

The following additions were agreed upon to the Order of Business:

- Item #10.4 Discussion - Turf Maintenance
- Item #10.5 Update - M-1
- Item #10.6 Update - RCDD Papermill Lake
- Item#10.7 Discussion - Drainage on Spring St.

5. APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Goucher and Councillor Cosgrove, 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 Town-Owned Land (Parkland) - Doyle St.

Donna Davis-Lohnes, Acting Director of Planning, reported that a second meeting with the residents of the area had been held, and that the majority of those in attendance had indicated a preference for leaving the park in its present location and that the land be divided into 3 standard-size lots. They also requested to know when the new park would be developed.

Mayor Kelly reminded Council that \$30,000 has been set aside for the development of the park.

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that Council authorize the Recreation Department, Bedford Recreation Advisory Committee and Parks Planning Committee to begin the planning process for a park on the Town-owned land on Doyle St., not to exceed \$30,000, and subject to confirmation by Council following a Council decision on the rezoning of the lands.

Donna Davis-Lohnes indicated that staff will be raising questions in the Staff Report as to the suitability of the current location of the park.

Councillor Hutt indicated that he thought the re-zoning planning process should be completed prior to making a decision with respect to the park and its' location.

Deputy Mayor MacLean inquired what impact the motion could have on the remaining planning process. Ms. Davis-Lohnes indicated there would be no impact.

Mr. English suggested it could be seen as Council taking a position on the matter prior to the Public Hearing process.

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

6.2 Electoral Boundaries - Update

Mr. Dan English, Chief Administrative Officer, reported that Bill 23 has been approved by the House of Assembly. He read from a letter of opinion from Town legal counsel, Barry Ward and also a memorandum sent to the Mayor from M.L.A., Francene Cosman.

Councillor Cosgrove stated that she felt that although the Ministers in the House knew the facts and understood them, they would not "step over the line" because they were "afraid of repercussions."

Council agreed to await a response from the Minister of Justice to the Mayor's letter regarding a possible Charter Challenge.

6.3 Residential Backyard Composting Units - Status Report

By memorandum dated July 7, 1994, Mr. Rick Paynter, Director of Engineering and Works, reported that a number of the original 250 residents who had registered for the backyard composting program have either not paid or have cancelled, and that there are many other residents on a waiting list to join. He also raised the possibility of increasing the program by another 100 residents, which would increase the Town of Bedford's subsidization from \$1,185.00 to \$5,644.00.

Mr. Paynter indicated that it was his recommendation to continue with the total number of 250 at this time, replace those on the list who have not paid or who have cancelled with those on the waiting list, and then review the situation in September. He noted that most of those on the waiting list could be accommodated at this time.

Councillor Goucher expressed concern that the Town would lose the residents' interest if it did not expand the program, and indicated that he felt the Town should spend the approximately \$5,000 at this time.

Mr. Paynter pointed out that the initial 250 residents were intended to be a catalyst for the project, and that the intent was to quantify the results of this first 250 before expanding the program.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that Council authorize the Director of Engineering to extend the Residential Backyard Composting Program to 300 people, if required. **The Motion was unanimously approved.**

6.4 Drainage Problem - Peerless Subdivision

Rick Paynter, Director of Engineering and Public Works, referred to a memorandum from Wayne Legere, Operations Manager, pertaining to the above, and outlining an estimate of costs for the Town to undertake rectification of the subject drainage problem. He spoke to Council, noting that the proposed installation of approximately 100 lineal feet of 8" diameter PVC storm sewer would cost approximately \$7,500.00. He further stated that staff remain uncertain whether the Town should be held responsible for this problem.

Deputy Mayor MacLean inquired whether any other work had been done in the same area in past years. Mr. Paynter reported on previous works in the area dating back to 1988.

Mayor Kelly inquired whether the Town had been aware of the topography grades at the time of subdivision, prior to development. Mr. Paynter explained that although the Town would have been aware of the topography, it is not easy to predict what effect subdivision will have on water drainage.

Councillor Hutt questioned a holding pond on Mr. Churney's (resident present) property, which had been installed by the Town, and why building permits were issued if it were known that a water run-off problem existed. Mr. Paynter indicated that this particular matter was not related to the current one; that it had been a natural water course re-directed into a drain system.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Council approve the expenditure of \$7,500.00 to rectify the drainage problem at Peerless Subdivision.

Dan English, Chief Administrative Officer, referred Council to a policy passed by Council in December 1993 which would allow an independent expert consultant to investigate fault on the part of the Town in these cases.

Councillor Goucher stated that he felt the circumstances call for a decision outside of the new policy.

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

6.5 Proposed Granville Street Parkland

The minutes of a Public Information Meeting held on June 14 with respect to the proposed Granville St. Parkland were circulated with the agenda package.

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that Council authorize the Recreation Department to proceed with the landscaping only, at this time, for the Granville Street Parkland. The Motion was unanimously approved.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

8. PETITIONS AND DELEGATIONS - NIL

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Road Conditions - Hammonds Plains Road/Kearney Lake Road

A memorandum dated June 23 from Wayne Legere to Rick Paynter regarding road conditions was circulated with the agenda package.

Deputy Mayor MacLean inquired about patching the road at this time, instead of a complete upgrading. Rick Paynter indicated that in lieu of a new surface overlay, the Town does patching as a matter of course, but that he did not specifically know what the cost would be to do so in this area.

Deputy Mayor MacLean requested Mr. Paynter do an assessment with respect to patching at that intersection and report back at a later date.

10.2 Ratification - Extension to Lawn Bowling Facility as Leisure Club

By memorandum dated June 24, 1994, Mr. Dan English, Chief Administrative Officer, reported on a staff recommendation that Council authorize additional borrowing in the amount of \$22,800 in order to allow the contractor to remove unusable material from the site and replace it with structural grade fill.

ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that Council ratify the additional borrowing in the amount of \$22,800 for fill replacement at the Leisure Club. The Motion was unanimously approved.

10.3 Ratification - Minor Amendment - Site 4.4 Waterfront Development Agreement

By memorandum dated June 24, 1994, Donna Davis-Lohnes, Acting Director of Planning and Development Control, reported on an application for a Building/Development permit from Provident Developments to permit the construction of five townhouses adjacent to the existing 12 townhouses on A. Y. Jackson Court. The site plan approved for Block 4.4 shows a nine unit apartment building.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that Council approve the Minor Amendment to the Site 4.4 Waterfront Development Agreement. The Motion was unanimously approved.

10.4 Turf Maintenance

Councillor Goucher expressed dismay at the condition of most of the parkland or town-owned land in Bedford.

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved that turf conditions be referred to staff for a report and recommendation to Council. The Motion was unanimously approved.

10.5 Update - M1

Donna Davis-Lohnes, Acting Director of Planning and Development Control, reported to Council that following personal visits to the development site of M1, she had become concerned about site disturbance with respect to an area of mature spruce and pine trees. She contacted the developer to inquire whether they might still be interested in amending their development plan to build single family homes instead of townhouses on Brookshire Court, where the trees were situated. The lower density housing and flexibility of locating buildings, she felt, would result in much less site disturbance.

With the developer's tentative approval, Ms. Davis-Lohnes indicated that she would like to request Council's consideration of an amendment to the CCDD zone to allow for lower density uses, and then to amend the M1 agreement. She noted that the development agreement amendment would be substantial, and would therefore have to go through the full approval process.

Councillor Goucher questioned why the Town had not considered the site disturbance problem before the approval of the development agreement, and also noted that an amendment to the CCDD zone had been forwarded to BPAC two years before and was subsequently dropped. He indicated, however, that he would support the idea if the density requirements for CCDD's were made to be the same as an RCDD.

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved that Council approve the request to proceed through the review process for an amendment to the CCDD zone to allow lower density uses, but that the review encompass an entire CCDD zone review, and that the M1 be exempt from CCDD density requirements.

Donna Davis-Lohnes expressed her view that the developer was not interested in being involved with an entire review of CCDD's being tied to this proposal.

Councillor Oickle pointed out that as a result of previous public hearings, a majority had voted to not allow R1 and R2 development in CCDD's.

Councillor Hutt indicated that he felt Ms. Davis-Lohnes was doing a good job in presenting these concerns about site disturbance for this particular development.

Deputy Mayor MacLean then withdrew his second to the Motion.

Mayor Kelly stepped down from the Chair to second the Motion.

The MOTION was put to the meeting and was LOST. (Councillor Cosgrove, Councillor Hutt, and Deputy Mayor MacLean were opposed; Councillor Goucher and Mayor Kelly voted in favour; Councillor Oickle abstained.)

ON MOTION of Deputy Mayor MacLean and Councillor Cosgrove, it was moved that Council authorize staff to proceed through the approval process to amend the CCDD zone to allow R1 & R2 development, specifically dealing with the area of the Brookshire bulb of the M1 Project only.

Councillor Goucher objected noting that the amendment should go through the total process.

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

10.6 Update - Paper Mill Lake RCDD

Donna Davis-Lohnes reported that the proposed Development Agreement regarding the Papermill Lake RCDD will be brought to Council on July 26.

10.7 Discussion - Spring Street Drainage

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved that Council request Staff to report on the Spring St. drainage problem and return to Council. The Motion was unanimously approved.

11. REPORTS - NIL

12. CORRESPONDENCE - NIL

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTIONS OF RESCISSION - NIL

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS - NIL

17. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 99th Regular Session of the Town Council of the Town of Bedford at approximately 9:50 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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MEETING #100

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, JULY 26, 1994 - 7:00 P.M.

A Regular Meeting of the Town Council of the Town of Bedford took place Tuesday, July 26, 1994 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

Those in attendance included Mayor Peter Kelly; Deputy Mayor Bill MacLean and Councillors Stephen Oickle, John Davies, Len Goucher and Anne Cosgrove.

Absent from the meeting was Councillor Harris Hutt.

Staff members in attendance included Rick Paynter, Acting Chief Administrative Officer; Donna Davis-Lohnes, Acting Director of Planning, and Jane Nauss, Recording Secretary.

READING OF PROCLAMATION

Mayor Kelly called upon Mr. Rick Paynter to read the Proclamation - Child Care Awareness Days - August 23 - September 10, 1994.

3. APPROVAL OF MINUTES

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved that the minutes of July 12, 1994 - Regular Session, and July 12, 1994 Public Information Meeting, be approved. **MOTION CARRIED UNANIMOUSLY.**

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

Mayor Kelly requested the following two items be added to the agenda:

- 10.5 - Lake Drive Security - Councillor Len Goucher
- 10.6 - Eaglewood Sidewalk Project - Rick Paynter

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillors Len Goucher and John Davies, the Order of Business, as amended, was approved. **MOTION CARRIED UNANIMOUSLY.**

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Proposed Surplus Lands - Leisure Club/Rutledge St.

Ms. Davis-Lohnes advised the meeting that the Leisure Club located at 77 Rutledge St. has been declared surplus to the Town's needs. As in accordance with Policy CP-6 of the Municipal Planning Strategy pertaining to the disposal of Town property, an information meeting on the matter was held July 12, 1994. As well, all Town Departments, Committees and Commissions were advised of the availability of the property, however, none advised of their requirement for same.

It is staff's recommendation that #77 Rutledge St. be declared surplus and disposed of through a call for proposals.

ON MOTION of Deputy Mayor Bill MacLean and John Davies, it was moved that #77 Rutledge St. - Leisure Club - be declared surplus to the Town's needs and disposed of through a call for proposals. **MOTION CARRIED UNANIMOUSLY.**

6.2 Spring Street Drainage Report

Mr. Rick Paynter advised this matter was brought forward at the request of Deputy Mayor MacLean. Mr. Paynter advised that the proposed corrective works for this area approximated \$25,000.

At this point in time, the meeting was advised by Mayor Kelly that he had received information that Councillor Harris Hutt had been taken to the Halifax Infirmary with a suspected heart attack.

In returning to the matter at hand, Mr. Rick Paynter advised that the funds could be looked at as an extension to this year's Capital Program or should any surplus funds be available, same could be utilized against this cost. The project had originally been included on the original prioritized listing of projects however, it did not make the first cut.

It was agreed that piping of the Spring St. ditch would be deferred to the 1995 Capital Budget.

ON MOTION of Councillors Len Goucher and John Davies, it was moved to satisfy the immediate concerns of the public (ragged pipe) this year (ragged pipe). Further, this matter is to be deferred to a future meeting of Council with the Director of Engineering and Works to provide various cost scenarios to proceed with partial phasing to take place this year; with the entire project to be completed next year. **MOTION CARRIED UNANIMOUSLY.**

6.3 Update - Backyard Composting Program

Mr. Rick Paynter provided an update on the status of the Backyard Composting Program to date.

Councillor Len Goucher requested this matter be deferred to the next meeting of Council with the Director of Engineering and Works to provide a subsequent update at that time. **MOTION CARRIED UNANIMOUSLY.**

6.4 Kearney Lake Road Asphalt Maintenance

Mr. Rick Paynter reviewed his report which had been circulated in the Council package making note this matter was brought before Council at the request of Deputy Mayor Bill MacLean.

Additional works required (cut and patch operation with a sectional surface overlay) would approximate \$24,000. With \$2,300 already expended so far this year for patching work, and with Arterial Road maintenance funding reduced by \$10,000 this year, Mr. Paynter advised he was of the opinion it would not be possible to undertake an expenditure of this nature at this point in time. The meeting was advised, however, that selective surface pot-hole patching can be pursued through the allocation of a cost-sharable Arterial road resurfacing program in 1995.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Consideration - Proposed Development Agreement - Papermill Lake RCDD

Mayor Peter Kelly enquired if Ms. Davis-Lohnes was comfortable with proceeding with discussions on this matter although the Public Hearing minutes were still being reviewed by staff.

Ms. Davis-Lohnes advised in the affirmative indicating the minutes are simply a record of what transpired that evening. According to the Planning Act, only those Councillors in attendance at the Public Hearing may vote on the application.

The meeting was advised that three written submissions on the matter had been received after the submission cut-off date, namely from Pat Keddy, Bob Kerr and Laura Eisnor. As well, since the Public Hearing, Ms. Davis-Lohnes received a subsequent submission from Bob Kerr, and submissions from Greg and Dianne Pottie and Allan McIver. Ms. Davis-Lohnes summarized the comments in the submissions.

Ms. Davis-Lohnes advised that many discussions had taken place between staff and the developer and that a number of additional items have been agreed to by the developer as part of the RCDD development agreement, namely:

- Swim Area - the developer has agreed to deed the swim area to the Town subject to the following conditions as stipulated by the RCDD Committee - limited development of the swim area site, limited parking, retention of natural buffers adjacent to residential units and commencement of development of a major swim area at Sandy Lake prior to the Papermill swim area being developed. As well, the developer has requested they be able to review the final site plan prior to same being deeded to the Town.
- Ball Field/Soccer Field - the developer has agreed to provide ball/soccer fields in a ready to use state with the Town to maintain both fields when completed.
- School - the developer has agreed to construct a school and lease same to the Province. As well, the developer has agreed to retain the school site for a minimum of five years before requiring the Town/Province to purchase the property.
- Storm Water Management - Ms. Davis-Lohnes advised that correspondence had been received on today's date, from Mr. Barry Zwicker, Wallace MacDonald & Lively, outlining additional information as it pertains to the handling of stormwater runoff from the RCDD project into Papermill Lake such as: (a) where practical, systems will be designed to divert initial stormwater that falls on streets/driveways and pollutants away from the Lake through a system of small sized stormwater pipes designed to handle an initial flash during a storm; (b) if proven feasible and effective, provide for underground permanent sand filters; (c) efforts will be made to utilize natural buffer areas adjacent to brooks/streams to act as natural filters and dispersers for stormwater discharge; (d) sumps will be proposed in manholes to allow for any settling of material in the piped system and where possible, stormwater will be directed through underground filter systems; (e) the 50 ft. wide strip of buffer running parallel to Papermill Lake will be retained; (f) in an effort to minimize disruption during construction, temporary retention facilities will be considered. As well, diversion of stormwater will be investigated and implemented where feasible.
- Collector Road N/I - the developer has agreed to limit development south of Kearney Run to 100 units until Collector Road N/I is constructed from Hammonds Plains Road to Moirs Mill Road.

Ms. Davis-Lohnes further advised the meeting the proponent is requesting that no further public open space and parkland be requested by the Town for their lands around Papermill Lake. It is the developer's opinion that their agreement to provide a swim area and ball/soccer fields to the Town should satisfy public open space requirements.

The meeting was advised that the draft development agreement would require an amendment to reflect the above-noted items (swim area, ball/soccer fields, school, storm water management and Collector Road).

In response to an enquiry from Mayor Kelly, Ms. Davis-Lohnes advised that private recreational space would still be required of the developer for the multiple residential units in the CCDD, however, no additional public park space.

At the request of Mayor Kelly, Ms. Davis-Lohnes reviewed the additional amendments to the draft development agreement required to include the previous discussed items. She also reviewed changes necessary to clarify matters regarding the islands included in the development agreement and the status of the walkway along the causeway.

A brief discussion ensued on the length of term of the contract (15 years) making note of the fact that this development could surpass two Municipal Planning Strategy reviews and possibly five new Councils.

Ms. Davis-Lohnes noted the development agreement can be modified at any time in the future should market conditions change, by the Council of the day.

In response to an enquiry from Councillor Cosgrove as to the status on the Province's position on the school being built by the developer, Mayor Kelly advised that correspondence has been sent to the Province but that same has been forwarded to the School Board.

Councillor Cosgrove requested a decision on this matter be deferred for two weeks pending receipt of correspondence from the School Board.

Councillor Goucher expressed concern that Town Council was making the land fit to the development rather than the opposite. He felt that Council should have independent environmental advice and that correspondence from Wallace MacDonald & Lively was not a resolve to the stormwater management issue in this particular development.

Ms. Davis-Lohnes advised that the storm water management plan will be reviewed by staff and B.W.A.C. and should it not adequately address all concerns, the matter will be referred back to the developer for further analysis with no development proceeding until the study is complete to the satisfaction of Town staff. As well, the meeting was advised that the plan is an engineering study and may not necessarily require changes to the site plan.

Deputy Mayor MacLean enquired what would happen if the stormwater management plan proved to be deficient?

Ms. Davis-Lohnes advised that the master plan would be rejected and no development would proceed on the site until such time as all issues have been addressed.

In response to an enquiry from Councillor Goucher as to why the reluctance on the part of the developer to complete the Collector road, Ms. Davis-Lohnes advised economics dictated their decision.

A brief discussion ensued on whether the Collector road could be constructed as a temporary road only.

Ms. Davis-Lohnes advised that basically, the costs would be the same for constructing either a temporary or permanent collector road as municipal services still must be installed, land has to be cleared and blasting needs to take place. The only difference with a temporary road is that no topdressing of asphalt needs to be undertaken and no curb is required. Should 100 lots be developed, this creates revenue for the developer to put towards completion of the Collector road.

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to defer discussion of this matter until the next Regular Session of Council.

As a number of Councillors would not be available at the next Regular Session of Council (August 9, 1994), it was decided to further discuss this matter on August 30, 1994.

The amended Motion now reads:

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to defer discussion of this matter until August 30, 1994. **MOTION CARRIED.** Councillors Stephen Oickle and John Davies opposed.

8. PETITIONS AND DELEGATIONS - NIL

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Municipal Election '94 - Report #2

ON MOTION of Deputy Mayor Bill MacLean and Councillor Len Goucher, it was moved that the second Advance Polling Day be held Thursday, October 6, 1994. **MOTION CARRIED UNANIMOUSLY.**

10.2 Review of Noise By-Law

Mayor Peter Kelly advised he had received complaints from members of the public that contractors have not been adhering to the existing Noise By-Law and that same should be reviewed.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to refer the Noise By-Law to the By-Law/Policy Advisory Committee for further review and recommendation.

In speaking to the Motion, Deputy Mayor MacLean enquired if this construction season would be affected?

In response, Mayor Kelly advised that this construction season would not be affected. It was noted, however, that the Town needs to enforce the existing the Noise By-Law.

MOTION CARRIED. Councillors Stephen Oickle and John Davies opposed.

10.3 Lake Drive/Bedford Hills Road/Hammonds Plains Road Intersection - Recommended Upgrading Works

Mr. Rick Paynter reviewed his report which had been circulated in the Council packages noting that the costs involved to undertake improvement works in this area approximated \$12,000.

In response to an enquiry from Councillor Len Goucher as to where the \$12,000 was to be derived, Mr. Paynter advised that it could be considered as an extension of the 1994 Capital Budget or as a pre-commitment against the 1995 Capital Budget Hammonds Plains Road Improvement Works.

ON MOTION of Councillor Len Goucher and Deputy Mayor Bill MacLean, it was moved that the Lake Drive/Bedford Hills/Hammonds Plains Road Intersection upgrading works be carried out during 1994/95 as part of the ongoing works with the M1 development.

In speaking to the Motion, Councillor John Davies enquired as to when the project would be commenced?

In response, Mr. Rick Paynter advised that the project would commence within the next 2 - 3 weeks.

MOTION CARRIED UNANIMOUSLY.

10.4 Appointment to Board of Directors - Halifax/Dartmouth Port Development Commission

ON MOTION of Deputy Mayor Bill MacLean and Councillor Len Goucher, it was moved that an advertisement be placed in the local newspapers for an individual to sit as the Town's representative on the Board of Directors - Halifax/Dartmouth Port Development Commission. **MOTION CARRIED UNANIMOUSLY.**

10.5 Lake Drive Security - Councillor Len Goucher

Councillor Len Goucher advised that complaints had been received in relation to the security in place at Papermill Lake. He enquired as to which Town Department has direct responsibility over the security company currently hired for the summer months.

Deputy Mayor Bill MacLean enquired as to why the Police Department were not responding.

Mayor Kelly advised the matter would be looked into immediately.

10.6 Eaglewood Sidewalk Project - Mr. Rick Paynter

Mr. Rick Paynter reviewed his report which had been circulated to Members of Town Council noting that as Phase 1 of the project has been completed, three property owners have raised concerns on the general unsightly appearance of the area. The meeting was advised that Phase II would not be completed until 1995. Costs involved for proceeding with Phase II now approximate \$50,000.

ON MOTION of Councillors Anne Cosgrove and Stephen Oickle, it was moved to not proceed with Phase II at this point in time. **MOTION CARRIED.** Mayor Kelly opposed.

11. REPORTS - NIL

12. CORRESPONDENCE

12.1 Resignation - Janet Ogden Calder, Bedford Planning Advisory Committee

Deputy Mayor Bill MacLean expressed his appreciation to Ms. Ogden Calder for her work with the Town on this Committee.

ON MOTION of Councillor Len Goucher and Deputy Mayor Bill MacLean, it was moved to advertise for one interested individual to replace Ms. Ogden Calder on the Planning Advisory Committee effective immediately for a 14 month term. **MOTION CARRIED UNANIMOUSLY.**

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS

16.1 Planning Department - Building Inspection Monthly Report - June, 1994

ON MOTION of Councillors John Davies and Len Goucher, the Building Inspection Monthly Report for June, 1994 was approved. **MOTION APPROVED UNANIMOUSLY.**

16.2 Fire Department - Fire Chief Monthly Report - June, 1994

ON MOTION of Councillor John Davies and Deputy Mayor Bill MacLean, the Fire Department Monthly Report for June, 1994 was approved. **MOTION APPROVED UNANIMOUSLY.**

17. QUESTIONS

17.1 Status Sheet

Deputy Mayor Bill MacLean enquired on the status of "Electoral Boundaries." Mayor Peter Kelly advised the Town was awaiting a response from the Minister of Justice with respect to a Charter Challenge.

18. ADDED ITEMS - NIL

19. ADJOURNMENT

As there was no further business, the meeting adjourned at approximately 9:45 p.m.

MAYOR

REGULAR SESSION, JULY 26, 1994

10

CHIEF ADMINISTRATIVE OFFICER

MEETING #101

TOWN OF BEDFORD

Regular Session

Tuesday, August 29, 1994

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, August 29, 1994 at 7:00 p.m. in the Council Chambers, Mezzanine Level (Board of Trade), Sunnyside Mall 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**

Deputy Mayor Bill MacLean and Councillors Harris Hutt, Anne Cosgrove, Stephen Oickle, Harris Hutt and Len Goucher 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; and Donna Davis-Lohnes, Acting Director of Planning.

There were approximately 10 residents present.

3. **APPROVAL OF MINUTES - Public Hearing - Meeting #98 and Regular Session - Meeting #100**

ON MOTION of Councillor Oickle and Councillor Cosgrove, it was moved to approve the minutes for meetings #98 and #100 as circulated. The Motion was unanimously approved.

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

The following changes were made to the Order of Business:

Item #8.1 was moved up to be heard prior to #6.1

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

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

8. **PETITIONS AND DELEGATIONS**

8.1 **Bill Hayward - Commissioner Regional Policing Initiative (verbal)**

Mr. Hayward was in attendance to make a verbal presentation to Council with respect to the Regional Policing Initiative. He circulated copies of a Terms of Reference, charts representing 4 options that have developed to date, and a list of questions and answers from the Minister of Municipal Affairs.

Mr. Hayward gave a presentation with overheads and answered questions from Council. He noted that a Public Meeting is scheduled for September 15 and 16, and that he hopes financial figures will be released before that meeting.

Following the presentation and question and answers, Councillor Goucher stated that what had been presented was an organizational structure, and that without financial figures and guarantees of the level of service, there would be no point in holding the public meeting on September 15. He further stated that the Town of Bedford would not want to see either a decrease in service nor an increase in cost.

Mr. Hayward commented that the economical criteria is that the same service is to be provided for less cost, or an enhanced service for the same cost. He suggested that the savings would be in administration and support services, not operational services.

Mayor Kelly thanked Mr. Hayward for his presentation.

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

6.1 **Proposed Amendment - Sewer Redevelopment Charge By-Law**

By memorandum dated August 24, 1994, Mr. Dan English, Chief Administrative Officer, reported on a staff recommendation with respect to a review of the Sewer Redevelopment Charge.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Town Council refer the matter of an amendment to the Sewer Redevelopment Charge By-Law (an increase to the Sewer Redevelopment Fee) to the By-Law Policy Advisory Committee for input regarding the magnitude of the proposed changes and to initiate consultation with the development community regarding same. **The Motion was unanimously approved.**

6.2 Update - Backyard Composting Program

For information purposes only, a memorandum, dated August 11, 1994 from Mr. Rick Paynter, Director of Engineering and Works, on the status of the Backyard Composting Program status, was circulated with the agenda.

Councillor Goucher asked that Mr. Paynter report for the next meeting the number of people that are left on the waiting list, and suggested that if the number was in the approximate amount of 10-20, then Council should consider accomodating them.

6.3 Spring Street Drainage

By memorandum dated August 10, 1994, Mr. Rick Paynter, Director of Engineering and Works, responded to Council's request to present various options as to how the Spring Street drainage project could be addressed in stages.

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved that Council direct staff to proceed with the suggested Phase I of the project as outlined in the memorandum, with a total cost of \$11,000. **The Motion was unanimously approved.**

Councillor Oickle left the meeting at 9:30 p.m.

6.4 Clarification - BPAC Vacancy

Mayor Kelly reported that the vacancy left by Janet Ogden-Calder on BPAC will not be filled at this time, but will be done so during the year committee appointments process.

6.5 Electoral Boundaries Issue

Correspondence from the Nova Scotia House of Assembly and the Office of the Legislative Council regarding the Electoral Boundaries Issue were included in the agenda.

Mayor Kelly reported that Council can proceed with a Supreme Court Appeal, but the matter will be brought before Council at the next meeting.

6.6 Consideration of Tender 94-12 Contract Award - Rocky Lake Drive Storm Drainage Works

By memorandum dated August 10, 1994, Mr. Rick Paynter, Director of Engineering and Works, presented the results of Tender Call #94-12, Storm Drainage Improvements - Rocky Lake Drive.

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved that the contract be awarded to C.R. Falkenham Backhoe Services Limited, in the amount of \$16,563.00, plus a contingency allowance of \$10,000 to cover the "settlement charge" required by CN, as well as traffic control staff time and engineering costs. The Motion was unanimously approved.

6.7 Turf Maintenance Report - DEFERRED

6.8 Consideration - Proposed Development Agreement - Papermill Lake RCDD - TO BE DISCUSSED AUGUST 30TH

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Department of Transportation and Communication re Additional Approval Capital Cost-Sharing Projects

By memorandum dated August 10, 1994, Mr. Rick Paynter, Director of Engineering and Works, updated Council on DOTC Approved Cost Sharing for Arterial Road Improvement Projects.

Councillor Davies expressed concern that correspondence from DOTC did not specifically state that they would fund the project at 50% of costs.

Mayor Kelly stepped down from the Chair.

ON MOTION of Mayor Kelly and Councillor Davies, it was moved that Council approve to proceed to tender Project #2 - Dartmouth Road right-of-way embankment retaining wall reconstruction with improvements to the site visibility at the North Street/Dartmouth Road intersection, subject to the Town receiving 50% cost-sharing from D.O.T. The Motion was unanimously approved.

10.2 Ratification - Town's Costs re Fencing for Bedford Elementary School

Copies of correspondence with respect to fencing costs for Bedford Elementary School were included in the agenda package.

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved that Council approve accepting the financial responsibility for the purchase and installation of a 5' galvanized chain-link fence interwoven with green PVC inserts in the areas as defined around the school. The Motion was unanimously approved.

10.3 Storm Drainage - DeWolfe Court

Copies of correspondence from Mr. Bill Stapleton, 15 DeWolf Court and Mr. Rick Paynter, Director of Engineering and Works response, as well as a memorandum dated August 10, 1994 from Mr. Rick Paynter to Council, were included in the agenda package.

The matter was discussed briefly by Council.

10.4 Recreational Parkland - Ridgevale Subdivision

Copies of correspondence from the Ridgevale Village Homeowners Association with respect to recreational parkland in the subdivision was included in the agenda package.

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that the matter be referred to B.P.A.C. for review and recommendation. The Motion was unanimously approved.

10.5 Consideration - Proposed By-Law Respecting Cats

Copies of an extract from the minutes of the City of Halifax's Finance and Executive Committee meeting of August 17 were included in the agenda package, as well as other written information.

Mr. Dan English, Chief Administrative Officer, suggested to Council that the By-law would present a huge administrative problem to the Town. He reminded Council that Halifax City Council would be discussing a similar by-law at their next session.

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that Council table the proposed By-Law Respecting Cats pending a Halifax City Council decision on same. The Motion was unanimously approved.

11. **REPORTS - NIL**
12. **CORRESPONDENCE - NIL**
13. **MOTIONS OF RECONSIDERATION - NIL**
14. **MOTIONS OF RECISSION - NIL**
15. **NOTICES OF MOTION - NIL**
16. **DEPARTMENTAL INFORMATION REPORTS - NIL**
17. **ADJOURNMENT**

ON MOTION of Mayor Kelly, it was moved to recess the 101th Regular Session of the Town Council of the Town of Bedford at approximately 10:00 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #101

TOWN OF BEDFORD
REGULAR SESSION RECONVENED
TUESDAY, AUGUST 30, 1994 - 7:00 P.M.

The Regular Meeting of Town Council reconvened on Tuesday, August 30, 1994 - 7:00 p.m. - from Monday, August 29, 1994 - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, 1595 Bedford Highway, Bedford, Nova Scotia.

1. ATTENDANCE

Those in attendance at the commencement of the meeting included Mayor Peter Kelly; Deputy Mayor Bill MacLean and Councillors Anne Cosgrove, Harris Hutt, Len Goucher, John Davies and Stephen Oickle.

Staff members in attendance included Dan R. English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Acting Director of Planning; Wayne Legere, Operations Manager; Jenifer Tsang, Planner, and Jane Nauss, Recording Secretary.

Mr. Peter McInroy, Solicitor, was also in attendance.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

Following a request by Mayor Kelly, it was the consensus of the meeting to add:

Mr. Larry Thomas - Envirotown Committee - Turf Maintenance

as item 8.3.

8. PETITIONS AND DELEGATIONS

8.3 MR. LARRY THOMAS - ENVIROTOWN COMMITTEE - TURF MAINTENANCE

Mr. Thomas addressed Council noting there is an alternative to turf maintenance other than the usage of pesticides/chemicals. Even though a composting program is a very progressive manner in which to deal with waste management, a viably sound low impact stewardship is needed.

The meeting was also advised of the health risks associated with the use of pesticides on lawns as well as options available such as dethatching, liming, low impact natural fertilizers and composting. .

Mr. Thomas closed his comments by respectfully requesting Council's support of creating a turf maintenance program within the Town of Bedford, free from chemicals, thereby creating healthy soil.

CON'T REGULAR SESSION FROM AUGUST 29/94
AUGUST 30/94

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.7 Turf Maintenance Report

Mayor Kelly called on Mr. Rick Paynter, Director of Engineering and Works to address Council on the matter of Turf Maintenance. Mr. Paynter noted that although the Town utilizes a minimal spraying chemical program, it is cognizant of the consequences which result from the use of chemicals as turf maintenance.

Mayor Kelly called on Wayne Legere, Operations Manager, to address Council. Mr. Legere advised that a minimum maintenance programme level was not sufficient for Town residents. He noted that the soil culture was in a very stressed state as a result of high use of chemicals, however, realistically the Town could not stop using chemicals entirely as soil enhancement would not rid the Town of weeds.

ON MOTION of Len Goucher and John Davies, it was moved to authorize the Engineering Department to proceed with the purchase of an aerator and equipment for spreading top dressing. Further, it was moved to maintain low impact fertilization and a fall liming program, with pesticides to be utilized on an "as need" basis.

In speaking to the Motion, Councillor John Davies enquired if a portion of the total funds required to proceed with this program was available for this season.

Mr. Wayne Legere advised it was too late in the season to initiate a program on all Town lands, however there was ample funding available to aerate and topdress the waterfront lands.

In response to an enquiry from Deputy Mayor Bill MacLean as to where the funds would be appropriated, Mr. Paynter advised that the funds for next year would be available through the Town's Operating Budget and that the funds required to purchase the necessary equipment would be available through the Equipment Reserve Fund. With respect to this year, the Department would have to work within the Budget as it now stands. **MOTION APPROVED UNANIMOUSLY.**

8. PETITIONS AND DELEGATIONS CON'T

8.4 Mr. Mark Coffin, Bedford Envirotown Committee

Mr. Mark Coffin addressed Council advising that Swap Saturday was taking place October 29, 1994 (in an attempt to divert some garbage to the landfill). Mr. Coffin noted that Swap Saturday would entail each residence placing at curbside, items that would normally be thrown out. This would provide an opportunity for individuals to sift through these items which they themselves could put to good use. Whatever was not taken is to be removed from the curbside by the owner and placed out the next week during refuse cleanup day.

ON MOTION of Councillors John Davies and Anne Cosgrove, it was moved to support Swap Saturday taking place October 29, 1994. **MOTION APPROVED UNANIMOUSLY.**

8.2 Mr. Bob Kerr - Possible Expansion - Paper Mill Lake RCDD

Mr. Kerr addressed Council noting the residents in the Paper Mill Lake Subdivision were concerned with the potential increase of vehicular traffic should this project proceed. He stressed the residents were not against the project, just the manner in which it was being implemented.

Mr. Kerr advised he had studied vehicular traffic in the subject area with the following results: there have been 23 accidents since 1988; fire vehicles prefer two entrances/exits; and that traffic counts amounted to 5,000 vehicles per day (213 trucks). This year alone, traffic counts amounted to 1900 vehicles (7a.m. - 6p.m.). He was particularly concerned with the amount of trucks exiting Moirs Mill Road outside of the aforementioned hours, emitting pollutants and creating excessive noise.

Mr. Kerr read from a letter which had been circulated to 283 residents in the Paper Mill Lake neighbourhood. Within the letter, residents were provided with the status of the project to date followed by a brief on residents' concerns, particularly the safety factor with increased vehicular traffic. The residents are concerned with there being one entrance/exit during the development stage.

Subsequent to reading his letter, Mr. Kerr suggested that Town Council make the completion of the collector road a precondition of the approval of the Paper Mill RCDD.

Following a brief discussion, the actual letters received in the poll were returned to Mr. Kerr after being given to the Recording Secretary, as the homeowners wished to remain confidential.

At the request of Mayor Kelly, Mr. Peter McInroy, Solicitor, advised that generally speaking, it was possible for the Town to make completion of the collector road a precondition to the approval of the Paper Mill Lake Subdivision expansion as long as the Town has a good reason for same.

Ms. Davis-Lohnes reminded Town Council that the developer needs to agree to any changes to the development agreement and can appeal the decision of Town Council to the N.S. Review & Utility Board if Council does not approve the agreement.

In response to an enquiry from Councillor John Davies as to what was the capacity vehicular level of a typical collector road such as Moirs Mill Road, Mr. Rick Paynter advised that as long as the traffic is free flowing, a high number of vehicular traffic (5,000+) is manageable although a neighbourhood nuisance factor becomes a reality.

Councillor Stephen Oickle requested that the developer be permitted to address Council.

CON'T REGULAR SESSION FROM AUGUST 29/94
AUGUST 30/94

Mayor Peter Kelly requested Council's concurrence to permit the developer to respond.

As permission was not unanimous, Councillor Stephen Oickle withdrew his request.

Councillor Stephen Oickle thanked Mr. Bob Kerr for his presentation. Councillor Oickle noted that he must make a decision on this proposal on behalf of the whole Town. He also made reference to correspondence from Mr. David McCusker, Project Manager, Streetwise, a traffic engineering firm, who provided a projection on construction traffic which might be expected on Moirs Mill Road, during the construction of one hundred single family dwellings. Within the letter, Mr. McCusker advised that in terms of traffic volume and capacity, construction in the Moirs Mill Road area will have a minimal effect.

Councillor Oickle noted he has been a resident of Bedford since 1964 and has lived with development in his neighbourhood for the past four years. He noted that development is a characteristic of any urban area.

Deputy Mayor Bill MacLean commended Mr. Kerr on his objective presentation and noted he would still like the developer to have the opportunity to address Council.

Councillor Anne Cosgrove reiterated Deputy Mayor MacLean comments.

Councillor Len Goucher advised that Council must either accept or reject the Development Agreement.

Mr. Peter McNroy, Solicitor, reminded Council again that any decision of Council on the proposed development can be appealed.

At the request of Mayor Kelly, Ms. Davis-Lohnes reviewed the process on the proposed development to date noting the following: Public Information Meeting in February; matter before B.W.A.C. twice; B.P.A.C. three times; Public Hearing June 21/94; Town Council July 26/94 - decision deferred to this evening. As well, a supplementary information package had been circulated to Town Council consisting of two additional public submissions; Public Hearing minutes; original staff report; supplementary staff report; draft Development Agreement; correspondence from Streetwise and a memorandum dated August 30/94.

At the request of Mayor Kelly, Ms. Davis-Lohnes reviewed the contents of the supplementary report making note of cost estimates to construct a collector road, service road or heavy construction road. Ms. Davis-Lohnes noted that a heavy construction road would not be able to accommodate emergency vehicles nor 1/2 ton vehicles due to the serge gravel used.

At the request of Mayor Kelly, Ms. Davis-Lohnes again reviewed the draft Development Agreement and proposed amendments.

In response to an enquiry from Mayor Kelly on the matter of land credit, Ms. Davis-Lohnes noted the developer was prepared to deed 41 acres even though they were only required

to deed eight acres to the Town under the parkland dedication requirement of the Planning Act..

At the request of Councillor Len Goucher, Ms. Davis-Lohnes read a submission from Mr. and Mrs. Sandy Irwin, French Masts Lane, for the record.

In effect, four concerns were noted: no active parkland area on south side of lake; collector road should be in place prior to any construction; no timetable for the entire process; quality of the lake.

ON MOTION of Councillors Stephen Oickle and John Davies, it was moved that Town Council enter into a Development Agreement with Annapolis Pulp and Paper Company for the development known as Paper Mill Lake RCDD; further, that Town Council include the additional amendments reflected in the memorandum dated August 30, 1994.

In speaking to the Motion, Councillor Harris Hutt enquired if Council should not discuss the design of the collector road prior to calling for the Motion?

Ms. Davis-Lohnes advised it was not necessary at this point in time, however, staff would be seeking direction from Council on this matter, in the near future.

In speaking to the Motion, Councillor Len Goucher expressed his concerns, namely safe access to the project; traffic congestion/hazards; infrastructure costs; schools; insufficient active parkland; recreation facilities, and his desire to protect the lake through an independent environmental stormwater management study.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to defer this item until further discussion.

In speaking to the Motion, Deputy Mayor Bill MacLean enquired to Donna Davis-Lohnes, if the Town was in receipt of the information as required by Councillor Goucher.

In response, Ms. Davis-Lohnes advised in the negative noting however, it was staff's position that sufficient information had been received.

On a point of order, Councillor Cosgrove noted that the Waters Advisory Committee had not supported the project.

MOTION DEFEATED. Councillors Anne Cosgrove and Len Goucher voted in the affirmative. Deputy Mayor Bill MacLean and Councillors Stephen Oickle, Harris Hutt and John Davies voted in the negative.

Councillor Stephen Oickle advised this project would be good for Bedford and he therefore is supporting it..

In response to an enquiry from Councillor Anne Cosgrove as to the amount of active parkland included in this development, Donna Davis-Lohnes advised there were approximately 13 acres.

In response to Councillor Anne Cosgrove's request to read Ann MacVicar's (Chair, Parks Planning Committee) submission for the record, Donna Davis-Lohnes reviewed Mrs. MacVicar's comments. In brief, the Parks Planning Committee is disappointed with the proposed public lands in the project area and reviewed background information respecting the planning of recreational use of Paper Mill Lake. Objectives of the Committee included: obtaining two waterfront parcels of land through 5% land dedication - one on either side of the lake (Pine Bluffs and land at the end of French Masts Lane; to obtain land away from the lake for recreational uses/facilities (through purchase if necessary); to ensure continuation of Major Path and Walkway System; and to accept environmentally sensitive land only as parkland open space - not as part of the 5% parkland dedication. Mrs. MacVicar closed her comments by requesting Council's consideration of the Town's recreational needs, both now and in the future.

Ms. Davis-Lohnes noted that these concerns are addressed in the draft development agreement.

Mayor Peter Kelly stepped down from the Chair to address the matter at hand.

Mayor Kelly advised the proposed contract fails to meet the policies of the MPS as it relates to the following:

1. fails to meet the intent of Policy Z-3 (4) and (5) (viii) as it relates to transportation and congestion and further fails to meet the transportation objective as set out on Page 32 of the MPS;
2. fails to meet the intent of Policy Z-3 (5) (v) and (xiii) as it relates to the environmental impact of this development of the area and as they further relate to items 1, 2, 4, 5 and 6 of the Bedford Waters Advisory Committee's report dated April 6, 1994. Further, that the contract also fails to meet the Environment Objective as laid out on page 91 and section E-14;
3. fails to meet the intent of Policy Z-3 (9a) (vii) as the project relates to phasing. This 15 year contract is unprecedented and is tying the hands of the next five councils and 3 MPS processes;
4. fails to fully meet the concerns of the Parks Planning Committee;
5. fails to adequately respond to letter dated February 25, 1994 from George Doucette of the Halifax County-Bedford District School - Policy Z-3 (v) (vi)
6. fails to meet the intent of Policy Z-3 (5) (i) as it relates to infrastructure.

Mayor Peter Kelly resumed the Chair.

Councillor Harris Hutt noted that although Town staff have stated the project confirms with the M.P.S., he is concerned about the future of Paper Mill Lake. He noted he had requested a meeting with all members of Council to discuss the project; however his request had been denied by Mayor Kelly. He closed his comments by stating he supports the project.

Councillor John Davies addressed the meeting noting that Town Council should protect the rights of both residents and businesses. Town Council has worked through the process to ensure that development enhances the community while at the same time protecting the quality of life in Bedford. A decision must be made in accordance with the M.P.S. and in his opinion, this project is in compliance with the document. Councillor Davies noted that in spite of the fact that Bedford does not have a strategic plan in place, this project will provide a plan for the following 10 - 15 years in the Paper Mill Lake area. Making note that Town Council can negotiate with the developer forever, he will support the project.

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved to extend the meeting to 11 p.m. **MOTION CARRIED UNANIMOUSLY.**

In response to an enquiry from Deputy Mayor Bill MacLean, Ms. Donna Davis-Lohnes advised that in her professional opinion, there is no reason to reject the proposal.

In response to an enquiry from Deputy Mayor Bill MacLean as to how the Appeal Board would react to a decision of Town Council, Mr. Peter McInroy, Solicitor, noted that an appeal would be turned down if inconsistency within the M.P.S. was found.

In response to an enquiry from Deputy Mayor Bill MacLean, Ms. Davis-Lohnes advised the following: the development agreement meets and exceeds the requirements of the M.P.S.; noise nuisance impacts are a given in any development however some of the traffic issues raised by Mr. Kerr can be addressed i.e. temporary rock crusher is a possibility.

Deputy Mayor MacLean noted there were numerous concerns of the residents which still needed to be addressed. In response, Ms. Davis-Lohnes noted that staff can consult with residents and the developer to try to resolve these problems.

Councillor Len Goucher expressed his concerns i.e. restrictions of parkland, length of development contract; concerns of those who spoke at the Public Hearing should be reviewed; nothing concrete in the stormwater master plan; and the future of the lake.

Deputy Mayor Bill MacLean noted the school issue still needs to be addressed. As well, he noted that development is always difficult even if phased in. He enquired as to how residents' concerns will be addressed as the project continues.

Ms. Davis-Lohnes noted that concerns will not be ignored by staff during the ongoing

CON'T REGULAR SESSION FROM AUGUST 29/94
AUGUST 30/94

project.

Mayor Peter Kelly stepped down from the Chair.

ON MOTION of Mayor Peter Kelly and Councillor Len Goucher, it was moved to amend the original Motion to review the Development Agreement within five years.

In speaking to the Motion, Ms. Davis-Lohnes reminded Council that the objective is to look at long term planning. Should the Agreement be reviewed again in five years time, Council is promoting uncertainty for future development. By having a 10 - 15 year plan in place, it allows the Town to plan infrastructure for the future.

Councillor Anne Cosgrove advised that the Town should have taken on long term strategic planning earlier on.

Mayor Peter Kelly withdrew his motion and resumed his place as Chairman.

ON MOTION of Councillor Stephen Oickle and Deputy Mayor Bill MacLean, it was moved to extend the meeting to 11:10 p.m. **MOTION APPROVED UNANIMOUSLY.**

Mayor Peter Kelly advised that a meeting with the developer had not been held as a result of a suggestion by the Town's Solicitor that it could be perceived by the public as meeting behind closed doors.

ORIGINAL MOTION CARRIED. Councillors Stephen Oickle, John Davies, Harris Hutt and Deputy Mayor Bill MacLean voted in favour of the Motion. Mayor Peter Kelly, and Councillors Len Goucher and Anne Cosgrove voted in the negative.

Councillor Len Goucher served a **Motion of Reconsideration** for the next Regular Session of Council.

The meeting adjourned at approximately 11:15 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #102

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, SEPTEMBER 13, 1994 - 7:00 P.M.

A meeting of the Town Council of the Town of Bedford took place Tuesday, September 13, 1994 - 7:00 p.m. - in the Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford, Nova Scotia.

1. **LORD'S PRAYER**

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

2. **ATTENDANCE**

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

Staff members in attendance included Dan R. English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Ron Singer, Director of Finance; Francis MacKenzie, Director of Economic Development; Bob Nauss, Director of Recreation; Chief H.A. MacKenzie, Chief of Police; Wayne Legere, Operations Manager and Jane Nauss, Recording Secretary.

Mr. Peter McInroy, Solicitor, was also in attendance.

Mayor Peter Kelly announced the passing away of Mr. Randy Connors and requested a moment of silence in his memory.

3. **APPROVAL OF MINUTES**

Councillor Len Goucher requested the specific MPS policies he referred to during discussions on the Paper Mill Lake RCDD be included in the minutes - page 5 - August 30, 1994 - Meeting #101.

ON MOTION of Councillor Len Goucher and Anne Cosgrove, it was moved to approve the minutes of August 29 and 30, 1994 - Meeting #101 as amended. **MOTION APPROVED UNANIMOUSLY.**

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

- Mayor Peter Kelly advised that two written submissions had been received to address Council prior to discussions on the Motion of Reconsideration - Paper Mill Lake RCDD project. He noted that should the Motion of Reconsideration be successful, both requests would be dealt with.

- Mayor Peter Kelly requested a consensus from Council to the addition of "Possible Establishment of a Travel Fund" to the agenda as item #10.3.
- Councillor Len Goucher requested that item 13.1 - "Proposed Development Agreement - Paper Mill Lake RCDD" be discussed following agenda item #8.1
- Councillor Len Goucher requested the addition of "Stormwater Management and Environmental Study - Paper Mill Lake RCDD " as item 13.2.

ON MOTION of Councillor Len Goucher and Deputy Mayor Bill MacLean, the Order of Business, as amended, was approved. **MOTION CARRIED UNANIMOUSLY.**

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Electoral Boundaries

Mr. Dan English reviewed correspondence pertaining to Bill 23 - Electoral Boundaries from Mr. Barry Ward, Solicitor. Mr. Ward noted that any Constitutional Challenge should be made well in advance of the next Provincial Election to allow ample time for a new electoral boundary amending Bill to be passed by the House, should the Challenge prove successful.

ON MOTION of Councillors Len Goucher and John Davies, it was moved to refer this matter to the new Town Council through the Transitional Report. **MOTION APPROVED UNANIMOUSLY.**

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

8. PETITIONS AND DELEGATIONS

8.1 Presentation by Halifax County - Proposed Takeover - Solid Waste Management

Mayor Peter Kelly introduced Mayor Randy Ball, Halifax County Municipality, to the meeting.

Mayor Ball thanked Town Council for the opportunity to address Town Council. Briefly, he noted that Halifax County has put an offer on the table as far as solid waste management is concerned. He advised this proposal was a reasonable solution to a problem which has not been dealt with in five years and hoped that Bedford Town Council would be receptive to same.

Mr. Ken Meech, Chief Administrative Officer, Halifax County Municipality, addressed Council noting that the proposal had been brought before Metro Authority on September 7, 1994. He identified two options which had been considered by County Council namely; comprehensive and shared; the key differences between the two being:

comprehensive: the County takes on full and complete responsibility for solid waste management (disposal, waste strategy and diversion programs);

shared: the County assumes responsibility for disposal and waste strategy with Metro Authority being responsible for delivering diversion programs.

Also in attendance at the meeting was Mr. Ken Donnelly, and Mr. Norm Gridley, LURA GROUP - ATLANTIC CANADA.

Through the usage of overheads, the following information was provided for Town Council:

What is the County's motivation for this proposal? The siting and development of a landfill within the County's jurisdiction; places the County in a position to fulfil the commitment to closing the existing landfill; provides streamline in decision making process as opposed to four political bodies as is the current situation; County can manage what is to be disposed.

What are the risks involved? - County has sole accountability for the location of a new landfill; assumes environmental risks; if County fails, they will lose esteem in the community; may cause a division in County Council itself.

Mr. Donnelly advised that the two options (comprehensive and shared) were presented before County Council the previous Tuesday with the comprehensive approach being formally accepted.

The meeting was advised the County's main concern was due to the fact that the initial 30 month extension to the closure of the existing landfill was now at the 27 month mark and that there was not much time left to create a new landfill.

The elements of the County's approach included: the four units are partners; the public are stakeholders; open, consultative process based on consensus; parallel siting and strategy processes; commitment to the community for the long term and the proposal meets provincial requirements for disposal facility and management strategy.

With respect to a Utility model, the County has a monopoly and provides price protection. With respect to pricing, the County will recover its capital and operating costs as well as a reasonable return on its initial investment (10%).

Mr. Norm Gridley addressed Council noting he has worked closely with the County on this matter and has developed an activity calendar which follows an aggressive schedule for the construction of a new landfill facility. He noted that by November, 1995 a final site will be selected.

With respect to budget estimates, the following was projected:

- \$25 - \$30 million - Capital Cost of Landfill
- \$10 million/yr - Operating and Capital Costs
- \$50/tonne - Total Annual Cost Equivalent

The meeting was advised that fees to commercial haulers and municipal units will be set/obtained through a proposed Utility structure.

Implementation of this proposal means the following to the metro units: a new spirit of cooperation; shows commitment to finding a solution; shows commitment to the public and their concerns; provides independent pricing review and protection. It was stressed that one body would be in control (that being Halifax County).

Implementation of this proposal means the following to Metro Authority: Metro Authority would remain responsible for closure, long term care and maintenance of Highway 101 landfill however would not be responsible for waste disposal nor diversion.

At this point in time, the Province has been requested to establish special legislation to establish the utility, exempt the process from the Planning Act and establish new waste management responsibilities, and make a commitment by September 12, 1994.

Mayor Ball emphasized there are no sites selected at the moment and that an open consultation process with the public is required to ensure a new site opens on time (January 1, 1997).

In response to an enquiry from Mayor Kelly as to what the County wants from Bedford Town Council, Mayor Ball asked for Council to consider the proposal and express support. He advised that the County was not out to "gouge" funds from the public. The meeting was advised that the metro area is in a dire situation and a decision on the proposal cannot wait until November. A decision has to be made now.

Councillor John Davies expressed his concern on the per tonne costs and a brief discussion ensued on same. He also requested what would happen to the Stinnes Composting proposal should the County assume responsibility for Solidwaste. Mayor Ball responded that it was "off the plate."

Mr. Ken Meech advised that the County wants to minimize the amount of waste going to the landfill and develop a price to encourage people to divert waste from the landfill. As well, he noted that the County needs to know that the costs will be guaranteed by the four metro units.

In response to an enquiry from Councillor John Davies as to whether the utility structure would be open to public scrutiny, Mr. Meech advised in the affirmative. He noted there are two mechanisms to create a level of comfort for the metro units: (1) utility concept, and (2) special legislation necessary to be introduced and authorized by the legislature. The Province would then be in a position to intervene if need be.

Deputy Mayor Bill MacLean concurred with Mayor Ball's comments as to the fact that nothing has been done towards locating another landfill site, however, he expressed concern on the "return of the County's investment," and requested a definition.

Mayor Ball advised that the County can use the investment return as it sees fit.

In response to an enquiry from Deputy Mayor Bill MacLean as to what would preclude any industries going to another facility which was cheaper, Mayor Ball responded by stating that this situation would not be in the best interest of the County.

In response to an enquiry from Deputy Mayor Bill MacLean if a problem arose with the scheduling of each phase, would it be a County problem or a metro problem. Mayor Ball advised it would be a County problem.

In response to an enquiry from Deputy Mayor Bill MacLean as to whether another site had to be located midway through this schedule, who would be responsible, Mayor Ball advised that the County would be taking a big risk however, it would be a County responsibility.

In response to an enquiry from Deputy Mayor Bill MacLean if there would be additional costs added to the \$50 per tonne, Mayor Ball responded in the affirmative.

In response to an enquiry from Deputy Mayor Bill MacLean as to whether there had been any discussions with known environmental groups, Mayor Ball advised that the environmental groups had been most receptive to the comprehensive proposal.