale of the lots.

*ON MOTION of Councillor Hutt and Councillor Davies, it was moved that Council accept the bid for lots 37 & 38, Peregrine Crescent from Ms. Cathy Rooney in the amount of \$131,150.00. The Motion was CARRIED. (Mayor Kelly and Councillor Goucher were opposed.)*

**6.6 Manor House - New Years Levee**

Deputy Mayor MacLean reported that Mr. John Robertson, Building Inspector, submitted a report on the advisability of using the Manor House for the New Year's Levee. Mr. Robertson recommended against utilization of the Manor House for this purpose in view of fire safety requirements. Council agreed that the 1994 New Years Levee will be held at the Lions Den.

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

**9. MOTIONS - NIL**

**10. NEW BUSINESS**

**10.1 Provincial Legislation - An Act Respecting Mandatory Unpaid Leave in the Public Sector**

Included in the agenda package was a copy of a memorandum from Hon. Sandy Jolly regarding the Public Sector Leave Act, and a copy of Bill 41.

Mr. English, Chief Administrative Officer, reviewed the Act with Council, noting that two of the three other Metro Municipalities have approved motions opposing the Act. He further noted that twelve employees of the Town would be exempt, because of the \$22,000 per year income level cutoff. He indicated that the dates suggested for the unpaid leave during the Christmas season would result in the offices being closed down for 10 days, unless the exempt employees were expected to come in when all the other employees are taking the leave.

Mr. English also pointed out that this move by the Province removes the ability for the Town to institute it's own one or two day forced leave program to reduce costs, if found necessary. In addition, shortages of staff in certain areas because of the forced leave will result in overtime costs being incurred by the Town. Mr. English

noted that the total savings as a result of a two per cent reduction in wages as required under the act would be approximately \$60,000., however, these savings must be paid to the Province.

Mr. English recommended that Council oppose the legislation, but if it is proclaimed by the Province, requested direction as to how to allocate the 5 days of unpaid leave.

Mayor Kelly spoke against the Act, suggesting that it was one level of government taxing another, and was double taxation of the taxpayers.

**ON MOTION** of Councillor Goucher and Councillor MacLean, it was moved that Bedford Town Council oppose Bill 41.

Councillor Goucher called the Bill a "money grab" from municipalities, and another example of the Province "down-loading" costs.

Mayor Kelly indicated that he will be appearing before the Law Amendments Committee and will strongly state the Town's position.

**The Motion was unanimously approved.**

#### **10.2 Consideration of Approval - Proposed Engineering Study - Fire Station**

By memorandum dated September 17, 1993, Chief Neville Wheaton reported on the results of a tender call for a fire station study, and his recommendations.

Chief Wheaton spoke to Council, noting that both respondents quoted prices higher than the \$10,000 budget for the study. He indicated that the most important aspect of the study is the engineering and structural report, but that he would suggest that the testing be of a "non-destructive" method.

**ON MOTION** of Councillor Davies and Councillor Oickle, it was moved that Town Council support another tender call for an engineering report relative to the structural aspects of the Fire Station, and that the testing be of a non-destructive type, the cost of which should be within the budget of \$10,000.00. **The Motion was unanimously approved.**

#### **10.3 Consideration - Town of Bedford 1992/93 Audited Financial Statements**

The 1992/93 Audited Financial Statements were circulated with the agenda package. Mr. Ron Singer, Director of Finance briefly spoke to Council on behalf of the Audit Committee, relative to the statements and the three recommendations.

Mr. Singer indicated that the Town concluded fiscal 1992/93 with a small deficit amounting to \$14,204. He briefly commented on all notable variances, which were summarized in the conclusion of his report.

Mr. Singer specifically noted the recommendation to transfer \$108,000 from the Accumulated Operating Surplus account for the purpose of recording 20% of all Retiring Allowances due to employees. He further recommended that Council request an extension from the Minister of Municipal Affairs on the time period given to record the entire amount of the Retiring Allowances, as same must be fully funded by December 31, 1993.

Councillor Goucher pointed out that if the Minister does not agree to the extension, the Town would have to fund \$432,000 of Retiring Allowances. He further noted, an amount of \$111,000 due from the Provincial Mainstreet Program has been outstanding for over a year (Page 24, item "d"), and suggested that the Town endeavour to recover this amount.

Mayor Kelly noted that the required documentation relative to the outstanding amount has been forwarded to the Minister.

**ON MOTION** of Councillor Davies and Councillor Goucher, it was moved that Town Council approve the following recommendations:

1. That \$108,000 be transferred from the Accumulated Operating Surplus account for the purpose of recording 20% of all Retiring Allowances due to employees.
2. That a request be forwarded to the Minister of Municipal Affairs for an extension on the time limit for recording Retiring Allowances.
3. That the 1992/93 Audited Financial Statements be formally accepted as tabled.
4. That the accounting firm of Levy Chase MacLean, Chartered Accountants, be appointed as the Town's registered Municipal Auditors for the year 1993/94.

**The Motion was unanimously approved.**



#### 10.4 Legal Opinion - Stipend Advances

Mr. Dan English, Chief Administrative Officer, reviewed the written legal opinion received on October 26th in response to a request by Council for comments on the legality and propriety of stipend advances paid to Mayor Kelly.

Councillor Oickle indicated that he would like to read from a prepared statement, and requested that Mayor Kelly step down from the Chair for discussion purposes. Mayor Kelly agreed and Deputy Mayor MacLean assumed the Chair.

Councillor Oickle read a statement, expressing his concerns about the matter. He noted that although there is no policy to allow or prevent pay advances, he felt there had been an "unauthorized withdrawal of public monies", by the Mayor and that an unwritten law may have been compromised.

*ON MOTION of Councillor Oickle, it was moved that Mayor Kelly apologize for his misjudgment and re-pay any interest revenues lost by the Town.*

Councillor Goucher rose on a point of privilege, indicating that Council had agreed In Camera to hire a lawyer to investigate the legality of the stipend advances taken by Mayor Kelly, and that if that opinion found that Mayor Kelly had broken no policies or laws, the matter would be dropped. He suggested that the motion will place the Mayor in a "no-win" situation.

Councillor Goucher urged Deputy Mayor MacLean, as Chair, to rule the motion out of order.

Deputy Mayor MacLean indicated that a motion was on the floor and that a seconder was required at this time.

**Councillor Davies seconded the Motion.**

Mayor Kelly spoke to the motion, reviewing the events that had occurred relative to this matter. He noted that both Municipal Affairs and a legal opinion had stated that no policies, laws or statutes had been breached. He suggested that those who had pursued this matter had ulterior motives and that this matter had extended to "character assassination".

Councillor Oickle noted that Municipal Affairs had commented that the advances had been "irregular".

Councillor Davies noted that there are people who feel the advances were "morally

wrong," although he was regretful that this matter had become public.

Mayor Kelly indicated that he also had many calls from the public, and that his stand has been that this was an employee/employer matter, and that he would never do anything to put his honesty and integrity on the line.

Councillor Hutt suggested that it was time to close the matter and wipe the slate clean. He further suggested that perhaps a final statement from the Mayor would be in order.

Councillor Goucher indicated that the legal opinion is a public document, and that he feels it totally exonerates the Mayor.

Councillor Oickle again reiterated his feeling that the Mayor should apologize and repay the interest lost to the Town.

**The Motion was put to the Meeting and was CARRIED.** (Councillors Hutt, Davies and Oickle voted in favour; Councillor Goucher was opposed; Mayor Kelly and Deputy Mayor MacLean abstained.)

#### **10.5 Request for Citizen Appointment from Bedford to Citizens Committee on Recycling**

A request to replace Mr. Al Chiasson, who has moved to British Columbia, on the Citizens Committee on Recycling was included in the agenda package.

**ON MOTION of Councillor Goucher and Councillor Davies, it was moved that the request be referred to the Waters Advisory Committee for a nomination. The Motion was unanimously approved.**

#### **10.6 Future Administration of Waterfront Development Project**

Councillor Davies withdrew from discussion of this item.

Mayor Kelly spoke about allegations and misleading statements that have been made by Russell McKinnon during a Public Accounts Committee Hearing on October 20, 1993 with respect to the Waterfront Development Corporation, and Mayor Kelly's and Councillor Davies' involvement.

Mayor Kelly noted that he had resigned from the Board of Directors for the Corporation in 1988 when he became a Town Councillor and was not on the Board when Council voted to consider the Waterfront as a location for Town offices. Mayor Kelly also stated that he was never in a conflict of interest and that the

allegations made during the Public Accounts Committee Hearings were nothing but "utter lies".

Mayor Kelly went on to state that the province had enacted the legislation to create the Waterfront Corporation and they are ultimately responsible for the undeveloped land.

Deputy Mayor MacLean suggested that the Town correspond with the province to determine their final position on the Waterfront, and depending on the response, consideration should be given to having the management of the Waterfront project continued through the Town's Economic Development Commission if necessary.

Councillor Goucher indicated that Hon. Ross Bragg has made it clear that the province is abandoning the project, and that there is no benefit for the Town to take over the management of it. He suggested that the Town controls it already through contract development agreements and the M.P.S.

Councillor Goucher went on to state that he takes great offence to the negative references to two members of Council, and that Mr. McKinnon was speaking from a lack of information, making almost malicious allegations. He noted also that Mr. McKinnon has the protection of the House and can say anything he wishes.

Councillor Goucher requested that a letter be forwarded to the Chairman of the Public Accounts Committee by the Chief Administrative Officer on behalf of Council, condemning the actions and comments of certain members of the Committee relative to conflict of interest allegations, and also expressing concern with respect to the negative publicity which has been created and which may be harmful to the future development of the project. Town Council agreed that these concerns should be conveyed to the Province.

Mayor Kelly suggested that the province has the staff and facilities to market the property, and that they have the responsibility to carry on with the job.

**ON MOTION** of Deputy Mayor MacLean and Councillor Goucher, it was moved that:

1. The Mayor request clarification from the Province of it's future intent with respect to the B.W.D.C., and
2. Depending on the response, Council consider providing sub-contracted services to the province for the marketing of the Waterfront property.

**The Motion was unanimously approved.**

11. **REPORTS**

11.1 **COMMITTEES/COMMISSIONS/BOARDS** - NIL

11.2 **DEPARTMENTAL**

11.2.1

**Recreation Department** - Ratification - Terms of Reference - Youth Council/Appointment of Officers

By memorandum dated October 19, 1993, Mr. Bob Nauss, Recreation Director, reported on the formation of a Youth Council, and the results of an election for appointments to the Council. Council was requested to ratify and approve the appointments and the Terms of Reference.

Mayor Kelly noted that he would be acting as liaison to Town Council, and that representatives from Bedford's Youth Council intend to meet the Kentville Youth Council and observe one of their meetings.

Councillor Goucher commented that it was gratifying to see the youth involved in this manner, and suggested that membership to the Council should come from the different geographic areas of Bedford.

***ON MOTION of Councillor Davies and Councillor Goucher, it was moved that Bedford Town Council approve the Terms of Reference for the Bedford Youth Council, and that the appointments to same be ratified. The Motion was unanimously approved.***

11.2.2

**Recreation Department** - Update - Public Forum - Youth Issues

Mr. Bob Nauss, Recreation Director, reported verbally to Council that the Bedford Recreation Advisory Committee would be meeting on October 27 to discuss recommendations with respect to youth issues, and this would be brought forward to Council at the next meeting.

11.3.1

**Engineering Department** - Amendment to Grade Alteration By-Law

By memorandum dated October 19, 1993, Mr. Rick Paynter, Director of Engineering and Works, reported on proposed amendments to the Grade Alteration By-law.

**ON MOTION** of Councillor Davies and Councillor Goucher, it was moved that the Bylaw be amended such that site plans would be allowed to be signed by either a Nova Scotia Land Surveyor or a Registered Professional Engineer for the Province of Nova Scotia. **The Motion was unanimously approved.**

**ON MOTION** of Councillor Davies and Councillor Goucher, it was moved that the original designers of the plot plan submitted for the Grade Alteration Permit would also be required to do the final inspection and to submit an "As-Built" plot plan certifying that all construction has been completed in accordance with the initial plot plan, prior to refund of deposit. **The Motion was unanimously approved.**

12. CORRESPONDENCE - NIL
13. MOTIONS OF RECONSIDERATION - NIL
15. NOTICES OF MOTION - NIL
16. DEPARTMENTAL INFORMATION REPORTS
17. QUESTIONS - NIL
18. ADDED ITEMS - NIL
19. ADJOURNMENT

**ON MOTION** of Mayor Kelly, it was moved to adjourn the 77th Regular Session of the Town Council of the Town of Bedford at approximately 10:20 p.m.

MAYOR

  
CHIEF ADMINISTRATIVE OFFICER