

REGULAR SESSION - JANUARY 16, 1996

In response to an enquiry from Councillor Len Goucher as to a definition of an "air pistol" Sgt. Lenard Haughn, Bedford Police Department, advised an air pistol was defined as a firearm whose projectile travelled at a velocity of 500 feet per second.

Mr. Paynter advised the meeting that the Town's Solicitor had reviewed this clause and was in agreement with same.

Councillor Marvin Silver advised he would not be supporting the Motion as the use of weapons should not be encouraged.

MOTION CARRIED. Councillor Marvin Silver voted in the negative.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to waive Second and Third Reading on this amendment to the By-Law Respecting the Discharge of Firearms and to forward same to the Minister of Municipal Affairs for final approval.

MOTION CARRIED. Councillor Marvin Silver abstained.

6.4 CONSIDERATION - PROPOSED AMENDMENT - BURNING BY-LAW

Chief Neville Wheaton, Bedford Fire Department, addressed Council noting this matter had been referred by Council to the By-Law/Policy Advisory Committee for recommendation. During a Committee meeting held January 12, 1996, a Motion to delete Sections 2 (a) and (c) from the By-Law was approved. This amendment to the By-Law will permit no outside fires without a permit. Council direction was required at this point in time.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to amend the Burning By-Law by deleting Sections 2(a) and (c).

In speaking to the Motion, Deputy Mayor Peter Christie advised he would support the Motion however, he enquired as to how residents will be advised of this decision.

In response, Mayor Kelly advised this information would be distributed to the community through the Bedford Blueprint, correspondence, etc.

MOTION CARRIED UNANIMOUSLY.

ON MOTION of Councillors Joan Pryde and Anne Cosgrove, it was moved to waive Second and Third Reading and to forward this By-Law amendment to the Minister of Municipal Affairs for final approval. **MOTION CARRIED UNANIMOUSLY.**

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

7.1 **Public Hearing #96-08 - Proposed Amendment - Development Agreement #86-05**

Ms. Donna Davis-Lohnes advised that following the Public Hearing held earlier this evening, she had the opportunity to speak to the Consultant regarding the two concerns of Council. As a result, the following has been agreed to by the developer:

- Delete 4(4)
- Section 4(5) now becomes 4(4). Insert at end of clause the following:

"Elevations for these 9 units shall be provided by a registered architect;
- Schedule C page 2 item (b) - after "healthy" insert "and shall not exceed an installed price of \$350/per tree."

ON MOTION of Councillors Marvin Silver and Len Goucher, it was moved to approve the amendment to Development Agreement #86-05 with the modifications as agreed upon by the developer. **MOTION CARRIED UNANIMOUSLY.**

10. **NEW BUSINESS**

10.1 **Consideration - Disposal of Town Land - Teachery**

Ms. Donna Davis-Lohnes advised this matter was on the agenda to seek direction from Council on the proposed sale of the Teachery with funds to be utilized for restoration of the Scott Manor House. Further, as Heritage '80 requires space for Bedford's artifacts, storage could be established at the Manor House.

Councillor Stephen Oickle advised he was against disposing of the Teachery as it was unknown what the future of the Teachery would be subsequent to April 1, 1996.

ON MOTION of Councillor Len Goucher and Marvin Silver, it was moved that the Teachery not be sold but retained as a Town asset.

In speaking to the Motion, Councillor Len Goucher advised he was not in favour of disposing of the Teachery as this was a valuable asset to the community. Further, once it was sold, it would be lost to the community.

Councillor Joan Pryde reiterated Councillor Goucher's comments.

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Deputy Mayor Peter Christie expressed his concern that if Council decides not to sell the Teachery, then a plan should be put in place as to what specifically the Teachery should be used for.

In response to an enquiry from Mayor Kelly as to where the artifacts will be stored, Ms. Davis-Lohnes advised nothing definitive had been arranged as yet, however, a general discussion had taken place at a Heritage Advisory Committee Meeting of storing and displaying artifacts at the Manor House.

A brief discussion ensued as to what guarantee the Town has from HRM that funds generated from the sale of the Teachery will indeed be applied to the Scott Manor House. Ms. Davis-Lohnes advised that this matter should be discussed with Mr. Bill Hayward.

Councillor Anne Cosgrove advised she could not support the Motion.

Councillor Len Goucher enquired of Mayor Kelly if he believed HRM would sell the property without consultation with the community.

Mayor Kelly stepped down from the Chair to respond and Deputy Mayor Peter Christie assumed the Chair.

In regards to Councillor Goucher's enquiry, Mayor Kelly advised that HRM should consult with the community prior to making any decisions on the future of the Teachery. He could not support the Motion and would like to discuss this matter with the Heritage Advisory Committee and Heritage '80.

Councillor Goucher expressed his concern that Mayor Kelly should support the Motion on the floor.

Mayor Peter Kelly assumed the Chair.

Deputy Mayor Peter Christie reiterated his earlier comments that Council needs to be specific on the future use of the Teachery if it does not plan to sell the property.

MOTION CARRIED. Mayor Peter Kelly, Councillor Anne Cosgrove and Deputy Mayor Peter Christie voted in the negative.

ON MOTION of Councillors Joan Pryde and Anne Cosgrove, it was moved to correspond with Halifax Regional Municipality to determine assurance that should the Teachery be sold, said funds will be used for the Scott Manor House.

MOTION CARRIED. Councillors Marvin Silver and Len Goucher voted in the negative. Councillor Stephen Oickle abstained.

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10.2 **Consideration - Ratification - Bedford Fire Department - 1996 Executive and Fire Wards**

Chief Neville Wheaton addressed Council noting that the 1996 Executive and Fire Wards for the Bedford Fire Department required ratification by Town Council.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to ratify the 1996 Executive and Fire Wards of the Bedford Fire Department. **MOTION CARRIED UNANIMOUSLY.**

10.3 **Consideration - Non Substantial Amendment - Sobeys Mill Cove Development Agreement**

Ms. Donna Davis-Lohnes addressed Council noting that Sobeys Inc. has requested to undertake renovations at the Mill Cove Food Warehouse, Bedford. These renovations include the reorganization of the interior layout, the inclusion of a Liquor Boutique and changes to the exterior cladding of the building.

As the sub-agreement to Development Agreement 83-01 does not provide information regarding permitted changes to the exterior building materials, Council direction in this regard is required.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to approve the renovations to the exterior of the Sobeys Mill Cove Food Warehouse which involves changes to the front facade cladding, as recommended by staff. **MOTION CARRIED UNANIMOUSLY.**

10.4 **Brief Review and Update - Halifax Regional Municipality (H.R.M.) Council**

Mayor Peter Kelly advised he would provide an update on issues discussed at the H.R.M. Council Meetings to date during the January 30, 1996 Bedford Council Meeting.

15. **NOTICES OF MOTION**

Mayor Peter Kelly advised that Deputy Mayor Peter Christie will be Serving a Notice of Motion for the next Regular Session of Council. If there is a seconder to the Motion on January 30, 1996, the matter will be open to debate.

Deputy Mayor Peter Christie addressed Council noting he was serving a Notice of Motion on the following for the next Regular Session of Council:

"Consideration - Retiring Councillors' Stipend - April 1, 1996 Onward

WHEREAS Bill 3, an Act to Incorporate the Halifax Regional Municipality, in Section 6(8),

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allowed that the new Council may provide a severance plan for members of the Councils of municipal units who were not elected to the Supercity Council; and

WHEREAS neither the Provincial Government nor the Regional Co-Ordinator gave serious thought to this amalgamation process, and that many of the projected costs of the amalgamation were incorrect because of overspending on consultants and systems for the new region which will seriously impact on regional taxpayers for years; and

WHEREAS the question of a stipend to retiring Councillors is predominant in the press and is overshadowing the serious issues of amalgamation, such as settlement of present municipal employees - their roles and futures, and methods of dealing with the garbage, budgets and debt; and

WHEREAS Bedford Council advised that our residents voted not to join the municipality, but having been forced into amalgamation, we do not wish to add further amalgamation costs to the voters.

BE IT RESOLVED that Bedford Town Council continue to show regional leadership, and not add to the present uncontrollable cost of amalgamation or possibly add to debt assigned to Bedford;

that Bedford Town Council resolve not to pay any compensation to retiring Councillors for any period after April 1, 1996;

that Bedford Town Council advise the Regional Municipality, Provincial Government - Municipal Affairs, and the Regional Co-Ordinator that we are not seeking any compensation and will not be involved in any further discussions on this subject; and

that the Mayor advise the Regional government of this decision and also that he advise the other units of our decision and encourage them to join us in this decision so that this issue is resolved and does not detract from the serious questions that require resolution at this time."

On a Point of Privilege, Councillor Len Goucher requested Mayor Peter Kelly advise the Council of Halifax Regional Municipality, that this Notice of Motion does not reflect the position of Bedford Town Council as a whole.

Mayor Peter Kelly advised this matter would be dealt with during the January 30, 1996 Town Council Meeting.

Councillor Anne Cosgrove sought clarification in this regard and enquired if this was one of the issues which should be dealt with in Committee of the Whole.

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In response, Mayor Peter Kelly advised that only items as they pertain to legal, land or personnel are to be discussed in Committee of the Whole and that Councillors were not considered Town personnel; therefore, the reason for Deputy Mayor Peter Christie's request to have this matter dealt with in public.

16. **DEPARTMENTAL REPORTS**

16.1 Fire Department's Monthly Reports - Months of November and December, 1995

ON MOTION of Councillors Len Goucher and Anne Cosgrove, the Fire Department's Monthly Reports for November and December, 1995 were approved. **MOTION CARRIED UNANIMOUSLY.**

16.2 **Chief Building Inspector's Reports - Months of November and December, 1995**

ON MOTION of Councillors Anne Cosgrove and Len Goucher, the Chief Building Inspector's Monthly Reports for November and December, 1995 were approved. **MOTION CARRIED UNANIMOUSLY.**

17. **QUESTIONS**

17.1 **Status Sheet**

The Status Sheet was received for information.

19. **ADJOURNMENT**

As there was no further business, the meeting adjourned at approximately 9:00 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #40

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, JANUARY 30, 1996 - 7:00 P.M.

A Regular Meeting of the Town Council of the Town of Bedford took place Tuesday, January 30, 1996 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

Mr. Rick Paynter read two proclamations namely: Toughlove Week and National Flag of Canada Day.

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 Peter Christie and Councillors Joan Pryde, Stephen Oickle, Len Goucher, Marvin Silver and Anne Cosgrove.

Staff members in attendance included Rick Paynter, P. Eng., Acting Chief Administrative Officer; Bob Nauss, Director of Recreation; Francis MacKenzie, Director of Economic Development; Donna Davis-Lohnes, Director of Planning and Development; Wayne Legere, Operations Manager; Nancy Harper, Corporate Services, and Jane Nauss, Recording Secretary.

3. **APPROVAL OF MINUTES**

3.1 **Public Hearing - #38 - January 16, 1996**

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to approve the Public Hearing Minutes - #38 - of January 16, 1996. **MOTION CARRIED UNANIMOUSLY.**

3.2 **Regular Session - #39 - January 16, 1996**

ON MOTION of Deputy Mayor Peter Christie and Councillor Anne Cosgrove, it was moved to approve the Council Minutes - #39 - of January 16, 1996. **MOTION APPROVED UNANIMOUSLY.**

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

Mayor Peter Kelly requested the following changes to the Order of Business:

- the addition of "1996/97 Resident Tax Exemption" - as item 10.4

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- the addition of "Consideration - Tender Call - Site Works - New Fire Station" - as item 10.5

- the addition of "Presentation by Former Council Members re Council Compensation." Mayor Kelly advised that unanimous consent of Council would be required to permit this presentation. If permitted, this agenda item would be numbered 9.2.

ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to add "Presentation by Former Council Members re Council Compensation" to the agenda as item 9.3.

MOTION CARRIED. Councillors Len Goucher and Anne Cosgrove voted in the negative.

As there was not unanimous consent from Council, this item, in accordance with the Town's Rules of Order By-Law, would not be added to the agenda.

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Councillors Anne Cosgrove and Joan Pryde, it was moved to approve the Order the Business, as amended. **MOTION CARRIED UNANIMOUSLY.**

9. **MOTIONS**

9.1 Waste Management Strategy - Councillor Marvin Silver - Nov. 14/95 Notice of Motion

ON MOTION of Councillor Marvin Silver and Deputy Mayor Peter Christie, it was moved that Bedford Town Council recommend that the Minister of the Environment be requested to hold a full public hearing and environmental assessment of the proposed facility, including the landfill. **MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Councillor Marvin Silver, it was moved that Bedford Town Council recommends Halifax County not sign any contract with any company on waste management and that same be left for the new Regional government to deal with.

As there was no seconder, this Motion was lost.

ON MOTION of Councillor Marvin Silver, it was moved that Bedford Town Council express its concern that the contract would be illegal under Bill 3 and in contravention of the CSC Agreement.

As there was no seconder, this Motion was lost.

9.2 **Consideration - Retiring Councillors' Stipend - Deputy Mayor Christie - January 16/96**

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved that Bedford Town Council resolve not to pay any compensation to retiring Councillors for any period after April 1, 1996; further, that Bedford Town Council advise the Regional Municipality, Provincial Government - Municipal Affairs and the Regional Co-Ordinator that we are not seeking any compensation and will not be involved in any further discussions on this subject; further, that the Mayor advise the Regional Government of this decision and also that he advise the other units of our decision and encourage them to join us in this decision so that this issue is resolved and does not detract from the serious questions that require resolution at this time.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to defer this Motion until Halifax Regional Municipality (HRM) deals with this issue. Further, that same be brought back to a future Council Meeting.

MOTION CARRIED. Mayor Peter Kelly, Deputy Mayor Peter Christie and Councillor Joan Pryde voted in the negative.

10. **NEW BUSINESS**

10.1 **Consideration - Non-Substantial Amendment - Development Agreement #94-03**

Ms. Davis-Lohnes addressed Council noting that Bedford Basin Estates has made a request for a non-substantial amendment to change two semi-detached units on lots 59 and 60 to small lot single detached units. These lots are located on Amin Street. Further, it was staff's recommendation that this amendment be given approval by Council.

ON MOTION of Councillor Marvin Silver and Deputy Mayor Peter Christie, it was moved that Council approve the application from Bedford Basin Estates for a non-substantial amendment to Development Agreement #94-03 to permit the construction of single detached units on Lots 59 and 60. **MOTION CARRIED UNANIMOUSLY.**

10.2 **Proposed 1996 Capital Works Program - Bedford Area**

Mr. Rick Paynter addressed Council noting that a list of Capital Works Projects had been created. Once the list has been prioritized, same will be forwarded to the Halifax Regional Municipality (HRM) Core Budget Team for presentation to HRM Council.

Following review of the information distributed to Council, Mr. Paynter sought direction as to

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any amendments to the list prior to being submitted to HRM.

Councillor Joan Pryde enquired if "Road Upgrading - First Ave." could be added to the list.

In response to an enquiry from Councillor Goucher with respect to the addition of Scott Manor House to the list, Mr. Paynter advised he was currently in the process of establishing a Committee to negotiate a price with the owner of the adjacent lands - Mr. John Tolson - to purchase additional lands abutting the Manor House property.

Following a brief discussion, Council was advised that each Member of Council was to prioritize their lists and return same to Mr. Rick Paynter by Thursday, February 1, 1996.

Mayor Peter Kelly enquired if "Hammonds Plains Road/Basinview Road Intersection" could be added to the list.

10.3 **Transitional Report to HRM Regional Council**

Mr. Rick Paynter addressed Council noting that the draft Transitional Report, listing issues of concern for Bedford residents, had been distributed to Town Council . HRM Regional Council responded favourably to a suggestion by Mayor Peter Kelly that each unit submit a Transitional Report outlining issues of importance to each existing municipality.

Mayor Kelly advised that HRM Regional Council agreed that the Chief Administrative Officer should develop a strategy to develop a common document composed of four transitional reports.

The meeting was further advised this draft was for information purposes only this evening and that same should be reviewed carefully prior to being submitted to HRM Regional Council.

10.4 **Proposed 1996/97 Resident Tax Exemption**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to support a proposal to maintain the 1996/97 residential tax exemption presently set at \$450 with a total household income not exceeding \$22,000, further that this position be forwarded to HRM. **MOTION CARRIED UNANIMOUSLY.**

10.5 **Consideration - Tender Call - Site Works - New Fire Station**

Mr. Rick Paynter addressed Council reviewing the process to date. At this point in time, it would be appropriate for Council to direct staff to implement a tender call for initial site works subject to a final document being reviewed by the Acting Chief Administrative Officer .

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved that

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the Acting Chief Administrative Officer direct his staff to proceed with the tender call process for the new fire station initial site works. **MOTION CARRIED UNANIMOUSLY.**

11. **REPORTS**

11.1 **Update - MPS Review**

Ms. Davis-Lohnes addressed Council noting the information which had been previously circulated was for information purposes at this point in time, that information meetings would be held in mid February and that a Public Hearing would be held in early March.

It was the consensus of the meeting that a Council briefing session regarding the MPS Review would tentatively be held Thursday, February 8, 1996.

17. **QUESTIONS**

17.1 **Status Sheet**

Mr. Rick Paynter made reference to the last two items on the Status Sheet noting they had been approved by Municipal Affairs.

19. **ADJOURNMENT**

As there was no further business, the meeting adjourned at approximately 8:00 p.m.

MAYOR

ACTING CHIEF ADMINISTRATIVE OFFICER

MEETING #41

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, FEBRUARY 27, 1996

A Regular Session of the Town Council of the Town of Bedford took place Tuesday, February 27, 1996 - 7:00 p.m. - in the Town Council Chambers, Sunnyside Mall, Bedford Highway, 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 Peter Christie and Councillors Joan Pryde, Stephen Oickle, Len Goucher, Marvin Silver and Anne Cosgrove.

Staff members in attendance included Rick Paynter, P. Eng., Acting Chief Administrative Officer; Francis MacKenzie, Director of Economic Development; Donna Davis-Lohnes, Director of Planning and Development; Wayne Legere, Acting Director of Engineering; Julian Haysom, Engineering Department; Neville Wheaton, Fire Chief, and Jane Nauss, Recording Secretary.

PRESENTATION OF PLAQUES

Mayor Peter Kelly presented Ms. Jeannine Theriault, Human Resource Officer, with a Plaque depicting fifteen years service with the Town. Further, Ms. Jane Nauss, Administrative Assistant to the Chief Administrative Officer, was presented with a plaque depicting ten years service with the Town.

Both recipients were acknowledged for their dedication over the years.

Two other members of staff, Mr. Bob Nauss, Director of Recreation, and Mr. Dave Quinn, Arena Manager, although not in attendance, had also been with the Town for fifteen years. Mayor Kelly acknowledged their dedication as well.

3. **APPROVAL OF MINUTES**

3.1 **#40 - Regular Session - January 30, 1996**

ON MOTION of Councillors Len Goucher and Anne Cosgrove, the minutes of January 30, 1996 - #40 - were approved as circulated.

In speaking to the Motion, Deputy Mayor Peter Christie made reference to item 9.2 noting that Mayor Peter Kelly also voted in the negative, therefore, his name should be inserted.

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Deputy Mayor Christie also made reference to the Motion to defer under item 9.2, enquiring if a date should be included in the Motion.

In response, Mayor Kelly advised there was no date as such, due to the fact it was difficult to determine when Halifax Regional Municipality Council would deal with the matter.

Deputy Mayor Christie expressed concern that if this matter was not brought back to Bedford Town Council prior to March 31, 1996, this matter would not be discussed further by this Council.

Although Mayor Peter Kelly agreed, Deputy Mayor Christie advised he would like Council to give due consideration to including a date in the Motion.

THE MINUTES OF JANUARY 30, 1996, AS AMENDED, WERE APPROVED UNANIMOUSLY.

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

Mayor Peter Kelly requested that item 10.4 - "Building Service Installation - Rocky Lake Drive and Summit St." - be deferred to the next Regular Session of Council.

Mayor Peter Kelly requested "Singular Body - Community Council - Request to the N.S. Legislature" be added to the agenda as item 10.6.

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved that the Approval of Order of Business, as amended, be approved. **MOTION CARRIED UNANIMOUSLY.**

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

6.1 **Union St. Update**

Mr. Wayne Legere, Acting Director of Engineering, addressed Town Council noting that ADI Nolan Davis had undertaken an analysis of the Union St. area to determine the cause of flooding which has occurred over time. Further, Mr. Legere introduced Messrs. John Brisbois and Jim Wilcox, representatives of ADI who were in attendance this evening.

Mr. John Brisbois addressed Council and through the use of overheads, indicated a base plan of the area of concern making note of the following comments:

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- topographic high
- residents on the east side of Union St. are on the flood plain itself
- eight stand pipes were installed to determine ground water levels
- a schematic plan was used to illustrate the following data (a) bedrock outcrops; (b) trench installation; (c) trench/home relationship
- with respect to monitoring, it was indicated there were two different ground water flow regimes in the region which was apparent during the February 17, 1996 storm (a) shallow overburden (b) proximity to fractured bedrock
- bedrock in the area has a significant impact
- the influence of the trench could have impacted on the residences
- sump pumps would be effective at certain times
- the shallower the bedrock is, the more impact made by a storm.

A brief discussion ensued between Councillor Marvin Silver and Mr. John Brisbois on the minor and major causes of the flooding problem in the Union St. area.

In response to an enquiry from Deputy Mayor Christie if the bedrock had been exposed within the past two months, Mr. Brisbois advised in the negative.

In response to an enquiry from Deputy Mayor Christie if there was any difference in the rate of percolation of water in the area or if it was consistent, Mr. Brisbois noted the analysis was carried out on a gross basis and that they needed to assess probable cause of the flooding. It was determined that clearly, the bedrock can respond quicker than soils which have a different permeability.

In response to an enquiry from Deputy Mayor Christie if the topography could be changed, Mr. Brisbois advised this is a flood plain area.

In response to an enquiry from Mayor Peter Kelly if the Town work earlier this summer increased the problem, Mr. Brisbois advised it exacerbated the problem.

Mr. Rick Paynter advised the objective of the ADI Study was to analyze the flooding problem. Wallace Macdonald & Lively (WML) are now ready for the preliminary design for the RCDD development. There is, as a result, an opportunity for the municipality to proceed further into the problem area to improve the storm sewer system. Mr. Barry Zwicker, WML, was in attendance should Council wish to review his proposal.

At Council's concurrence, Mr. Zwicker addressed Council noting that WML has been working on the sanitary storm sewer for the RCDD for the past one and one half months. There are 50 acres of land that drains in the direction of Union St. He has discussed with BWAC the possibility of diverting some of the water flow to run down the north side of the Bicentennial

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Highway into the Sackville River where the River and the Bicentennial Highway meet. Another possibility is to alter the grade of the land; this can be carried out by WML during the RCDD road design stage. WML is proposing a piped storm sewer system be installed on Union St. starting at the brook, to carry the water flow in a 60" pipe and going to the fire road into Bedford Place Mall. An outlet structure would then dump the water into the trench. The flow would be carried through a 60" pipe installed in the existing channel behind the residences, to drain to a point close to the Sackville River where it goes back into a 60" pipe and is discharged into the Sackville River.

Mr. Zwicker advised it was not too late to have a shared project with the Town to install this drainage system. The theory of the system is to try to reduce the ground water level on Union Street and handle properly the water from the new RCDD development site. Further, additional discussions need to take place, preferably within one week.

In response to a comment from Councillor Stephen Oickle to pipe the area where the swale comes onto the fire road to the mall, Mr. Zwicker advised WML had looked at the possibility of not going into the swale at all. Although it was possible to continue the 60" pipe, it would prove very expensive (\$350,000 +). Further, he noted the swale has more capacity than a 60" pipe.

Mr. Rick Paynter addressed the meeting seeking Council direction at this point in time.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to pursue this project with ADI and Wallace Macdonald & Lively and approach Mr. Bill Hayward, Amalgamation Co-Ordinator, for emergency funding. **MOTION CARRIED UNANIMOUSLY.**

6.2 Transitional Issues Report

Mr. Rick Paynter advised the second draft of the Town's Transitional Report had been circulated to Town Council. He further noted that an amendment had to be made to page 7 as it pertains to Section 7.C in that "... and extension of Shore Drive to Waterfront Drive..." was to be deleted.

The meeting was advised this draft was for information purposes and that same would be brought back to the next Regular Session of Council prior to being forwarded to Halifax Regional Municipality.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved that Council review the second Draft of the Transitional Report within one week and advise the Chief Administrative Officer of any suggested changes; further, that this matter be placed on the next Regular Agenda of Council for final approval. **MOTION CARRIED UNANIMOUSLY.**

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8. **PETITIONS AND DELEGATIONS**

8.1 **Acceptance of Council Stipends - Mr. Tom Innes**

Mr. Tom Innes addressed Council noting in his opinion, Members of Council sit not for the monetary aspect of the position, but for the good of the community. Further, he noted that elected officials should not decide if and how much compensation they should receive. In closing, he urged Council to consider the matter of compensation, after April 1, 1996.

8.2 **Consideration - Request from Torrington Residents Association - Ownership of Centre Lands - Mr. Grant Walker**

Mr. Grant Walker addressed Council making reference to the centre island within the Torrington Adult Lifestyle development. He suggested that discussions take place between the Mayor and Town Staff to develop an agreement for a twenty-one year lease with appropriate usage limitations. Further, he requested a substantial level of care from the Town with regards to maintaining the parkland.

Mayor Kelly suggested this matter be deferred to staff to meet with the Association; further that this matter be brought back to Council during its next Regular Session.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to defer this matter pending a meeting between staff and the resident's association; further that this matter be brought back to Council during its next Regular Session. **MOTION CARRIED UNANIMOUSLY.**

8.3 **Jessie Sanford - Camden St.**

Mayor Peter Kelly advised this matter would be deferred until the next Regular Session of Council.

PROCLAMATION

Mayor Peter Kelly called on Mr. Rick Paynter to read the Proclamation - International Day for the Elimination of Racial Discrimination.

10. **NEW BUSINESS**

10.1 **Snowy Owl Drive - Profitt Property**

Mr. Wayne Legere, Acting Director of Engineering, addressed Council noting this flooding

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matter had been before Council in 1992, 1993, and 1994. The Town's Insurer has advised the Town was not at fault. On February 17, 1996, the Profitt's experienced flooding problems in the back yard. At this point in time, Council direction was required.

ON MOTION of Councillor Stephen Oickle and Deputy Mayor Peter Christie, it was moved to authorize the Engineering Department to go ahead with drainage works in the back yard of the Profitt property up to the DND land.

In speaking to the Motion, Councillor Len Goucher advised he has been given new information on the matter. Accordingly, he felt that this matter should be discussed further with Mrs. Profitt.

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to defer this matter to the next Regular Session of Town Council. **MOTION CARRIED UNANIMOUSLY.**

Councillor Len Goucher suggested Councillor Stephen Oickle, Mayor Peter Kelly and the Chief Administrative Officer meet with Mrs. Profitt prior to the next Regular Session of Council.

10.2 Consideration - Non-Substantial Amendment - M1 Commercial Site

Ms. Donna Davis-Lohnes addressed Council noting that Walfox Developments Limited have entered into a Purchase and Sale Agreement with Annapolis Basin Group Ltd. to purchase Lot MC-3.

A marketing study undertaken by the purchasers suggests the original plan for the site is not viable. Accordingly, a proposal to modify the M-1 plan has been received from Walfox Developments Limited. Specifically, the proposal reduces the total floor area of the building (from 40,000 sq. ft. to 30,000 sq. ft.); relocates the building to the centre of the site and orientates the building to both Hammonds Plains Road and the Bicentennial Highway; reduces the height of the south end of the building from three stories to two stories; reduces the total number of parking spaces, and redistributes the parking around the four sides of the building. There will now be approximately 120 parking spaces. Ms. Davis-Lohnes advised the architectural design would not change.

It is staff's opinion this request can be addressed as a non-substantial amendment to Development Agreement 94-04 which was approved by Town Council on January 12, 1993.

Ms. Davis-Lohnes noted the two entrance/exits to the building will be relocated closer to the intersection at Brookshire Court/Hammonds Plains Road. Further, it is recommended by staff that fencing continue along the boundary adjacent to the townhouse units. It is also proposed that specimen trees be retained within the parking lot along Brookshire Court.

With respect to signage, two ground signs were indicated on the revised plan. Although no details were available as yet, it is staff's recommendation that all particulars pertaining to height, size and design, be provided by the developer.

The meeting was also advised that the Town and DOT will have to provide permission to the developer to pipe the ditch west of Brookshire Court.

In conclusion, Ms. Davis-Lohnes advised that the most significant changes to the plan were the re-orientation and re-siting of the building, plus relocation of the parking lot. Should Council contemplate approval of this amendment, the following should be taken into consideration:

- confirmation of details regarding proposed signage
- identification of site disturbance lines and confirmation of the ability to achieve the lines
- permission of Town staff and DOT to pipe a portion of the storm ditch along Hammonds Plains Road
- define details regarding landscaping and materials of the fence along Brookshire Court.

Mr. Paul Skerry, Architect, reviewed the proposed changes to the original concept plan, noting this project is compatible to the Municipal Planning Strategy.

In response to a comment from Councillor Marvin Silver that this matter should be brought before the Planning Advisory Committee (BPAC), Ms. Davis-Lohnes advised that normally, non-substantial amendments do not go before BPAC.

Ms. Davis-Lohnes advised that Council should consider approving the amendment in principle, subject to the developer confirming the aforementioned details regarding the proposal.

ON MOTION of Councillor Marvin Silver, it was moved to defer this matter until the next Regular Session of Council. **As there was no seconder, the Motion was lost.**

Mr. Paul Skerry, Architect, advised that most of the final details could be resolved by the next business day, however, he respectfully requested Council give consideration to giving approval in principle of the project this evening.

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to approve the non-substantial amendment to Development Agreement 94-04 in principle, subject to confirmation of the outstanding details at the next Regular Session of Council.

In speaking to the Motion, Councillor Len Goucher expressed his desire to have the application reviewed by BPAC, however, he was cognizant of the fact that normally BPAC does not deal with non-substantial amendments.

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MOTION CARRIED UNANIMOUSLY.

10.3 **Consideration - Engineering Analysis & Preliminary Design - Hammonds Plains Road**

Mr. Wayne Legere, Acting Director of Engineering, addressed Council noting that in October, 1995, Council approved Beasy Nicoll Engineering Limited to undertake an evaluation of existing and future traffic volume impacts on the Hammonds Plains Road and to prepare a functional plan to act as a guideline to accommodate projected traffic over a twenty year time frame.

Staff are recommending that Council consider supporting the functional plan following which same would be forwarded to Halifax Regional Municipality as part of the Town's Capital Budget submission for 1997 construction works.

Mr. Legere introduced Mr. John Beasy to present the functional plan to Council.

In addressing Council, Mr. Beasy reviewed the functional plan noting a cost of approximately \$2.4 million would be involved (without cost-sharing taken into consideration).

A brief question and answer period took place between Council and Mr. Beasy.

Deputy Mayor Peter Christie expressed his concern that Mr. Beasy has created a viable traffic planning view but has left the town aspect out of the picture.

Mayor Peter Kelly thanked Mr. Beasy for his presentation.

10.5 **Consideration - Tender #96-01 - Site Works - New Fire Hall**

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to award Tender #96-01 - Site Works - New Fire Hall - to Vernon Kynock Trucking Ltd. in the amount of \$179,710. **MOTION CARRIED UNANIMOUSLY.**

10.6 **Singular Body - Community Council - Request of N.S. Legislature**

Mayor Peter Kelly advised he had been approached by other Members of Council to initiate working towards having Bill 3 amended to permit the creation of a Community Council in the area of Bedford. At the current time, due to demographics, Bedford cannot form its own Community Council.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to correspond in a positive manner, with the Town's MLA to sponsor an amendment to Bill 3 to

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permit one or three polling districts to form their own Community Council.

In speaking to the Motion, Deputy Mayor Peter Christie made reference to Section 28(3) of Bill 3 - "A community shall include the whole or part of at least three polling districts." - and suggested the wording be changed to permit one or three polling districts to form a Community Council. Another suggestion is to deal with Section 25 of the Bill - "The Council may appoint a community committee for an area that is not governed by a community council." - where it should be provided for a community committee to have the powers of a Community Council.

Councillor Len Goucher advised that the request to the MLA to support an amendment to Bill 3 as noted above, should be placed in a positive manner, and that this amendment could assist other districts as well and not only Bedford.

Councillor Joan Pryde agreed with Councillor Goucher's comments. She noted, however, the community was going back to the days of the Bedford Service Commission.

MOTION CARRIED UNANIMOUSLY.

12. **CORRESPONDENCE**

12.1 **Consideration - Request to Use Town Crest (Coat of Arms)**

Mayor Kelly reviewed with Council the recent request to use the Town Crest (Coat of Arms).

A discussion ensued as to the status of the Town Coat of Arms as of April 1, 1996 when the Town of Bedford will no longer exist as a single entity.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved that the matter of ensuring the future use and safety of the Town Crest and Flag be left to the Mayor and Chief Administrative Officer; further, that discussions be held with the Fort Sackville Foundation and Heritage '80.

In speaking to the Motion, Mayor Peter Kelly advised the Town was not "surrendering" any valuable assets such as the Town Flag and Coat of Arms over to the Halifax Regional Municipality and that arrangements should be made to leave both with a group in trust and to protect same.

Councillor Joan Pryde strongly suggested that the term "Town Crest" not be used and that the term "Town Coat of Arms" is the correct terminology. Further, she noted that members of Heritage '80 originally carried out the research involved in the creation of the Coat of Arms. Therefore, the Motion should be amended to read that Heritage '80 be the body appointed by

Council to hold the Town Flag and Coat of Arms in trust and to protect same, after April 1, 1996.

The amended Motion now reads:

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved that the matter of ensuring the future use and safety of the Town Coat of Arms and the Town Flag be left to the Mayor and Chief Administrative Officer; further, that discussions be held with Heritage '80. **MOTION CARRIED UNANIMOUSLY.**

With respect to the request for use of the Town Coat of Arms, Mayor Peter Kelly advised that the matter was considered part of the aforementioned Motion.

16. **DEPARTMENTAL REPORTS**

16.1 **Fire Chief's Monthly Report - January, 1996**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to accept the Fire Chief's Monthly Report for January, 1996. **MOTION APPROVED UNANIMOUSLY.**

16.2 **Chief Building Inspector's Monthly Report - January, 1996**

The Chief Building Inspector's Monthly Report for January, 1996 was received for information.

17. **QUESTIONS**

17.1 **Status Sheet**

The Status Sheet was received for information.

19. **ADJOURNMENT**

As there was no further business, the meeting adjourned at approximately 10:15 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #42

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, MARCH 18, 1996 - 7:00 P.M.

A Regular Session of the Town Council of the Town of Bedford was held Tuesday, March 18, 1996 - 7:00 p.m. - in the Committee Room, Suite 300, 1597 Bedford Highway, Royal Bank Building, 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 Peter Christie and Councillors Joan Pryde, Stephen Oickle, Len Goucher and Marvin Silver.

Councillor Anne Cosgrove was absent with regrets.

Staff members in attendance included Rick Paynter, P. Eng., Acting Chief Administrative Officer; Donna Davis-Lohnes, Director of Planning & Development Control; Nancy Harper, Corporate Services; Jeff Lawrence, Corporate Services and Jane Nauss, Recording Secretary.

3. **APPROVAL OF MINUTES**

3.1 **#41 - Regular Session - February 27, 1996**

ON MOTION of Councillors Joan Pryde and Stephen Oickle it was moved to approve Regular Session - #41 - February 27, 1996. **MOTION CARRIED UNANIMOUSLY.**

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

Councillor Len Goucher enquired if "Update on Union St." could be added to the agenda as item 6.1(a) and that this item be discussed prior to item 6.1.

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to approve the Order of Business, as amended. **MOTION CARRIED UNANIMOUSLY.**

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

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6.1(a) **Update - Union St.**

Mr. Rick Paynter addressed Council noting that Wallace MacDonald Lively made a presentation to Council in February. As a result of that presentation, Town staff are in the process of assessing a proposal put forth at that time. Once the assessment is complete, this matter will be discussed by Council on March 26, 1996.

At the concurrence of Council, agenda item 8.1 was discussed next.

8. **PETITIONS AND DELEGATIONS**

8.1 **Jessie Sandford - Camden St.**

Ms. Jessie Sandford addressed Council and circulated a list of questions she would like responded to. Further, reference was made to a petition which would be forwarded to the Town Office within the next two days.

6. **DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES CON'T**

6.1 **Consideration - Proposed Disposal of Service Right-of-Way - Peregrine Crescent to Armoyan Court**

Mr. Rick Paynter addressed Council noting this matter has come to light once again. In 1995, Council approved in principle, the sale of the existing service right-of-way between Peregrine Crescent and Armoyan Court, to the four abutting property owners for legal and survey costs, subject to this matter going to a Public Hearing. At that time, however, it was discovered that a portion of the property in question was actually part of the McCulloch estate. The Public Hearing was thus delayed until the deed to same was conveyed to the Town. This has been achieved. Three of the abutters are interested in purchasing the right-of-way, however, one abutter remains uncertain.

Mr. Paynter advised that following the Public Hearing and should Town Council remain in agreement to conveying this property to the abutters, Council's final approval should be subject to the approval of the HRM.

Councillor Marvin Silver advised he would like to see all four abutters in agreement to purchasing the right-of-way.

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ON MOTION of Councillor Marvin Silver, it was moved to defer this item to the 26th of March Public Hearing to provide an opportunity for all affected abutters to address Council.

Councillor Marvin Silver advised he would vote against any Motion of Council supporting this sale of land unless all four abutters were in agreement.

6.3 **Consideration - Request from Torrington Residents Association - Ownership of Centre Lands**

Ms. Donna Davis-Lohnes addressed Council and circulated a copy of a proposed draft lease between the Town of Bedford and the Torrington Residents Association. Ms. Davis-Lohnes advised this is a neighbourhood piece of open space. Further, the Association is seeking some assistance from the Town particularly as it pertains to maintenance of the lawn and covering costs of liability insurance.

Following a brief review of the lease, Councillor Len Goucher expressed concern in that there should be a vehicle for alternate use to reflect any conditions.

Ms. Davis-Lohnes advised that the term "passive" can be defined more explicitly within the lease.

ON MOTION of Councillor Marvin Silver, it was moved to approve the lease as distributed.

In response, Mayor Kelly advised that terminology within the lease needs to be defined prior to being given final approval.

Deputy Mayor Peter Christie seconded the Motion subject to the management and passive clauses being redefined.

The Motion now reads:

ON MOTION of Councillor Marvin Silver and Deputy Mayor Peter Christie, it was moved to approve the lease, subject to redefining the clauses that pertain to management of the parkland and the term "passive".. **MOTION CARRIED UNANIMOUSLY.**

6.4 **Snowy Owl Drive - Profit Property**

Mr. Rick Paynter reviewed a staff report dated March 12, 1996 which pertained to the above-noted property. At this point in time, Council direction was required.

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ON MOTION of Councillor Stephen Oickle and Deputy Mayor Peter Christie, it was moved to authorize the Engineering Department to proceed with drainage works in the backyard of 86 Snowy Owl Drive up to the DND land, with an upset cost of \$10,000. **MOTION CARRIED UNANIMOUSLY.**

10. **NEW BUSINESS**

10.1 **Children's Safety Village - Trevor Johnson, Bedford Board of Police Commissioners and Cst. Dwight Hennigar, Bedford Police Department**

Mr. Trevor Johnson addressed Council noting this matter has been discussed by the Bedford Board of Police Commissioners on several occasions. Further, the Board has given its support of the project. Following a brief review of the concept, Mr. Johnson called on Cst. Hennigar.

Cst. Hennigar provided background information on the Safety Village proposal and the various committees which had been established to continue working forward in this regard. Two sites are currently being studied for construction of the Safety Village -(a) on lands adjacent to C.P. Allen High School and (b) at the intersection of Highway 102 and the Hammonds Plains Road. It was his opinion that the parcel of land located at the Highway 102/Hammonds Plains Road intersection would be best suited as it was in a highly visible area and corporate sponsors would rather the project be located in an area which was visible as opposed to a location off the beaten track.

The meeting was advised that Chief Vince MacDonald, Halifax Regional Municipality, has given his concurrence to the project.

A brief discussion ensued on the fact that high school students could assist in the administration of the Village through a co-operative education course. Also, it was noted that children will be taught about good strangers, bad strangers, block parents, bike safety, road safety, etc. etc.

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved that Bedford Town Council support the Bedford Board of Police Commissioners in their efforts to establish a Childrens' Safety Village; further, that Council will assist in locating Town owned land for the project on a long term lease basis.

In speaking to the Motion, Deputy Mayor Peter Christie enquired if "Town owned land" should be amended to read "a parcel of land closer to a community centre."

Mayor Peter Kelly advised that at this point in time, the Bedford Board of Police Commissioners is simply requesting Council's support in their efforts.

MOTION CARRIED UNANIMOUSLY.

Cst. Dwight Hennigar played a video on a Children's Safety Village in Ontario.

10.2 **Council Approval - Consolidation and Closure of Reserve Funds**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve the transfer of the Reserve Account Balance (\$783,176.18) to General Operating. **MOTION CARRIED UNANIMOUSLY.**

10.3 **Request from County of Richmond re UNSM Service Exchange**

Mayor Peter Kelly reviewed correspondence received from Richmond County Municipal Council.

ON MOTION of Councillor Marvin Silver and Deputy Mayor Peter Christie, it was moved to voice Bedford Town Council's distaste of the Province's attempt of a Provincial tax on municipal purchases. **MOTION APPROVED UNANIMOUSLY.**

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved that Bedford Town Council support Richmond County Municipal Council and that correspondence be forwarded to the UNSM advising we are not in favour of commencing another round of service exchange as it is Council's position that the original service exchange was not successful. **MOTION CARRIED UNANIMOUSLY.**

10.4 **Non-Substantial Amendment - Lot 92 Oceanview Drive**

Ms. Davis-Lohnes addressed Council making reference to a staff report included in the Town Council package. Further, she noted that Mr. Armoyan was in attendance to address Council on the above-noted matter.

Mr. George Armoyan addressed Council noting that he is requesting a change to Lot 92 Oceanview Drive from one standard lot to two small lots.

Ms. Donna Davis-Lohnes advised that it is staff's recommendation that Council not support the requested change to Lot 92 Oceanview Drive.

ON MOTION of Councillor Marvin Silver and Deputy Mayor Peter Christie, it was moved to support staff's recommendation in that the requested change to Lot 92 Oceanview Drive (one standard lot to two small lots) be denied.

MOTION CARRIED. Councillor Joan Pryde voted in the negative.

12. **CORRESPONDENCE**

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12.1 **Drainage Concerns - 93 Union St. - Mr. Fred Hall**

12.2 **Construction Concerns - Bedford Place Mall - Mr. Fred Hall**

Mr. Rick Paynter addressed Council noting that the correspondence from Mr. Hall had been forwarded to the Planning and Engineering Departments, however, no information has been received as yet.

Ms. Davis-Lohnes advised she spoke to Mr. Hall regarding Bedford Place Mall (item 12.2) and the construction company involved with the renovations to Bedford Place Mall. It has been determined that the construction company is not prepared to do anything in regards to Mr. Hall's concerns. Further, there is no requirement for a pre-construction inspection.

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, the Rules of Order were suspended to permit Mr. Fred Hall to address Council. **MOTION APPROVED UNANIMOUSLY.**

Mr. Hall distributed information as it pertained to companies outside of Canada who were experts in the field of noise barriers.

Ms. Davis-Lohnes expressed surprise this matter has been raised as she understood the matter had been resolved to the satisfaction of Mr. Hall as a result of several conversations she had with the Halls. Further, a permit has been issued for the expansion to the mall.

A brief discussion ensued on the type of wall which was being constructed as a noise barrier (15 ft. high 50 ft. long concrete wall) to protect those residents in the area who would be directly affected. Also, the matter of extending the fence was considered.

At the request of Mayor Kelly, Ms. Davis-Lohnes advised she would discuss with representatives from Bedford Place Mall, the matter of **the privacy fence along the property line being constructed of concrete block instead of wood and she would confirm with the two abutters on either side of Mr. Hall that they are in agreement with this change if the mall gives a positive response to this request.**

16. **DEPARTMENTAL REPORTS**

16.1 **Fire Chief's Monthly Report - Month of February**

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, the Fire Chief's Monthly Report for the month of February, 1996 was received for information. **MOTION CARRIED UNANIMOUSLY.**

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16.2 **Chief Building Inspector's Report - Month of February, 1996**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved that the Chief Building Inspector's Report for the month of February, 1996 be approved as distributed. **MOTION CARRIED UNANIMOUSLY.**

17. **QUESTIONS**

17.1 **Status Sheet**

The Status Sheet was received for information.

19. **ADJOURNMENT**

As there was no further business, the meeting adjourned at approximately 9:30 p.m.

MAYOR

ACTING CHIEF ADMINISTRATIVE OFFICER

**TOWN OF BEDFORD
PUBLIC HEARING**

MINUTES

MARCH 26, 1996 6:30 P.M.

A Public Hearing was held on Thursday, March 26, 1996 at 6:30 p.m. in the Council Chambers, Sunnyside Mall, 1595 Bedford Highway, Bedford, Nova Scotia

ATTENDANCE

Mayor Peter Kelly, Deputy Mayor Peter Christie, Councillors Anne Cosgrove, Len Goucher, Joan Pryde, Marvin Silver, Stephen Oickle. Staff members included Donna Davis-Lohnes, Director of Planning and Development Control; Jenifer Tsang, Planner, Thea Langille, Planning Technician and Wayne Legere, Director, Engineering and Public Works. Rick Paynter, Acting Chief Administrative Officer.

Mayor Peter Kelly brought the meeting to order at approximately 6:30 by advising that the purpose of the Hearing was to receive both written and verbal submissions respecting the disposal of a 20 ft. Service right-of-way between Armoyan Court and Peregrine Crescent.

Wayne Legere opened by giving a background summary of the events leading to the Public Hearing. The area in question is included in the Council package, it is a service-right-of-way left over from one of the early phases of Eaglewood Subdivision Development. It extends from the cul-de-sac of Armoyan Court down to Peregrine Crescent and is abutted by four properties. Civic number 22 and 28 Armoyan and Civic 33 and 27 Peregrine. The issue of potential sale of this right of way was raised back in 1989. We pursued it but we couldn't get all property owners to agree to the purchase and then it was brought back again this summer where we sent out letters again to the four abutters making an offer if they chose to purchase a 10 ft strip, abutting their properties, I believe it is somewhere between 1,000 and 1,200 per property. We sent those notices out in June and again we received three replies positive to entertaining purchasing. The purpose of this public hearing tonight is to open the floor up to the public to determine if there is any presentation of support or opposition to the intention of Council to consider the sale of these lands. Again I might add that there are storm and sanitary services under the lands in question, it would require an easement dedicated back to the Town or to the Regional Municipality for service of underground pipes.

Councillor Goucher to his Worship Peter Kelly - this is the second or third time this has been to Council and if my memory is right every time it comes to Council it's been three people that want to buy and one against, is that correct. Mr. Legere confirmed this statement.

Mayor Kelly asked Mr. Legere what price or value has been attached to these properties please. Mr. Legere responded that at this point we just included an estimate of \$600 - \$800 per property. That's based on assessment to be performed and legal costs associated with it.

Mr. Paynter to his Worship Kelly - the way we've approached this Your Worship we have not gone out and obtained a formal appraisal, I believe if my memory serves me correct the initial approach and interest that was expressed by some of the abutting property owners is that they would be interested in acquiring this land for the legal and survey costs associated with doing that transaction. And so we've hung on to that same concept all the way through.

Deputy Mayor Peter Christie, perhaps to just go back to Mr. Legere, you did raise the question that there are sanitary and storm sewers under there and therefore an easement would have to be attached to the property. What are the attributes attached to an easement - does it mean you can't build on it, you can't plant trees, is that what it means.

Mr. Legere clarified this question by saying it means no permanent structure. Deputy Mayor Christie asked if is it the Town's intent when you have easements such as that, do you have to maintain it, ah, put a gravel surface on it, or just leave it and knowing when you need to go in there you're going to take down whatever is in front of you. Mr. Legere stated it gives us a right of access, because at that point it's somebody else land. There is also a clause that states when we finish we must reinstate to original condition.

AUDIENCE:

Mrs. Towell - 71 Union Street

Asked about the size of the lot, the parcel of land in question. Mayor Kelly directed the inquiry to Mr. Legere. Mr. Legere stated that per the recommendation the existing right-of-way is divided equally among the four abutting properties, they each gain approximately 1,000 to 1,200 sq. ft. Mrs. Towell asked how much the property owners were going to be paying for this property.

Mr. Paynter answered Mrs. Towell by stating that the approach that we have taken on this and this is the again, if my recollection serves me correctly. The approach that was initially put to the Town Council in terms of considering, is that the residents would be paying the costs of the legal and the survey associated with implementing this transaction. That would be their purchase price for buying the land. Mrs. Towell also asked if this parcel of land was suitable for building a single family home. Mr. Paynter assured her it would not. It could not be used for the purpose because of the service easement right that we would have to retain on the property. Mayor Kelly stated that you would not be able to build on it because of the pipes underneath, so you couldn't build anything permanent on top. And Mayor Kelly also said that it was 20 feet wide also.

Robert Price 33 Peregrine Crescent

Mr. Price wanted to clarify a couple of things, number one I'm going to be an abutter. That is why I'm in favour of acquiring the land. This issue has been around since '86 not '89. When I acquired my lot 13 or 14 years ago and subsequently built I was aware there was a service easement - I want to emphasize service easement adjacent to my property, not right-of-way. I acquired this land with the knowledge that this was a sewer service easement. Over the years I've refrained from enclosing my property on its boundaries because I enjoy the openness. Over the last number of years, I've endured a certain amount of intrusion of privacy, damage to my property and on three occasion now I've been offered this parcel of land - each time I've accepted. The first time 1986 and both my neighbour and I accepted the proposal at that time, with the two higher an abutter not answering. I'm still interested in acquiring this to protect my property and for privacy.

Mr. Jones 27 Peregrine

Mr. Jones mentioned that he viewed this easement as exactly the 10 feet we have in front in front of our properties. We have full enjoyment of those. There is a lot of traffic, he agreed with Robert Price that in the winter time it has, this year in particular become almost a winter playground which I think we have the right to stop. I think it's our right as managers of that surface and what I'd like to propose, there's been a lot of snow boarding, not just the neighbours, we had cars coming in this year. I don't think that's an appropriate use. We should have rights to manage it, we mow it. I think we should be able to landscape it with very low level landscaping to create the surroundings we want. But I'm also opposed to absolute restriction for the kids as a thoroughfare as a safe route. I just oppose the sale because I don't see the need. I think we can strike between the landowners and the Town a mutually agreeable service management and still retain the informal safe access for little kids.

Mayor Kelly thanked the participants. And asked if there was anyone else who wished to speak.

Isabelle Fleming - 10 Eagle Place

Lives on 10 Eagle Place which abuts the easement on the next street between Eagle Place and Peregrine Crescent. Again, I would just like to reiterate what the both neighbours have said. Our children have used that as a safe walkway to and from school as long as they're in the elementary school grades. And provides them with a safe walking environment. My concern is, yes, I'd like to see especially our smaller children still have access to that right-of-way to walk back and forth to school. But then, again, I agree with both neighbours that something has to be done or give them some right to protect their lands.

Our becomes more problem in the Spring on our easement when kinds on bicycles can go up and down the easement when the mud is thick. And again we maintain our easement and fertilize it and we mow it. It would be nice at certain times of the year to say, please don't use it for two weeks or whatever.

After three calls for more speakers, Mayor Christie adjourned Public Hearing to the public is closed to the public at 6:45. Further discussions took place.

Deputy Mayor Christie addressed Council regarding one of Mr. Jones comments, talking about a management think. It made me think about the Torrington residents of last week where we gave them a right, rented the space to them and gave them surface use and other things. We're all saying the same thing but different words and if I could direct a question to Mr. Jones to get clarification of what he was referring to. Mayor Kelly asked Mr. Jones if he was prepared to respond. In response to Deputy Mayor Christie's inquiry Mr. Jones stated that his basic thoughts would be that the easement of the 10 feet on Bob's side of the and including my side, we could get together and determine what we want for our 10 feet as landscaping, hopefully we can work together and I know we can. And the same above us. That would not restrict the access for little kids going up and down. I don't think very many grown ups use it. By low level landscaping I think we can minimize, eliminate the use for sliding and things of that nature.

Deputy Mayor Christie stated that then Mr. Jones envisioned people traversing over the property. Mr. Jones replied that he did not envision stopping them. Also Deputy Mayor Christie asked Mr. Jones if he saw some legal instrument between the Town and yourself or just some sort of understanding or how did you see this. Mr. Jones stated he would just like Council to, if they want a written document that's fine, I just don't want, I don't think it's necessary to establish the legal transaction including

survey and legal fees to do this. I think what Bob wants and what I want are basically the ability to manage that surface lands as we see fit. That's all we want.

Councillor Goucher directed a question to Mrs. Fleming. Did I understand from your comments you are on at 10 Eagle Place, Mrs. Fleming concurred. Councillor Goucher wanted to know if Mrs. Fleming was interested in the same type of arrangement, that's on the table here right now. Mrs. Fleming stated that as far as an agreement with the Town, yes she would be. She was speaking for herself because the other three partners are absent. Mr. Goucher felt she had a right to be heard and if this is similar.

Mayor Kelly interjected and pointed out that the issue that was advertised was Peregrine Crescent to Armoyan Court. If there is a further request then that would have to be entertained.

Councillor Goucher stated that what the Deputy Mayor was alluding to it could facilitate that one as well.

Mayor Kelly agreed that it was a possibility.

Councillor Silver directed an inquiry to Mr. Price in that Mr. Price wants to purchase this particular piece of land, what difference would it make if you purchase it or whether it stays in the possession of the Town. Mr. Price replied that with all due respect to the Town, amalgamation just around the corner, attitudes change one of my fears is a full blown walkway. Councillor Silver wanted to know why Mr. Price wanted to buy the land, rather than leave it with the Town. Mr. Price reply was that because of the legal entitlement attached to it. Councillor Pryde wanted to inquire from our Director of Planning and Development when this subdivision and laid out was this to be a public walkway, the two parcels this one we're talking about today and the one at Eagle Place.

Donna Davis-Lohnes replied that she wasn't involved at the time but if it was intended to be a public walkway it would have been identified as a right-of-way, and had the developer develop it was a public walkway in occurrence with our sub-division by-law, it is my opinion it was simply to allow for the pipes to run underneath the ground and then for us to have an easement or right to actually go in and maintain it.

Public Hearing is closed at 7:00 p.m..

**TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, MARCH 26, 1996 - 3:30 P.M.**

The Regular Session of the Town of Bedford Council was held on Tuesday, March 26, 1996 at 3:30 p.m. in Council Chambers, Sunnyside Mall, 1595 Bedford Highway, Bedford, Nova Scotia.

1. **LORD'S PRAYER**

2. **ATTENDANCE**

Mayor Peter Kelly, Deputy Mayor Peter Christie, Councillors Joan Pryde, Marvin Silver, and Len Goucher were in attendance. Staff member included Rick Paynter, Acting Chief Administrative Officer. Councillors Stephen Oickle and Anne Cosgrove arrived 4:30 p.m.

Mayor Peter Kelly opened with remarks to Council stating that this was the last official council meeting as Mayor and Council.

3. **APPROVAL OF MINUTES**

ON MOTION of Deputy Mayor Peter Christie and Len Goucher it was moved to adopt the Monday, March 18th minutes as circulated. **MOTION UNANIMOUSLY CARRIED.**

Mr. Paynter introduced recording secretary, Jeanette MacLean to Council.

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

Mayor Peter Kelly advised because of the time frame there would be changes to the agenda because of the MPS process which will take a few hours. The Junior High School students wish to come at 7:00 - that will stay. We will also at that time be dealing with the results of the Public Hearing which is at 6:30. We will also be dealing with the MPS process. So that is the intent of the 7:00 meeting.

Couple of reports waiting for from Planning which is item 6.3 which is one, also the 10.5 in regards to Sobey's, Mill Cove. That may have to be scheduled another special session to deal with those items expressively.

5. APPROVAL OF ORDER OF BUSINESS

Is there any other additions/deletions to Order of Business. Special meeting will be held Friday morning 7:30 a.m. to take care of any other business. Donna Davis-Lohnes advised that items 6.3 and 10.5 would be deferred until Friday's Special Session. Mayor Kelly suggested that when the meeting recessed tonight it would resume on Friday morning, making it a continuous meeting until we finish the process..

ON MOTION of Deputy Mayor Peter Christie and Len Goucher, it was moved to adopt the Order of Business. **MOTION UNANIMOUSLY CARRIED.**

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Union Street update

Rick Paynter addressed Council stating that the last discussion on this particular item, Council had referred the matter to staff to undertake some further discussions with ADI in terms of them completing their report, following with some further discussions with Wallace MacDonald in terms of what recommendations could be put forth to Council as to how we may proceed further with addressing this particular flooding issue. Staff from engineering are here this evening to make that presentation to Council and to address any questions Council may have. So with your concurrence your Worship I turn this matter over to staff engineer Julian Haysom.

Mr. Haysom confirmed as Rick stated in summary. As such the Nolan Davis report suggested that the way to deal with the problems on individual houses was to look at houses individually as opposed to a general solution. And their opinion was that as a result of the rock aquifer feeding directly to the basements that even if a storm system was placed on Union Street that this would not solve the problem entirely for the residents. As Council is aware Wallace MacDonald made a presentation where in conjunction with the work that they're doing on the Redden Brothers property that they were able to provide a storm system on Union Street which they felt was going to provide from general relief.

In reviewing the recommendations which came up with the Nolan Davis report which staff only received on Friday, they do identify in that, there should a storm system be placed and the laterals from the footing drains around the houses, be connected to that storm system, that there would be some general relief and believe that there would be a general benefit to that. Further to that staff reviewed the situation in terms of possibility of long term of having a gutter and a local storm system on Union and there was a benefit in having the proposals which MacDonald had put forward carried into this area, not only for the long term but as it had been identified as general relief for the residents. Staff is recommending the storm system that MacDonald is