

MINUTES OF A MEETING OF THE MUNICIPALITY OF THE COUNTY OF HALIFAX

TUESDAY, DECEMBER 20, 1977

Warden Ira Settle opened the meeting at 7:00 p.m. with the Lord's Prayer followed by the Clerk calling the roll.

It was moved by Councillor Sutherland, seconded by Councillor Fader:

"THAT Mrs. Terri Durling be appointed as Recording Secretary."
Motion Carried.

Councillor MacKenzie suggested that because of the Christmas season quickly approaching, perhaps no additional items be added to the agenda for this evening so that councillors could leave early and get some rest for the holidays.

It was moved by Councillor MacKenzie, seconded by Councillor McCabe:

"THAT no items be added to the agenda." Motion Carried.

Councillor Gaetz thanked everyone for their expressions of sympathy in his recent bereavement. He stated he would be leaving early this evening and for this reason would like to have item # 11 dealt with first as there are people from the area concerned who are present this evening.

It was moved by Councillor Lawrence, seconded by Councillor Gaetz:

"THAT the Report of the Planning Advisory Committee be approved." Motion Carried.

It was noted by Mr. Bensted that a letter had been received at 4:30 today from a landowner concerning item # 11. It was Mr. Bensted's opinion that this letter not be received as the public hearing has already taken place and the letter should have come forward at that time only. It was the decision of council as well, not to receive this letter.

It was moved by Councillor Gaetz, seconded by Councillor Cosman:

"THAT the rezoning application # 15-77 re Parcel "A" lands at Porter's Lake be changed from an unzoned status to R1 (Residential Single Family Dwelling) Zone and the same is hereby approved and the zoning by-law be and the same is hereby amended accordingly." Motion Carried.

Mr. Gallagher then presented his report with respect to the implementation of by-laws 40, 41 and 42. He feels that it is a little too early yet to see the full results of these new by-laws. There was no evidence to prove that it was causing the small operators any harm.

Councillor McCabe wanted to know if a person has to apply for a license to do these things (blasting, removal of topsoil, etc.) and the cost involved. Mr. Gallagher explained that a person just has to come in and fill out an application where necessary.

Councillor Baker wanted to know the difference between a gravel pit and ordinary fill. Mr. Gallagher explained that a gravel pit is for gravel only, while ordinary fill is the stripping of the top soil.

Councillor Deveaux asked if the Department of Highways makes out an application everytime they do blasting. Mr. Gallagher told him that the Department of Highways gathers information about the area concerned first before they go ahead, and any blasting is usually carried out by a private contractor, who obtains a permit if necessary.

Councillor Poirier was concerned that these by-laws be forced on her area as her community is just starting to build and such regulations would prevent growth.

Councillor Lawrence gave a brief rundown as to why these by-laws were adopted in the first place. A beautiful lake, Sandy Lake, was ruined by land clearing around it and the by-law was introduced to prohibit this type of pollution. With regards to the blasting by-law, there was a great deal of concern about insurance coverage should damage occur. She feels the by-laws should be studied further to make them more efficient and to use them as they were originally intended.

Councillor Gaetz could see problems should his area adopt these by-laws and added that four particular operators in his area alone would face great difficulties. Highways would take a lot longer to build, as well.

Councillor Cosman could not understand why some councillors were so hesitant to accept these by-laws as they would be very beneficial. It helps to know that insurance is available should accidents occur.

In Councillor Topples' area, the enforcement of these by-laws helped his area as there were operators who had no regard for the people at all and blasting has been stopped where it bothers the public. Now people who do obtain permission to blast are closely monitored.

It was moved by Councillor MacKenzie, seconded by Councillor Lawrence:

"THAT the Report from Mr. Gallagher be received." Motion Carried.

It was suggested by Councillor Lawrence that these by-laws be reviewed after they have been in effect for a year.

Councillor Streach commented that Halifax County is the largest County in Nova Scotia and therefore there are great differences with regard to population in different areas. The enforcement of these by-laws would be detrimental to some areas, including his own, and he feels it should be left up to the individual councillors to decide if they want to use them or not.

Councillor Cosman wondered why this Council could vote so easily on an issue concerning 5 districts and turn around and argue over the enforcement of by-laws which would help the County overall.

Councillor Deveaux wondered if it may be too late, should certain councillors wish to adopt these by-laws at future dates and he thought they should be adopted now to prevent this from happening and to protect the whole of the County.

It was moved by Councillor Lawrence, seconded by Councillor Walker:

"THAT By-laws 40, 41 and 42 be reviewed by the Public Works Committee and the Director of Public Works." Motion Carried.

It was moved by Councillor Walker, seconded by Deputy Warden Williams:

"THAT the Minutes of November 9th be approved." Motion Carried.

It was moved by Councillor Baker, seconded by Councillor Streach:

"THAT the minutes of November 15th be approved." Motion Carried.

It was moved by Deputy Warden Williams, seconded by Councillor Deveaux:

"THAT the minutes of November 22nd be approved as amended." Motion Carried.

It was noted by Mr. Bensted that there were no letters or correspondence.

Councillor Lachance has some new information coming forward which is being prepared by Mr. Gallagher in the form of a study which should be ready in January. He would, therefore, like a thirty day deferral on his notice of motion concerning the formation of a Board of Inquiry.

It was agreed by Council:

"THAT Item # 7 notice of motion re formation of a Board of Inquiry be deferred to the January Council Session."

It was moved by Councillor MacKenzie, seconded by Councillor MacKay:

"THAT the Warden's Report be received." Motion Carried.

It was moved by Councillor Poirier, seconded by Councillor MacKenzie:

"THAT the Report of the Director of Planning and Development be approved." Motion Carried.

The Report of the Municipal School Board was next on the agenda but it was decided to wait until Mr. Perry appeared before dealing with it.

It was moved by Councillor Lachance, seconded by Councillor Smith:

"THAT the Report of the School Capital Program Committee be approved." Motion Carried.

Councillor Benjamin has a few concerns. One was the effect of the school expenditures on the tax rate. Mr. Bensted said he hoped to have a report on this in January. Councillor Benjamin was also surprised to see the restraint on the construction of the badly needed Bedford-Waverley High School. He would like an explanation as to why this was deferred by Councillor Fader because it is a deplorable situation in the area and there is a lot of overcrowding.

Councillor Lachance explained that there was no holdup in the building as the architect was having some cost analysis done. Apparently, Councillor Fader had information that George Doucet had some facts re enrollment and he wanted to get them before the Committee. It was not known exactly what George Doucet was concerned about. Councillor Deveaux thought George Doucet was thinking of changing the site of the high school but feels that this would never be supported.

Councillor Lawrence would like to have the name of St. Margaret's Bay removed from the name of the new school at Tantallon.

It was moved by Councillor McCabe, seconded by Councillor Lachance:

"THAT the Report of the Municipal School Board be received." Motion Carried.

Mr. Perry then took the floor to answer some of council's questions concerning the Report of the Municipal School Board.

Councillor Cosman wanted to know if the principals of the schools had submitted the lists of school equipment needed and Mr. Perry gave her an affirmative reply. He explained that the principals were asked to give a revised list of their top priorities. Councillor Cosman also asked again about the secretarial chair needed for a secretary with a handicap. The school has agreed to pay the difference for the more expensive chair. Mr. Perry said this would not be necessary that the school board would pay the entire sum of the more expensive chair.

Councillor Smith wondered why the new list seemed to have some discrepancies such as some schools adding more to their previous list while others have left out a number of items. Mr. Perry explained that the list has been in the works for so long that in the interim principals found they needed more than they had originally required or vice versa. It was noted by Councillor Lachance, though, that there was a reduction of some \$70,000.00 from the original price.

Councillor Walker wanted to know if the School Board had examined the list themselves and Mr. Perry assured him that this had been done.

Councillor Margeson asked what the video recorder for the Lakeview School would be used for and Mr. Perry informed him that this was used as a mobile T.V. camera so that the children could see themselves in action. It was excellent for such things as physical education, physical therapy, plays that children put on, etc. They could see how they did in such activities and improve if necessary. The equipment was used on a circuit basis and kept very busy and would not be kept in the Lakeview School only.

Councillor Benjamin wanted to know if Mr. Perry had any information on a revision of the Education Act. All that Mr. Perry knows is that it is before the Minister of Education.

It was noted that the question that Councillor Walker had about the T.V. requested for a school was to be used in conjunction with some video equipment previously purchased.

It was moved by Councillor Lawrence, seconded by Councillor Streach:

"THAT the items re capital expenditure contained in the Municipal School Board Report be referred to the Finance and Executive Committee for recommendation to Council." Motion Carried.

It was moved by Councillor Benjamin, seconded by Councillor Walker:

"THAT the Report of the Finance and Executive Committee be approved." Motion Carried.

Councillor Topple feels that two Halifax-Dartmouth bridges should be incorporated into the provincial Department of Highways. With regards to a Municipal Incentive Grant for walkways in the Cole Harbour Acres subdivision, he feels this is the problem of the developer, S. Jacomowitz. Mr. Bensted explained the grant in more detail to Council, adding that these grants are strictly for new construction and the funds must be spent on a capital purpose which meets provincial approval. Councillor Topple wondered why some of these funds could not go to help the people in Councillor Benjamin's area with their arsenic problem. Many councillors do not seem aware of these grants and he would like an explanation on the money available and what it can be used for. Mr. Bensted went on to say it was a 5 year program started in December 1975 to last until December 1980. There is certain criteria that must be met by the developer.

Councillor Topple was concerned that by allowing this grant for this project in Cole Harbour Subdivision, it may pave the way for the provincial government to try and get the County to take over the sidewalks and roads as they have done so in the past.

Councillor Cosman agreed with Councillor Topple that this was the problem of the developer and he should be responsible for this and not the County.

Mr. Bensted informed councillors that the Building Inspector determines which Buildings are acceptable for application for such grant to the Municipality and that Mr. Hefler has a list of applications for units which meet the criteria.

A breakdown of the areas can be prepared and forwarded to the councillors for their information.

Councillor Margeson feels that CMHC should be advised that the County is going to do this project and he also wondered if some funding could go to help the people in Councillor Benjamin's area.

Councillor Streach is satisfied that the project being discussed warrants the funding and there is no way of knowing whether the provincial government will approve it anyway.

Councillor McCabe would like to know what is going on with the senior citizens project slated for Musquodoboit Valley. Mr. Bensted informed him that it has been approved by CMHC and provincial approval is being sought for water and sewer on the proposed site.

Councillor Sutherland stated he was taken back by a letter from Mr. Yue of Maritime Medical Care, Inc. and he is going to send a personal reply, however, he would like to know if the Finance and Executive Committee have sent a letter and Mr. Bensted replied that the reply would be going forward.

It was moved by Councillor McCabe, seconded by Councillor Streach:

"THAT Mr. O'Brien, N.S. Housing Commission be requested to advise as to the progress re Senior Citizens Project at Middle Musquodoboit." Motion Carried.

It was further moved by Councillor Fader, seconded by Councillor Eisenhower:

"THAT Councillor Walker be appointed as the County's representative to the Board of Directors of the South Shore Tourist's Association. Motion Carried.

Some discussion then followed concerning supporting the City of Dartmouth in their stand about the new fare structure. Councillor Cosman wanted to know why the City of Dartmouth had taken their particular stand. Mr. Bensted explained that they did not feel the people should have to pay for the changeover. Councillor Eisenhower feels that more facts need to be known. What are the other transportation systems in Canada doing about this? Warden Settle added that approximately 68% of the users of the bridge are depositing quarters so the matter of changing the token equipment seemed too expensive a project.

The wording in the second paragraph of the Mayor of Dartmouth's letter concerned Councillor Topple as it indicates they want the county's support in any representation they make to the Board. Councillor Streach explained that County's reply would definitely spell out their stand on the issue.

It was moved by Councillor Deveaux, seconded by Councillor MacKenzie:

"THAT Council go on record of supporting the City of Dartmouth in opposing the proposed rate structure by the Halifax-Dartmouth Bridge Commission caused by the issuance of the new one cent piece, keeping in mind Council's request for the two Halifax Harbour Bridges to be taken over by the Provincial Government as part of the Provincial Highway System." Motion Carried.

Again, Councillors Cosman and Topple expressed their objections to the County using the Municipal Incentive Grants to pay for a mistake by the developer of the Cole Harbour Subdivision.

Councillor Benjamin feels the walkways will greatly aid the children going to school and for this reason only, he would support the proposal. He also noted that the police are concerned that vandalism may occur on some of the walkways that are not heavily populated, however, Warden Settle assured him that this area is well built up. This problem has been going on for some three years. The land is washing away and the foundations of some houses may soon show.

Councillor Topple noted that such walkways attract motorcycles and skateboards and he is afraid the County will be liable for any accidents.

In closing, Councillor Cosman feels that the County is subsidizing a developer for his own mistake.

It was moved by Councillor MacKenzie, seconded by Councillor Streach:

"THAT Council approve the allocation of an additional \$10,000.00 from the Federal Municipal Incentive Grant Funds, subject to Provincial approval, for the purpose of constructing walkways within the Cole Harbour Subdivision." Motion Carried.

Council then adjourned for a five minute break.

Upon returning, it was moved by Councillor Fader, seconded by Councillor Walker:

"THAT the Warden and Clerk be and they are hereby so authorized to sign the required handover agreement with respect to the 20 unit Senior Citizens Project at Lower Sackville." Motion Carried.

It was moved by Councillor Lachance, seconded by Councillor Fader:

"THAT Council approve the attached 1978 operating budget as subsidized by the Halifax County West Housing Authority re 20 unit Senior Citizens Project at Lower Sackville." Motion Carried.

It was moved by Councillor Eisenhauer, seconded by Councillor Fader:

"THAT Council approve the sale of the Mary Bellefontaine (homestead lot) Head Chezzetcook to the highest bidder, Helen Anderson for the sum of \$4,500.00 subject to the approval of the Minister." Motion Carried.

It was moved by Councillor Fader, seconded by Councillor Baker:

"THAT Council approve the sale of the Mary Bellefontaine (wooded area) property, Head Chezzetcook be sold to the highest bidder, Walter Joseph Redmond for \$2,001.50 subject to the approval of the Minister." Motion Carried.

It was moved by Councillor Walker, seconded by Councillor Deveaux:

"THAT Council approve the sale of the Herbert Cruickshank's lot, Carroll's Corner, to the highest bidder, Victor Tully, for the sum of \$2,100.00 subject to the approval of the Minister." Motion Carried.

It was moved by Councillor Walker, seconded by Councillor Poirier:

"THAT Council approve the Capital Expenditure of \$10,000.00 re equipment for Intermediate Industrial Arts Program at Sir John A. MacDonald High School subject to the approval by the Minister of Education." Motion Carried.

It was moved by Councillor Deveaux, seconded by Councillor Topple:

"THAT Council approve the Capital Construction Program as proposed by the Municipal School Board subject to the approval of the Department of Education." Motion Carried.

It was moved by Councillor Eisenhauer, seconded by Councillor Lachance:

"THAT Council approve salary adjustments to Municipal Employees effective January 1, 1978 as indicated by the A.I.B. Regulations and Guidelines." Motion Carried.

The Supplementary Report of the Finance and Executive Committee was then dealt with.

It was moved by Councillor Fader, seconded by Councillor Eisenhauer:

"THAT the Supplementary Report of the Finance and Executive Committee be approved." Motion Carried.

Councillor Lawrence feels that the remunerations as suggested in the Report for the councillors, Warden and Deputy Warden are not realistic in view of the A.I.B. regulations. Mr. Bensted agreed that the Board would probably come back with something lower and permissible according to the rules. Councillor Lawrence wants to know the basis of the recommendation.

Councillor Eisenhauer said that he would support the recommendation for the Warden's salary, however, he feels that the rest of the councillors should get what the average citizen gets, 6%. Council has to set an example. He did wonder why other governments got as much as 1/3 of their salaries tax-free.

Councillor McCabe noted that the A.I.B. regulations have been broken many times as in the case of the teachers, etc. If a person is worth something, then, they should be paid for it. Some of the councillors are only in their first year but others have been at it a lot longer without any raises. He feels the recommendation for the Deputy Warden's increase is too large and would like to know what extra duties he does.

Deputy Warden Williams reacted by saying that he personally did not ask for the raise and if the raise did come about he may not even be in office by the time of its effectiveness.

Councillor Streach mentioned that he had hoped another route to getting recommendations for salaries could have been taken but, of course, that did not work out. He personally feels that there is a lot of work involved in a councillor's job with longer meetings and things to do in individual districts. He also agrees that there should be more tax-free exemptions.

Councillor Topple feels the recommendations are out of line because they are not in accordance with A.I.B. regulations. He does not agree with making it retroactive back to January 1, 1977. He is satisfied with the amount suggested for the Warden. It seems that the rural councillors are actually penalized for their mileage on their income taxes because it is not tax-free.

The job must be made attractive, said Councillor Fader in order to get qualified people to run for Council. Also, the matter of salaries should be on record and should not have to be dealt with every year.

Councillor Lawrence feels the suggestions are very unrealistic and that the A.I.B. will not consider them at all logical. She suggests that this section of the Supplementary Report of the Finance and Executive Committee be referred back to the Finance and Executive Committee.

Councillor Lachance did not agree with this as one cannot base anything on what you think someone else may do. Council must make their decision and then let the A.I.B. make theirs.

It was moved by Councillor Lawrence, seconded by Councillor Eisenhower:

"THAT the section re councillor's remuneration be deleted and be referred back to the Finance and Executive Committee." Motion Defeated.

It was moved by Councillor Benjamin, seconded by Councillor Fader:

"THAT Council approve a loan to the Grand Lake Fire Department in the amount of \$44,000.00 for the purpose of purchasing capital equipment; said loan and interest to be repaid within a ten year period by yearly payments. The Municipality reserves the right to levy an area rate at any time, if necessary, to recover any outstanding payments of principal and interest." Motion Carried.

It was moved by Councillor Walker, seconded by Councillor Fader:

"THAT Council sit as a Committee of the Whole on January 24th, 1978 at 2:00 p.m. to discuss the proposed Park Land Policy." Motion Carried.

It was moved by Councillor Deveaux, seconded by Councillor Baker:

"THAT Council approve the required by-law with respect to tax adjustments re non-profit organizations for the year 1977 as per the attached lists." Motion Carried. (See additions below)

It was moved by Councillor Eisenhower, seconded by Councillor MacKay:

"THAT Upper Sackville Community Hall be added to the list." Motion Carried.

It was moved by Councillor Margeson, seconded by Councillor Benjamin:

"THAT Beaverbank Kinsac Ladies Club be added to the list." Motion Carried.

Councillor Topple asked how it is determined whether an organization is non-profit. Mr. Bensted said that the Municipality will have to look at this list every year.

Councillor Smith wondered if this would apply to back taxes in 1976. Councillor Lachance agreed and thought that such a suggestion would help hardship cases. Mr. Bensted explained that this was legislation for 1977 only and that a letter would have to be written to the Minister of Municipal Affairs to see what conditions would allow an exemption to be made under this legislation.

It was moved by Councillor Lachance, seconded by Councillor Deveaux:

"THAT a letter go forward to the Department of Municipal Affairs re tax adjustments re non-profit organizations for 1976." Motion Carried.

It was moved by Councillor Fader, seconded by Councillor Lachance:

"THAT Council instruct the Municipal Solicitor to prepare an

amendment to the by-laws setting councillor's remuneration at \$5,000.00 per annum effective January 1, 1977." Motion Carried.

It was moved by Councillor MacKenzie, seconded by Councillor Streach:

"THAT Council instruct the solicitor to prepare an amendment to the by-law setting the remuneration for Warden at \$7,000.00 and \$3,000.00 for expenses effective January 1, 1977." Motion Carried.

It was moved by Councillor Fader, seconded by Councillor Deveaux:

"THAT the Solicitor be instructed to amend the by-laws setting the Deputy Warden's remuneration at \$1,000.00 plus \$500.00 for expenses effective January 1, 1977." Motion Carried.

Councillor Benjamin suggested that the Deputy Warden be asked to do more work such as representing the County in many public events.

Councillor Fader also suggested that these new remunerations be paid immediately, however, Mr. Bensted informed him that the County could be fined if the A.I.B. does not approve of the raises.

It was moved by Councillor MacKay, seconded by Councillor McCabe:

"THAT Patricia Gilhooley's name be submitted as a non-council member on the Planning Advisory Committee." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Toppie:

"THAT Robert Parker's name be submitted as a non-council member on the Planning Advisory Committee." Motion Carried.

It was moved by Councillor Fader, seconded by Councillor MacKenzie:

"THAT nominations close." Motion Carried.

Councillor MacKay gave a brief rundown on Patricia Gilhooley's background. She is 26, involved in many community projects including being a member of the Planning Committee for Sackville. She was also previously employed with the Bedford Sackville News for some time.

Councillor Lawrence feels that Robert Parker did an excellent job during his two years on the Planning Advisory Committee but she was unable to find out from him as to whether he was interested in serving another term.

A vote was taken and Patricia Gilhooley was elected.

It was moved by Councillor Fader, seconded by Councillor Poirier:

"THAT Mr. Howard Daye be re-elected as a non-council member on the Board of Management at the Rehabilitation Centre, Cole Harbour." Motion Carried.

It was moved by Councillor MacKay, seconded by Deputy Warden Williams:

"THAT nominations close." Motion Carried.

It was moved by Councillor Walker, seconded by Councillor Poirier:

"THAT Mr. Eric Joy of Black Point be nominated as a non-council member on the County Board of Health." Motion Carried.

It was moved by Councillor MacKay, seconded by Councillor Cosman:

"THAT Mrs. Shirley Freer be nominated as a non-council member of the County Board of Health." Motion Carried.

Briefly, Councillor Walker explained that Mr. Joy was actively involved in community affairs, he is employed by Cody's (restaurant suppliers) and serves on the Board of the Sir John A. MacDonald High School. Mrs. Shirley Freer is a registered nurse and has served very well during her last terms. She has a broad knowledge of health services and is very involved in related matters.

It was moved by Councillor Fader, seconded by Deputy Warden Williams:

"THAT nominations cease." Motion Carried.

After the vote was taken, Mrs. Shirley Freer was re-elected.

There was a little controversy re the passed resolution concerning the salary increases and how the present by-law relates to it. The present by-law reads that annual raises shall be given in accordance to the consumer price index and will be effective each year thereafter.

Mr. Bensted stated that A.I.B. does not recognize the cost of living clause.

It was moved by Councillor Fader, seconded by Councillor Lachance:

"THAT motion re councillor's remuneration of \$5,000.00 be rescinded."
Motion Carried.

It was further moved by Councillor Fader, seconded by Councillor Lachance:

"THAT councillor's remuneration of \$3,600.00 in previous by-law
be amended to \$5,000.00 effective January 1, 1977." Motion Carried.

Councillor Fader then invited all the councillors, Warden, solicitor and clerk to a Christmas get-together in Sackville.

Councillor Margeson then gave a notice of motion concerning three topics: hours of council, pictures and the raising of funds by the Ways and Means Committee.

Councillor Cosman then brought up a topic that she has submitted to the clerk before Council opened. She is very concerned about the high water rates being inflicted on the people to pay for the Pockwock water supply. The public is not even getting satisfactory service from the lake. There is a recommendation coming from MAPC for regional pollution control, and Councillor Cosman feels that the County should hire a consulting firm to do a study on the merits of such a program before they are drawn into it. This is a very important matter and she requests that the Engineering Department hire a consulting firm to study this and the effects on the two existing treatment plants.

Mr. Bensted added that this should go before the Finance and Executive Committee first to get an estimate of the cost involved in hiring a firm. He mentioned that there is already a study being prepared concerning the sewer systems which should be ready by the end of January.

It was moved by Councillor Cosman, seconded by Councillor MacKay:

"THAT the matter of the municipality sewer needs be referred to the
Finance and Executive Committee with respect to the cost of a study
to be carried out by the Engineering Department." Motion Carried.

Councillor Streach suggested that a representative from MAPC be present at this meeting, namely Councillor Eisenhauer.

Councillor Topple expressed concern over residents in his area getting abnormally high water bills.

It was moved by Councillor Eisenhauer, seconded by Councillor Streach:

"THAT Council adjourn." Motion Carried.

Council adjourned at 10:55 p.m.

MINUTES & REPORTS

of the

SECOND YEAR MEETINGS

of the

THIRTY - NINTH COUNCIL

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

JANUARY COUNCIL SESSION

TUESDAY, JANUARY 17th., 1978

Minutes of a Special Session of Council of January 24th., 1978

The Special Session of the Municipal Council opened with the Lord's Prayer and the Roll Call.

Councillor Streach stated that he would like to speak on a point of order with respect to the responsibilities of the Finance and Executive Committee and the overall administration of the Municipality of the County of Halifax.

Councillor Streach outlined steps being taken by the Finance and Executive Committee and the Municipal Clerk with respect to day by day administration and the appointment of an administrative assistant to the Municipal Clerk to deal with day by day administrative details.

Councillor Streach stated that he felt that considerable progress had been made in the last eighteen months and that progress would continue in a satisfactory manner.

The Chairman advised Members of Council that this was a Special Session of Council for the purpose of dealing with one item and requested the Clerk to read the report of the Finance and Executive Committee. Following the reading of the report, it was moved by Deputy Warden Williams, seconded by Councillor Baker:

"THAT the report of the Finance and Executive Committee be adopted." Motion Carried.

Councillor Benjamin stated that he supported the report as submitted by the Committee and that he feels that this is the proper way for Council to proceed however, he suggested that Council should ask Mr. Cragg, the present Municipal Solicitor for his professional opinion. The Chairman asked Council if they wished to hear from the Solicitor or did the Solicitor wish to comment.

Deputy Warden Williams stated that he felt that this might be out of order.

Councillor McCabe stated that he felt that individual councillors should have the right to refer questions to the solicitor at any time.

It was agreed by Council to hear Mr. Cragg's comments and Mr. Cragg commented that he questioned that this was the best way for the Municipality to proceed in that it was questionable if a solicitor would wish to confine himself to municipal legal work within the Municipal Building and be unable to keep up with the outside legal activities. Mr. Cragg stated that he had provided good service and would like to continue in the position of Municipal Solicitor and would be prepared to discuss the matter of acting on a fixed retainer fee. Mr. Cragg said that if the problem was a matter of fees, the fees charged were based on fee schedules as laid down by the Barristers' Society and he would be willing to discuss these fees with the Committee at any time.

Councillor Topple indicated that the report did not actually state that the solicitor would be housed in the Municipal Building and questioned as to whether the Municipality would receive qualified applications.

Councillor Lawrence stated that she supported the recommendation of the report and had been concerned previously as to the manner in which the Finance and Executive Committee had approached the problem. She felt that there should be security to the position and that applications should be handled through an outside agency in order to divorce politics from the appointment and felt that the Municipality could fill the position as recommended.

Councillor Cosman questioned the final cost of legal services and the space problem in the building and indicated that she felt that Council was acting in haste and could not support the resolution.

Councillor Eisenhower stated that he felt he wanted additional time to evaluate the pros and cons and needed to be sold on the ideas presented by the Finance and Executive Committee.

Deputy Warden Williams stated that he supported the motion and did not feel that there were personalities involved and that a legal department within the Municipal Building would be of value to the Council, Committees and Councillors.

Councillor Deveaux stated that he also supported the recommendation and that Council would not know whether it was a right decision until the results were shown, but by the same token, any decision could be a mistake.

Councillor Gaetz stated that he also supported the report.

Councillor Streach stated that he felt that the proper democratic procedure was being followed and that the Finance and Executive Committee had certain responsibilities and that the report as submitted was not a hasty decision, but that the thoughts of many councillors were incorporated in the report, and that a number of councillors had wanted to take the same action some years ago. He stated that he felt it was a real advantage to have a solicitor on staff and that this procedure would be of advantage to all concerned.

Councillor Cosman questioned the wisdom of going through consultants and losing control.

Councillor Toppie stated that he questioned the reason for a change and what the total cost involved would be and where do we go in the future.

Councillor Walker questioned as to whether independent Boards would still be in the position to appoint their own solicitors.

Councillor MacKay stated that we do not have comparative costs between the two ways of proceeding and felt that more details were needed and that we should not rush a decision.

Some discussion followed with respect to the total legal costs for the Municipality for the year 1977 with some figures being tabled with respect to these costs.

Councillor Margeson stated that he felt that the Finance Committee had gone a long way to solving the problem and agreed that we should establish a legal department within the Municipal Building.

Councillor Sutherland stated that he was alarmed last year at the lack of security in the decision of Municipal Solicitor, on a one year appointment. He stated that he was interested in the best possible legal services to the Municipality and that he had no complaint with the present solicitor but felt that a solicitor on staff, would make legal advice more available to staff, etc., and the time had come to make a decision.

Councillor Baker stated he also supported the Finance and Executive Committee Report.

Councillor Eisenhower stated that while he was prepared to vote, his mind was open and he was not criticizing the report as submitted by the Committee.

Councillor MacKenzie stated that he also supported the Finance and Executive Committee report which had not been made in haste but had been discussed at great length by the members of the Committee. He stated that it would be impossible for Council to really know what the costs involved might be until such time as the position had been advertised and the consultants were in a position to make a recommendation.

The Chairman called for a vote on the motion with the motion being carried.

It was moved by Councillor Sutherland, seconded by Councillor Streach:

"THAT the Finance and Executive Committee be authorized to proceed to engage a Consulting Firm; to advertise the position of Municipal Solicitor, to receive and screen applications for the position as advertised, and to report to the Finance and Executive Committee for recommendation to Council." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Streach:

"THAT Council adjourn." Motion Carried.

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MINUTES OF A MEETING OF THE MUNICIPALITY OF THE COUNTY OF HALIFAX

TUESDAY, JANUARY 17, 1978

Warden Ira Settle opened the meeting with the Lord's Prayer followed by the Municipal Clerk calling the roll.

It was moved by Councillor Cosman, seconded by Councillor Deveaux:

"THAT Mrs. Terri Durling be appointed as recording secretary."
Motion Carried.

It was moved by Councillor Gaetz, seconded by Councillor Walker:

"THAT Council establish a curfew of 11:00 p.m." Motion Defeated.

The following items were then added to the existing agenda.

Councillor McCabe - Appointment of Mr. Willard Erskin to the Veterinary Assistance Board and Mr. John Brookhouse wishes an audience with this council.

Councillor Margeson - Regular council sessions and a resolution re the Finance and Executive Committee.

Councillor Fader - Postal Services

Councillor Sutherland - School rentals

Councillor Deveaux - Sewer cost for a mobile home park, Board of Assessment and flight path at Shearwater.

Councillor Benjamin - Fire Committee

Councillor Cosman - Flood Relief and Flood Control, Internal Housekeeping

Councillor MacKay - Appointment of Dog Control Constable

Councillor Topple - Watershed, Transit

Councillor Lawrence - Minimum Housing Standards

It was then moved by Councillor Sutherland, seconded by Councillor MacKay:

"THAT the following items be added to the agenda and the agenda be closed:

Supplementary Report of the Planning Advisory Committee
Supplementary Report of the Finance and Executive Committee
Resolution re Proposed Legislation
Resolution re Proposed Bylaws." Motion Carried.

The Warden then welcomed members of the Shubenacadie-Stewiacke River Basin Board who made a presentation to Council. Mr. Bailey showed slides and gave a brief outline of the problems besieging these rivers. Their main purpose in doing this detailed study is to deal with the flooding, mining and other problems. This study is closely related to municipal studies being done now. They have already met with other municipalities involved and this led to an Advisory Committee being set up by them. The Board hopes to learn what the problems are as the people see it and what they want done about them. He hopes to achieve this through council's representation and he asked for ideas on how to do it.

Mr. MacTavish, the chairman, answered questions after the presentation was made to council.

Councillor Deveaux wanted to know when the surveys and report would be ready and he was told by about January 1979. He also wanted to know if the Board was staying within their budget and noted that many studies are undertaken with no follow-ups. He was assured that the Board was keeping within budget.

Councillor MacKenzie asked what the priorities were for a clean water supply. Mr. MacTavish explained that erosion should be prevented in new development areas. There is also concern about sewer. There should be development of pollution control should a problem ever come about.

Councillor Cosman was very pleased to see such a water management board and expressed interest that the same thing be done about the Sackville River which has long plagued the Bedford/Sackville residents. What is the exact purpose in showing the film? Mr. MacTavish explained that the Board wants to know what the public wants - clean water or industry, recreation, etc. There are many unanswered questions.

Councillor Lawrence asked if the Board had enough information for interested citizens and she was told there was enough.

Councillor MacKay asked again exactly what the Board wanted from the Council. The Board want to know exactly how Council would like this to be presented to the public.

Councillor McCabe expressed concern that forestry and agriculture may be affected if pollution is controlled and this type of industry is needed in the County.

Councillor Cosman suggested that a form letter be prepared and sent to the individual councillors who could in turn forward it to concerned groups in the communities.

The Warden then asked Mr. MacTavish for the presentation by the Board.

It was moved by Councillor Eisenhauer, seconded by Councillor Fader:

"THAT the minutes of December 20, 1977 be approved." Motion Carried.

Mr. Bensted informed Council that a letter had been received from Mr. O'Brien re senior citizen's projects. Council accepted the letter.

It was moved by Councillor Lawrence, seconded by Councillor McCabe:

"THAT correspondence be received." Motion Carried.

The Municipal Clerk then read a short report with respect to Pinegrove Subdivision and Councillor Lachance responded that this letter was self-explanatory and that his notice of motion concerning the problem be scratched from the agenda. It is not appropriate at this time and it appears that staff are on the road to solving the problem.

It was moved by Councillor Lachance, seconded by Councillor Topple:

"THAT the notice of motion by Councillor Lachance not be dealt with." Motion Carried.

Councillor McCabe added that the County Board of Health had looked at this problem and suggested a central collection system at that time. Councillor Margeson suggested that the people involved apply water conservation.

It was moved by Councillor Gaetz, seconded by Councillor Streach:

"THAT the Report of the Warden be received." Motion Carried.

It was moved by Councillor MacKenzie, seconded by Councillor Lawrence:

"THAT the Report of the Director of Planning and Development be approved." Motion Carried.

In dealing with the Report of the Director of Planning and Development, Councillor Gaetz was concerned with the rejection of Lot MP-2, property of Marjorie Pettipas of East Chezzetcook. He will be getting a call from these people and does not know how to deal with it. It was rejected because it was only 80 feet and not 100 feet however he feels consideration should be given to where a lot is located. He wants this matter referred back to Dr. Wayne Sullivan for investigation and re-assessment of the location.

It was moved by Councillor Gaetz, seconded by Councillor Fader:

"THAT the Director of the Atlantic Health Unit be asked to review the rejection of the Marjorie Pettipas, East Chezzetcook, Lot MP-2." Motion Carried.

It was moved by Councillor Gaetz, seconded by Councillor Lachance:

"THAT the Report of the Planning Advisory Committee be approved." Motion Carried.

There was then some controversy over why a certain piece of land owned by the Nova Scotia Housing Commission in Sackville Lake Development was being left unzoned.

Councillor Lawrence explained that the entire land in question was divided for the zoning application and dealt with individually. There was a public hearing and the developer in the area has an option on the land in question and the results of the hearing went in favour of leaving it unzoned. Mr. Huskins, the developer, does not want competition moving in and has plans himself to expand - this is the reason for the option.

Mr. Gough commented that by zoning it Parks and Institution as Councillor MacKay requested, this would probably activate an appeal through the back door.

Other councillors present at the public hearing backed up Councillor Lawrence saying that the meeting was a good one and this did seem to be the best decision. Councillor Lawrence was not actually in favour of the final outcome but did agree that the hearing was a good one. There was strong testimony given on each behalf. The developer, however, may never get the zoning changed back to commercial should it be zoned Parks and Institution now.

Councillor MacKay was sorry that he had not attended the hearing but it was during the Christmas season and he was busy. He does not like the idea of a fast food restaurant such as McDonald's going here which could happen if it is left unzoned.

It was moved by Councillor Streach, seconded by Councillor Fader:

"THAT the zoning by-law be amended and is hereby amended by rezoning lands of the Nova Scotia Housing Commission - Sackville - Sackville Lake Development re Phases 4M, 4L, 5N, 6Q, 7R and 8S from R1 (Residential Single Family Dwelling) Zone and Unzoned Status to R1 (Residential Single Family Dwelling) Zone and C-2 (Commercial General Business) Zone and P (Park and Institutional) Zone as per application # 52-76 and report of the Planning Advisory Committee of January 17, 1978 that is - TC-2F be Parks and Institutional except the S/E that is - TC-2F be Parks and Institutional, 50 foot strip adjacent to the High School be Parks and Institutional, balance of lands be unzoned." Motion Carried.

Councillor Fader wanted to give credit to the Planning Advisory Committee for their very difficult decision.

It was moved by Councillor MacKay, seconded by Councillor Deveaux:

An amendment to the motion:

"THAT the words to be "unzoned" be changed to read "zoned as Parks and Institution." Motion Defeated.

Councillor Cosman noted that Mr. Huskins has written to the Planning Advisory Committee and is quite willing to work on a project that would be suitable for the area and meet their needs. She added that Sackville needs commercial enterprises and employment opportunities.

Councillor Poirier also noted that the developer did have an option and you cannot pull the mat out from under people like that.

The Supplementary Report of the Planning Advisory Committee was then dealt with.

Councillor Cosman feels that the item re Bedford Park Developments Ltd. will be quite lengthy and possibly another date should be set for it.

Councillor Streach feels the public hearings should be held as scheduled and if it takes longer, then make it into two meetings.

It was moved by Councillor Walker, seconded by Councillor Benjamin:

"THAT the Supplementary Report of the Planning Advisory Committee be approved." Motion Carried.

It was moved by Councillor Cosman, seconded by Councillor Fader:

"THAT public hearing re Planned Unit Development Agreements be held at 7:00 p.m. on February 21, 1978." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Tople:

"THAT the Minister of Municipal Affairs be requested to continue in force the Zoning By-law and official Town Plan of the Municipality of the County of Halifax until March 1, 1979." Motion Carried.

It was then moved by Councillor Walker, seconded by Councillor Benjamin:

"THAT the Report of the Chief Building Inspector re setbacks be approved." Motion Carried.

It was moved by Councillor McCabe, seconded by Councillor Fader:

"THAT the Report of the Municipal School Board be accepted." Motion Carried.

Councillor Fader asked if he would be getting a report re the Acadia School. Councillor Sutherland noted that Councillor Fader should have been invited to the school when it was visited by the School Board recently so that he could get the

information he needs. Councillor Lachance explained that it was the present Board's policy not to have councillors present at such meetings. It was an administrative visit only and there was no need for the councillor of the district to be there. Councillor Fader said that the public were asking him questions which he could not answer as he had no information. Councillor Lachance will bring this point up and see if the present ruling on this matter can be changed so that respective councillors are invited in the future.

It was moved by Councillor Gaetz, seconded by Councillor Eisenhauer:

"THAT the Report of the School Capital Committee be approved."
Motion Carried.

Councillor MacKenzie asked what has happened regarding the proposed school bus garage on the Eastern Shore - has a site been picked yet? Councillor Lachance replied that the Board is close to picking a site for the Sackville-Waverley school bus garage and that they are waiting to hear from the people who own the various sites chosen for the Eastern Shore school bus garage. Councillor Deveaux noted that this topic of the school bus garage is going to be discussed at a meeting of the School Capital Committee tomorrow, January 18. Councillor MacKenzie feels he should be invited to attend as it concerns his district. Councillor Lachance explained that this matter was a last minute item added to the present agenda. Councillor Streach suggested that the respective councillors concerning the location of the Eastern Shore school bus garage be invited to attend the School Capital Committee meeting.

It was moved by Councillor Streach, seconded by Councillor Deveaux:

"THAT the councillors representing the districts re the Eastern Shore garage be invited to the School Capital Committee meetings on this item." Motion Carried.

It was then brought to the attention of Council that Warden Ira Settle had recently been awarded a plaque commemorating the 25th anniversary of the Queen.

There was then a five minute break.

Upon returning, it was moved by Councillor Streach, seconded by Councillor Lachance:

"THAT the Report of the Elementary School on Smokey Drive, Sackville, be named the "Smokey Drive Elementary School." (Motion Deferred.)

It was moved by Councillor Fader, seconded by Councillor Margeson:

"THAT the naming of this school be deferred for one month." Motion Carried.

Councillor Fader explained that the naming of this school is going to be reconsidered.

It was moved by Councillor Lachance, seconded by Councillor MacKay:

"THAT the Report of the Finance and Executive Committee be approved as amended." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Walker:

"THAT the last paragraph be dealt with as a separate item re the Supplementary Report of the Finance and Executive Committee." Motion Carried.

Councillor Topple did not like the wording of the second paragraph of the Report of the Finance and Executive Committee re the Building By-Law, section 21. He feels it should read - there is no restriction because they are water shed lands - instead.

Councillor Lawrence asked if there was any updating on the computer services. Mr. Bensted said there was a further updating from the provincial system about 7 days ago. They are now in the process of translating this into our computer system. There is good indication that the provincial assessment department have moved a long way. The provincial assessments should be on computer by the 31st of January 1978.

Councillor Cosman asked about the location and staffing of the computer. Mr. Bensted informed her that there are between 4 and 8 temporary staff in this department at various times as well as one permanent employee.

Councillor Streach noted that the Social Services Department has set up a program to help citizens who are having difficulties paying their taxes. For hardship cases, the Finance and Executive Committee will hear and give individual consideration to particular problems.

Councillor Deveaux asked when the bills will be going out and Mr. Bensted hoped it would be within the next two months.

It was moved by Councillor Gaetz, seconded by Councillor Sutherland:

THAT five names be submitted to the Dartmouth Hospital Commission for consideration re appointment as directors of the Board - Kenneth Robb, Councillor Deveaux, Councillor Fader, Warden Settle and Councillor Lachance." Motion Carried.

The Supplementary Report of the Finance and Executive Committee was then dealt with.

Councillor Lawrence would like the last paragraph of this report dealing with the appointment of a municipal solicitor to be deleted from the report and discussed separately. Councillor Lachance would like to receive the Report re Lake Major Watershed and would like to have it on the agenda for the next session of Council to discuss.

Concerning the incentive grants given to the County by the Province, Councillor Eisenhower would like a list submitted to those councillors who have projects in their districts that would comply with the requirements for this grant. Councillor Cosman asked if these grants could be applied to a project such as sidewalks in Bedford. Mr. Bensted is not sure what would be approved but suggested that a test case such as this be submitted in writing for a reply. The ministers of Municipal Affairs and Housing give the final approval. Councillor Streach said he could not support any policies concerning the dividing up of this money equally among those districts that qualify.

Councillor Benjamin then took the floor and spoke about possible servicing of the Waverley area re central water and sewer as contained in the Supplementary Report of the Finance and Executive Committee. Giving a brief history on the problem, he said the government has spent \$40,000.00 on studies. The Department of Municipal Affairs would not accept Canadian British Consultant's figures or suggestions in reports they submitted costing \$23,000.00. The province said they would come up with a better figure and they did but many items were omitted from the report so the figures were camouflaged. There followed another report from Martin Gallagher who said this was not a pollution problem but a man made one. Councillor Benjamin said his people are up against a wall and there is no money for them.

Councillor Deveaux wondered if funds could be obtained from DREE to help the people.

It was moved by Councillor MacKenzie, seconded by Councillor Streach:

"THAT the Supplementary Report of the Finance and Executive Committee be approved as amended." Motion Carried.

Councillor Deveaux feels pressure should be put on the government and Councillor Topple agreed that Council should come on strong as people's lives are involved.

It was moved by Councillor Deveaux, seconded by Councillor Topple:

"THAT representation be made to the provincial government for additional funds from federal sources such as DREE with respect to water and sewer services to deal with arsenic ground water contamination in Waverley." (See following motions of deferral, amendments and reconsideration.)

Councillor Eisenhower said there were other areas in Canada with the same problem (noted a town in New Brunswick). If the government helps Waverley, they will have to do the same for all other affected areas and this will be very costly.

Councillor Streach feels the federal government will not even look at the situation until approval is first given by the province.

Mr. Bensted said a letter had been sent January 16, 1978 to the Province and he wondered what purpose a second letter would have at this time.

Councillor Streach feels representation should be made to the Federal government. A delegation should be sent to Ottawa on a fact finding mission to see exactly what avenues of funding there may be.

Deputy Warden Williams thought it useless to go after the Federal Government until a reply has been received from the Province. The M.P., Mike Forrestal, could bring this up in Ottawa and he suggested Council go directly to him.

It was moved by Councillor Streach, seconded by Councillor Margeson:

An amendment to the motion

"THAT the Finance and Executive Committee also explore the possibility of obtaining federal assistance with representation through the M.P. for the area." (This is an amendment to the previous motion.) Motion Carried.

Councillor Lawrence agreed that it was premature to go ahead on any of this until a reply is received from the Province. The Federal Government will only ask what the province is doing.

It was moved by Councillor Lawrence, seconded by Councillor Walker:

"THAT this matter be deferred to the February session of Council."
Motion Defeated.

It was moved by Councillor Margeson, seconded by Councillor MacKenzie:

"THAT a notice of reconsideration be given." Motion Carried.

Councillor Gaetz complained about material being put on councillor's desks two minutes before council opens. There is no time to digest this material and he feels that in the future such material should be read by the Clerk.

There then followed a lengthy debate on the appointment of a Municipal Solicitor for March 1978.

Councillor Lawrence was most upset to see so little information in the Supplementary Report on this matter. Approximately a year ago there were requests made in Council to the Finance and Executive Committee to have this whole matter reviewed as to the method of employing, terms of reference, salary, etc. Is this all that has come out of it?

Councillor Streach explained that the Finance and Executive Committee decided this was the best way to deal with the problem of hiring a solicitor. After looking over prospective applications, they would go from there.

Councillor Lawrence said that when she was on the Finance and Executive Committee there were motions made and decisions were supposed to be reached. Had a decision been reached as to whether an outside firm would be employed or would the County hire their own full time solicitor? Is there anything down on paper re terms of reference? She feels this recommendation is totally unacceptable and that it makes the position very uninviting.

Councillor Cosman was also very upset with the Finance and Executive Committee. She said there have been no minutes from this committee since July 15 and she has no idea what is going on. She also wondered where the job description was, etc. This is very untimely since March 1978 is almost upon us and she is completely disgusted with the matter. She did note that the present solicitor is growing with the job and becoming more experienced.

Councillor Topple agreed with these statements and questioned the actions of the senior committee of the County.

Councillor Sutherland agreed that he would have liked to see things go better with this committee especially in this regard.

Councillor Streach sees that some councillors are questioning the authority of the Finance and Executive Committee. He is sorry about the absence of minutes and will speak to Mr. Bensted about it. Additional staff may have to be hired to keep up with this. He personally feels that legal staff should be hired by the County but there does not appear to be enough time to evaluate this matter. He also feels that things are being read into this discussion that are not there.

Councillor Lawrence said she is questioning the recommendation itself and feels it is an insult to Council because after all this time it is the last item on a Supplementary Report.

Deputy Warden Williams said it was the first item on the agenda and was discussed for three hours. This seemed to be the democratic way to handle this. He also said that no motions were received from councillors as to their wishes in this regard. He asked the solicitor himself if he personally feels this is the correct way to advertise for the job. Councillor Lachance interjected that this was out of order and the Deputy Warden is putting the solicitor on the spot. Councillor MacKay added that several motions were given by council to the Finance and Executive Committee to work on. Councillor Walker asked that the solicitor give a legal opinion on this matter. The solicitor, Mr. Cragg, did not agree with the way the position was being advertised. It should not say "interested persons" as anyone could apply.

Councillor Streach asked that the wording be changed from "interested persons" to a more appropriate sentence.

Councillor Topple again mentioned that terms of reference are needed. There were no applications the last time as anyone applying has no idea of what the job is about. Councillor Cosman agreed that this is definitely the problem and she will not support Councillor Streach's suggestion. Councillor Streach asked her what she would do. Councillor Cosman said she would re-appoint the present solicitor as all that should have been done was not and March 1978 was drawing near. Councillor Deveaux said the committee could come up with terms of reference for next year. Councillor Sutherland said that things are not as severe as it seems tonight and when the term is up, the floor will be open to nominations. Councillor MacKenzie said there was not any space in the building for legal staff and he also noted that legal costs have risen considerably in the last year. Any solicitor from a legal firm will be setting his own prices.

Councillor Lachance asked if the date of March 1978 could be extended in order to give more time to come up with all that Council desires. Councillor Lawrence wanted to know what the By-laws said with reference to the solicitor.

It was moved by Councillor Walker, seconded by Councillor Streach:

"THAT Council adjourn for 10 minutes in order to find out what the by-laws said about the solicitor." Motion Carried.

Upon returning it was noted by the Municipal Clerk that the only reference to the solicitor was in the March 15th

session of Council when the Finance and Executive Committee proposed a by-law which would spell out that the municipal solicitor hold office for three years. Council rejected this recommendation and there seems to be no other reference to the hiring of a municipal solicitor in the by-laws.

Councillor Streach suggested that this item be deferred until possibly the 24th of February and be dealt with at a special session of Council.

It was moved by Councillor Streach, seconded by Councillor Benjamin:

'THAT the report of the Finance and Executive Committee be worded to read "applications" instead of "letters of interest" and "persons" read "lawyers". Motion Carried.

It was further moved by Councillor Streach, seconded by Deputy Warden Williams:

"THAT a special session of Council on February 24, 1978 at 1:00 p.m. be called to deal with the hiring of a municipal solicitor." Motion Carried.

It was then moved by Councillor MacKenzie, seconded by Councillor Gaetz:

"THAT Council adjourn until 7:00 p.m. on February 21, 1978." Motion Defeated.

Councillor Margeson then spoke about changing the hours of Council once again. He noted that the evening sessions are not as productive and the business is not completed in one night session.

Therefore, it was moved by Councillor Margeson, seconded by Councillor Gaetz:

"THAT Council amend the by-laws to establish council sessions to 2:00 p.m. instead of 7:00 p.m. and hold them on the first and third Tuesday of every month." (Motion Amended.)

Councillor Cosman said she agreed with having two sessions of Council but does not agree with the suggested hours. Also, it should be the second and fourth Tuesday of every month.

Councillor Streach suggested that council meet at 7:00 p.m. as already established and do their business and adjourn 11:00 p.m. If there is any unfinished business, then it should be dealt with at a second session of Council. Councillor Fader added that in November of 1976 he had presented a motion about having two sessions of Council and it had been defeated. Many programs are held up because of monthly sessions and he has personally received criticism for building permits taking so long.

Councillor Tople agreed that it is council's job to help the people but that consideration should be given to those councillors who hold down day time jobs.

Councillor MacKenzie feels it is important for councillors to attend meetings in their own communities. The staff is bogged down now and will be even more so should two sessions be held every month. Councillor Lachance said he is suspicious of councillors who want day time sessions as they are avoiding the public in this way.

Deputy Warden Williams stated that the job has grown considerably since election time. There are many meetings the individual communities at night as well. Most employers allow councillors to take time off to attend meetings and are proud of employees who are elected to council.

Agreed by mover and seconder to amend the motion as follows:

"THAT Council amend the By-laws to establish the hours of Council to be 2:00 p.m. and that if the Agenda is not completed to adjourn to the first Tuesday of the following month." Motion Defeated.

It was moved by Councillor Lawrence, seconded by Councillor Eisenhauer:

"THAT the by-laws concerning remuneration be dealt with at the February session of council." Motion Defeated.

It was moved by Councillor Cosman, seconded by Councillor Fader:

"THAT By-law # 2 be approved." Motion Carried.

It was moved by Councillor MacKenzie, seconded by Councillor Streach:

"THAT By-law # 4 be approved." Motion Carried.

Councillor MacKay then made a motion to appoint a new dog catcher by the name of Rodger Guerin, 3 Hazel Street, Lower

Sackville for district # 20. Councillor Fader would like this deferred for 60 days and explained his reasons why. It seems that the present dog catcher was hired in 1973 for the present five Sackville districts. The dog catcher has not been advised of his termination and it is Councillor Fader's opinion that the concerned districts should work together on this service and not hire individual dog catchers. He would like to sit down and discuss it with the other councillors and would hope this may achieve more unity in the area. Other services such as garbage collection, cross walks, recreation could also be dealt with on a unified basis.

Councillor MacKay agrees that Sackville should be treated as one entity however, he sees that there is a definite personality problem between himself and Councillor Fader. Many of his endeavours have been blocked by Councillor Fader when the other four Sackville Councillors have agreed. Councillor MacKay asked that the Municipal Clerk write a letter and advise the concerned people of the new appointment. There is a definite problem of dog control in his area and the people are complaining they are not getting service when they need it most. He was appointed by the other four councillors to look after the dog problem and none of his suggestions were ever looked at.

It was moved by Councillor MacKay, seconded by Councillor Gaetz:

"THAT the appointment of a dog control officer in district # 20 in the person of Rodger Guerin, 3 Hazel Street, Lower Sackville, be approved."
Motion Deferred.

It was moved by Councillor Fader, seconded by Councillor Lawrence:

"THAT the appointment of a dog catcher for district # 20 be deferred for 60 days." Motion Carried.

Councillor Cosman then presented several motions concerning the recent storm and the flooding of the Sackville River which has been a problem for many years. It has been studied to death and nothing has been done. During the recent storm, basements were flooded and she would like to see these people helped financially. She would also like a board set up such as the one presently working on the Shubenacadie-Stewiacke River. Councillor Eisenhower would also like to see the siltation problem cleared up.

Councillor Cosman added that there were about 12 - 14 homes damaged and from \$5,000 to \$10,000 of damage done to each home.

It was moved by Councillor Cosman, seconded by Councillor Sutherland:

"THAT the Department of Environment be requested to carry out a minor study with respect to the flooding of the Union Street area at Bedford from the flood plain of the Sackville area which led to the flooding of basements in the Union Street area." Motion Carried.

It was moved by Councillor Cosman, seconded by Councillor Lawrence:

"THAT the Department of Environment, Province of N.S. be requested to make financial assistance available for flood damage to homes flooded in the recent storm." Motion Carried.

Councillor Walker asked Councillor Cosman where the money would come from to set up a River Management Board. She replied it would be worked out the same as the Shubenacadie-Stewiacke River Board was.

It was moved by Councillor Cosman, seconded by Councillor Streach:

"THAT the Province of N. S. be requested to set up a Sackville River Management Board with representation on the board from Halifax County." Motion Carried.

It was moved by Councillor Cosman, seconded by Councillor Streach:

"THAT the Province of Nova Scotia, Department of Environment be requested to release the report on siltation from the Sackville River." Motion Carried.

It was moved by Councillor McCabe, seconded by Councillor Streach:

"THAT Mr. Willard Erskin, Upper Musquodoboit, be appointed to the Veterinary Assistance Board." Motion Carried.

A Mr. John Brookhouse recently went to court because he refused to pay his dog license. He said he was not very impressed with the County staff and he would like an audience with council.

It was moved by Councillor McCabe, seconded by Councillor Streach:

"THAT Mr. Brookhouse be granted an audience with this council in March 1978." Motion Defeated.

Councillors Sutherland and Eisenhower thought he should be given a chance to speak as maybe he has some valid points.

The motion of reconsideration concerning assistance to the people of Waverley as proposed by Councillor Margeson was then dealt with and council agreed to the reconsideration.

It was moved by Councillor Margeson, seconded by Councillor Benjamin:

"THAT this item be referred to the Finance and Executive Committee."
Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Walker:

"THAT Council adjourn until February 7 at 7:00 p.m."
Motion Carried.

(The February 7, 1978 adjourned session was canceled due to a snow storm. By resolution, Council agreed to bring the remaining items forward to the February 21, 1978 Council session.)

M I N U T E S & R E P O R T S

of the

S E C O N D Y E A R M E E T I N G S

of the

T H I R T Y - N I N T H C O U N C I L

of the

M U N I C I P A L I T Y O F T H E C O U N T Y O F H A L I F A X

F E B R U A R Y C O U N C I L S E S S I O N

T U E S D A Y , F E B R U A R Y 21st., 1978 & M A R C H 7th., 1978

MUNICIPAL COUNCIL SESSION - 1978
TUESDAY, February 21, 1978

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MINUTES OF THE MEETING OF THE MUNICIPALITY OF THE COUNTY OF HALIFAX

TUESDAY, FEBRUARY 21, 1978

The regular monthly meeting of Council was opened by Warden Settle who read the Lord's Prayer followed by Mr. Bensted calling the roll.

Warden Settle then welcomed the First Tantallon Girl Guides who were on hand this evening to earn their citizenship badges.

Councillor Benjamin announced that there was a delegation in the audience who wished to make a presentation concerning proposals re High School overcrowding in their respective areas.

It was moved by Councillor Walker, seconded by Deputy Warden Williams:

"THAT Mrs. Terri Durling be appointed as recording secretary." Motion Carried.

It was then moved by Councillor Streach, seconded by Councillor Cosman:

"THAT the delegation be heard from after the public hearings re Bedford Park Developments Limited and W.P.V. Construction Limited." Motion Carried.

Councillor Topple expressed concern that an item of importance that he had added to last month's agenda still has not been dealt with. It was agreed that Councillor Topple present his item immediately after the delegation was heard from and dealt with.

Mr. Parker, Consultant, then presented a detailed talk and slides concerning the proposed plans for Bedford Park Development. Immediately after his presentation, Councillor Cosman explained that the residents of Bedford Village were concerned over the Department of Highways and their stand re the connection of road systems for this development. She strongly feels that the County should continue to negotiate with the Department of Highways on this matter as their decision on connecting Bedford Park to Bedford Hills Drive and Madison Drive will cause an increase in traffic to Bedford Village. Mr. Parker said the Department of Highways was firm in their final decision on the road system but he was prepared to help the residents of Bedford Village in any way he could. They were now discussing the possibility of putting bumps on the roads concerned which would help slow down the traffic and possibly eliminate some of it. The Department of Highways may consider this idea.

Mr. Cox, the lawyer, who worked with the Planning Advisory Committee on this project, then gave his views on the matter. He feels that the County has only one alternative and that is to agree with the highway decision and then after the agreement is signed, attempt to get them to change their mind. By doing it this way, it would be much easier in the long run and would not hold things up. He agreed with Mr. Parker that the Department was very firm in that this was the only road system they would approve of now.

Mr. Joseph Foy of the Bedford Service Commission then took the floor and gave his views on the proposed Bedford Park. He is a member of the planning group who set up a list of standards for any proposed development being introduced into the Bedford area. Bedford Park meets the first five standards overwhelmingly -----Does it preserve the existing green area? Does the housing fit in with the environment? Does it provide a variety of housing in Bedford? Does it provide good usable land for recreation? Can the recreational, social, and educational facilities of Bedford handle this? However, with regards to the final standard - Does it avoid having to create new thoroughfares - there was some problem. Because of the Department of Highway's firm stand there does not appear to be much that can be done about this for now but in spite of this one drawback, Mr. Foy is very much in favour of the proposal.

Councillor Lawrence then went over the Supplementary Report of the Planning Advisory Committee dealing with proposed amendments to the Bedford Park Planned Unit Development Agreement.

It was moved by Councillor Lawrence, seconded by Councillor Cosman:

"THAT paragraph 25, page 27, be amended as per the Supplementary Report of the Planning Advisory Committee." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Cosman:

"THAT paragraph 22(a), page 26, be amended a per the Supplementary Report of the Planning Advisory Committee." Motion Carried.

It was then moved by Councillor Lawrence, seconded by Councillor Cosman:

"THAT Section (c) of the Supplementary Report of the Planning Advisory Committee be deleted.: Motion Carried.

Councillor Cosman added that following this hearing there should be a motion made that the Planning Advisory Committee continue to negotiate with the Department of Highways re the loop road instead of the connecting road system they have decided upon.

Councillor Streach suggested that be added as an appendix to the agreement registering their objections to the road

system, however, Mr. Cox legally felt the agreement should not contain any conditions.

Mr. Parker explained the reasons behind the Department of Highways final decision was that they feel there should be continuity between the neighbourhoods and that there would be a more even distribution of traffic in the area. He and his group would be more than willing to work with the Planning Advisory Committee in the future on this problem.

It was then moved by Councillor Streach, seconded by Councillor Lawrence:

"THAT paragraph 20(b) be amended as per Mr. McDonough's letter of February 10, 1978." Motion Carried.

It was moved by Councillor Lawrence, seconded by Councillor Topple:

"THAT the Planned Unit Development Agreement between Bedford Park Developments Ltd. and the Municipality re lands at Bedford be approved as amended." Motion Carried.

It was moved by Councillor Cosman, seconded by Councillor Sutherland:

"THAT the Planning Advisory Committee be requested to continue to negotiate with the Provincial Department of Highways as proposed in the Supplementary Report of the Planning Advisory Committee." Motion Carried.

Council, having dealt with this public hearing, adjourned for five minutes.

The public hearing of W.P.V. Construction Limited re lands at Lower Sackville then took place. Mr. Walter Verge, owner of the project, explained some of the details on the proposed townhouse project.

Councillor Benjamin asked about the roads and wondered if this development would cause a lot of traffic congestion on the Cobequid Road. Mr. Verge said most of the traffic from this development would take the Bi-Centennial Highway instead of the Cobequid Road.

There was some question as to the density by Councillor MacKay and also his concern re school population.

Deputy Warden Williams strongly feels that development of this sort puts a lot of pressure on schools in the areas. He asked whether there would be an overflow in the schools as a result of this project. Councillor McCabe said Council would have to know the number of children who would be enrolling in the schools before they could decide whether there would be overcrowding.

Mr. Gough stated that this project was well within the density limits of the Sackville area.

Councillor Lawrence explained that a new elementary school was in the works for the area and she did not feel there would be any pressure put on the present schools in the area.

Councillor MacKay hoped that the Planning Advisory Committee had taken the matter of schooling into consideration when they reached their decision. Councillor Benjamin agreed that the effect this project would have on schools was very important and he too hoped it had been looked at.

Deputy Warden Williams went on to say that an addition to the Brookside Elementary School for his district has been on the agenda for 7 years. It is always left out because of the great need for Bedford/Sackville schools. He feels this matter should be deferred until the next session of Council.

It was moved by Deputy Warden Williams, seconded by Councillor Deveaux:

"THAT the matter of W.P.V Construction Limited re lands at Lower Sackville be deferred for one month." Motion Defeated.

Councillor Streach thought this had been discussed long enough. There had already been a public meeting in Sackville on this matter which had received a great deal of public attention. This particular piece of land was one of the lots that was agreed upon at that meeting.

Councillor MacKay is only concerned that the homework has been done and everything has been taken into consideration. Deputy Warden Williams feels a definite stand should be taken and that the children should be considered. Schools in his own area suffer because of developments like this.

Councillor Cosman commented that most of the schools in the Bedford area are very old. There are no gymnasiums, etc. She does not feel that the number of homes in question will make that much difference in the school situation.

Mr. Gough added that this project was below the required density standard.

It was moved by Councillor Lawrence, seconded by Councillor MacKenzie:

"THAT the Planned Unit Development Agreement between W.P.V. Construction Ltd. and the Municipality be approved as amended per list of staff concerns and Planning Advisory Committee reports." Motion Carried.

A short recess was then called.

It was noted that Councillor Fader was in the hospital having an operation and Councillor Lachance is also recovering from a bout of flu.

Councillor Benjamin took the floor and explained the reason for the delegation from District 14 present tonight. Trustees of the George P. Vanier School and parents of children in the Ash-Lee, Oldfield and Waverley schools are present tonight to voice their objection to the proposed School Board Staff plan to retain the current grade 6 and grade 9 students in their present schools, thus "holding" them back. A representative of the group, Seymour Hamilton, came forward and read a copy of brief which the group had prepared for Council. The brief firmly rejects this "hold-back" proposal because of its affect on the students.

Following presentation of the brief and other pertinent statements by Mr. Hamilton, Councillor Cosman said she felt this was a ploy by the School Board to make split shifts look good as compared to a hold-back system. The Bedford Board of Trustees has not stated their position as yet.

Councillor MacKay stated that there has been no presentation made to the School Board on this. He feels that Councillor Cosman's statement that this is a "ploy" is rubbish. The present government has created this problem when they put a moratorium on schools. He added that the School Board has highly skilled staff to give advice on problems and decisions are reached as to what is best for the whole of the County.

Mr. Hamilton clarified that the gist of the letter is not to support split shifts but to indicate that they are preferable to a "hold-back" system.

Councillor Benjamin wanted to know what the School Board staff are doing. No one from the staff was present at the meeting dealing with this problem. In his opinion, this is a very clouded presentation. Mr. Perry, Superintendent of Schools, is not present tonight either.

Councillor Lawrence mentioned that she was talking to Mr. Perry this afternoon and that he indicated he would not be present tonight as he was not invited but that he would be available should he be asked. She added that when the provincial moratorium on schools was imposed, the proposed high school for the district was put on a top priority list, however, the top four were chosen and this one was not included. The serious problem of overcrowding has resulted and in her opinion, split shifts is the lesser of two evils but neither proposal is satisfactory for a lengthy period of time. It is hoped that the new school will be built by September 1979 to accomodate the over-crowding.

Councillor MacKay feels that Mr. Perry is not here to defend himself and suggested that he be called. In the interim, Councillor Topple was asked to present his item from last month's agenda.

Councillor Topple talked about the Lake Major watershed problem. The Municipal Development Plan is in its final stages. He would like to see some consideration in this plan for the people in the Lake Major watershed area. The County has a responsibility to these people first and secondly to the City of Dartmouth. Councillor Topple then proposed a resolution dealing with this matter. It was noted by Warden Settle that Mr. Perry had arrived and that Councillor Topple's motion should be dealt with after Mr. Perry had spoken.

Councillor Benjamin explained what had take place so far this evening. He wanted to know why there was no representation from the School Board staff at the meeting of the district 14 residents to which he was invited. He also wanted to know what the impact would be on the rest of the schools. There was not enough information provided about the proposals nor were enough trustees asked their opinions on the proposals.

Mr. Perry explained that a situation has come about at the Sackville High School whereby the school will be over-crowded by about 500 students. Any decision the Board reaches to handle this overcrowding will not be entirely satisfactory to those concerned. The staff looked over the problem and came up with some alternatives. They checked these out with the trustees of the Sackville High School. The School Board, itself, favoured split shifts. A public meeting was called but the people did not accept split shifts. The other alternatives were to be further studied.

The staff met with local board of trustees and discovered there were available school rooms within the district. The proposal of retaining the students of grades 6 and 9 came forward and the School Board staff thought it best to meet with the principals of the schools in question and then meet with the local trustees and have a complete report ready. With regards to the recent meeting of the district 14 residents, Mr. Perry did not receive an invitation. The staff thought it best to take it to the trustees and get their opinions. All the proposals will be taken to the Municipal School Board tomorrow and a decision will be reached at that time. Mr. Perry was very dismayed to think that the public thought of this as a scheme.

Councillor Benjamin felt it was poor administration to present only one proposal out of a possible five alternatives. The School Board is ignoring the human element by using the "hold-back" system. The students of these particular