

Mr. MacLean also quoted from the Report:

"In the Headwaters Management Area, the Board recommends investigations to determine the potential impact of development on the nutrient status of lakes in the Waverley area, and the potential health hazard associated with arsenic contamination of beach sediments on Powder Mill Lake (and, possibly, on Lake Thomas). It suggests that the Provincial and Federal Governments should re-evaluate their strategies for controlling acidic runoff from the vicinity of the Halifax International Airport based on a comprehensive assessment of current and potential problems. It also recommends that the Province, relevant municipalities, and riparian landowners cooperate in an effort to preserve the historical features of the Shubenacadie Canal and that the Province initiate a program to control debris in the Canal."

Mr. MacLean advised that he was not at the meeting yesterday with the Minister of the Environment but it was reported to a meeting held in the community last night that the Minister of Environment also feels that this watershed has to be protected and he indicated his understanding that the Minister will insist on the Monitoring Board, should the Development proceed.

Mr. MacLean felt it was senseless for the Province to spend at least One Million Dollars in cleaning up the Shubenacadie Canal and then have possible pollution occur with a Development such as this.

Mr. MacLean then addressed the Monitoring Board advising that in the recommendations of the ECC, they strenuously recommended that a Member of the Resident's Association be part of the Board. He advised, that the Developer does not accept that and he posed the following questions relative to the reasons that the Developer did not want that Board inclusive of a member of the Resident's Association:

1. Are there types of Development proposed for the Park that are unwanted and unnecessary?
2. Is he afraid that the Residents do not have enough common sense to agree with those that are good industries and those that are not good industries?

Mr. MacLean also questioned a statement made by Mr. D'Eon of the Department of Health who had suggested that the Park was not an Industrial Park but was a misnomer for what would actually be a commercial complex. Mr. MacLean advised that if the Development were to proceed as proposed then the Developer can put any type of Development in the Park that he wishes to.

Mr. MacLean also advised that it was ironic for Mr. D'Eon to state now that the Development was only going to be a small Development, as in the original proposed P.U.D. in 1981, Mr. Eisenhauer, who does not appear to own the land any longer, had advised that the Park was going to employ 2000 to 4000 people.

Mr. MacLean advised that a great deal of damage would be done through the use of septic systems if 4000 people were to be employed by the Cobequid Industrial Park. He then advised that it was a strong recommendation from the ECC that there be no septic tanks. He advised that if Council was not going to pay attention to the recommendations of the ECC, it had been a waste of time and money to refer the issue to them in the first place. Mr. MacLean thought it ludicrous that the Municipality's Planning Department would agree and work with the Developer on Septic Tanks when the ECC had felt they were very dangerous. He questioned the right of County Planning Staff to override the experts on the Environmental Control Council.

Mr. MacLean advised that the Developer did not want to go to the expense of installing a Treatment Plant on the Development. Mr. MacLean, however, advised that if this was what was recommended in order to protect the Environment, then the Developer should go to that expense; otherwise, he should put his Industrial Park in another location.

Mr. MacLean suggested that neither County Staff nor the Developer had the right to ruin the Lakes as a concession to the Developer for monetary gains.

Mr. MacLean then addressed the issue of Stormwater Runoff. He advised that as a concession to the ECC, the Developer has proposed to re-route storm water drains to Lake Thomas. He advised that the Developer's intentions may be good; however, it would appear to be quite an engineering feat to do this as the water, in his opinion, would have to be made to run up hill. Mr. MacLean then advised that should the Developer be successful in re-routing the surface drainage to Lake Thomas, there was no way Engineers would be able to control the underground drainage through the caverns, mine shafts, etc, which go through that land. He advised that at the present time there is drainage through those shafts into Muddy Pond and into Powder Mill Lake which are disturbing some of the sediments through those lakes and flushing arsenic through the chain of lakes.

With regard to Lake Thomas, Mr. MacLean advised that he had attended a meeting along with Councillor Gordon Snow, Mr. Thomas, Mr. Miller, Solicitor for the Riverlake Resident's Association and Mr. John Bottomly. He advised that Alena Mudroch advised the delegation at that meeting, that Lake Thomas now has arsenic levels so dangerous that she doubted it could be brought back to its clean form, even if there were no development. He advised it was ludicrous to flush drainage water from an Industrial Park down to a lake that is dying; he did not think Council would want this to happen either and he felt that the Developer who does not even reside in the Province did not have the right to do that.

Mr. MacLean advised that at the first Public Hearing in 1981, the Resident's Association had requested that Council turn this matter over to the Environmental Control Council, at which time, they stated that on Environmental Issues, the Association would abide by their decision. Mr. MacLean advised that they still stand by that statement. However, the Developer or the County does not appear to want to abide by those decisions. He questioned how ignoring the statements and recommendations of experts could be justified.

Mr. MacLean then advised that on the first evening of this Public Hearing the Developer advised that if Council did not approve the proposed P.U.D. Agreement, then he would proceed to develop residential housing. Mr. Sheppard also suggested that the people who are opposed to the Development are contributing to the potential polluting of the lakes. Mr. MacLean advised that Mr. Sheppard was correct in this statement; this, he advised, is why the Resident's Association was so pleased to have begun the MDP PLanning Process in District No. 14 so that these issues could be addressed and corrected and so that past mistakes would not be continued in the future.

Mr. MacLean advised that Council should not be swayed by the threat of a Residential Subdivision. He also advised that if there was an application for a residential subdivision on that piece of land, the Residents would fight that just as hard as they would an industry. He advised that more than what the developer was proposing to put out there, the Residents were concerned over what was already on that land and in the surrounding water system. He reiterated that the land was a dangerous piece of Real Estate.

Mr. MacLean then referred back to the first Public Hearing in 1981 when the Resident's Association agreed to abide by the decision of the ECC. They had also stated at that time, that there were many other issues other than environmental and the Association was not giving up their right to address those issues. It appeared to Mr. MacLean that the Municipality was attempting to gag the Association in disallowing them to address those issues. Mr. MacLean began to address those issues by posing the following questions to Council:

1. Is an Industrial Park Required?
2. Does it fit in with the overall plan for the area?
3. Who are the Municipality dealing with; who owns the land - it has been sold many times since the previous Public Hearing. He advised that even as late as today, the land was registered again.
4. Was the County not interested in the traffic hazard?
5. What about monetary gains to the Community?
6. Who is going to be responsible for Environmental Damage - if the Municipality does not know who owns the land, how could anyone be liable for environmental damage?
7. What types of industries are being proposed?

Mr. MacLean suggested that Council had the future of the Lakes in its hands this evening and he assured Council that if the Development is permitted to proceed then the Lakes would certainly be ruined. He advised that there is a lot of room in the County for Development which was needed and which was wanted by the residents. However, he advised that the Municipality is already looking for industry in the Sackville Industrial Park. He suggested that the Developer be allowed to go there but requested that Council do everything in its power to refrain from ruining the lakes.

Mr. MacLean concluded, advising that if the Development is allowed to proceed at this stage, the Resident's Association would go on to fight it at higher levels even if that meant going as far as the Supreme Court of Canada. Mr. MacLean asked that his foregoing statement not be taken as a threat but advised that the Resident's Association is dedicated to the preservation and growth of District No. 14 in the proper manner.

Questions From Council

Councillor Poirier questioned Mr. MacLean as to whether the Resident's Association was opposed to any Development in that area.

Mr. MacLean advised that part of the PPC's plan would be to have development along the lakes with proper setbacks. As far as this particular piece of land is concerned, where the park is proposed to be located, they are opposed to any development whatsoever. This was because of all the arsenic contamination on that land. He advised that if it was disturbed, the whole water shed would be detrimentally disturbed. He felt that this particular piece of land should be left exactly as it is.

Councillor Baker questioned whether the houses that are there now are impacting on the lake system. Mr. MacLean advised that there were problems on the lakes now, created by the existing residential development around the lakes.

Councillor Gaetz questioned whether Mr. MacLean was suggesting that the land lay idle; he advised that he had gone out to look at the land and he found that it was a very large tract of land.

Mr. MacLean advised that it is the wish of the Resident's Association that the land remain vacant; at least until Mrs. Mudroch's present study is completed. He advised that the Resident's Association has been requesting for years that more study be done on that land and so far the only studies done, have been done by their own Association, even though all the experts that have looked at the land over the years have advised that it is such a sensitive and dangerous piece of land. He did not think it would be a catastrophe to leave the land idle. He indicated that it could be left as Parkland around the Lakes.

Councillor Gaetz advised that a large portion of the County of Halifax was experiencing problems relative to arsenic contamination in its water bodies. He did not think that it would be conceivable to disallow development in the whole County of Halifax due to arsenic contamination.

Councillor Lichter indicated his understanding that Mr. MacLean had not changed his mind about what would be a good use for the subject piece of land, as two years ago he had also given his opinion that it would be best suited as parkland. However, Councillor Lichter also advised that Mr. MacLean had indicated that residential development was also hazardous to the lake system, yet there have been many more homes built on the lake.

Mr. MacLean agreed that new homes have been built on the other side of the Lake.

Councillor Lichter then questioned whether the Resident's Association had appealed any of the Building Permits for those homes.

Mr. MacLean advised that they did not; however, they had watched the construction and checked frequently with the Department of Health to ensure that it was being developed within Department of Health guidelines.

Councillor Lichter then advised that there have been no complaints regarding the residential development on the lakes because it was done in conformance with Department of Health Guidelines. He advised that if there is any Industrial or Commercial Development on the proposed Cobequid Industrial Park site it would also be done within the Guidelines of the Department of Health. He advised that these guidelines apply to everyone equally.

Mr. MacLean advised that there was a difference in the land; he indicated that the proposed site was much more environmentally sensitive, not just because it is on the lake but because of what is in the land, arsenic, etc. He advised that where the residential development has taken place, there is no arsenic problem; the well water and lake water is fine.

Councillor Lichter then advised that two years ago when this Application was first discussed, and which was confirmed today, the Resident's Association advised that they would abide by the ECC recommendations. He advised that one of those recommendations is that a sewage treatment plant be erected. He asked Mr. MacLean if he would really like to see a sewage treatment plant dumping treated sewage into any one of the lakes in the area.

Mr. MacLean advised that a properly constructed sewage treatment plant can work. He advised that in the ECC recommendations it was indicated that the plant would have to live up to the requirements of the Department of Environment. He advised that if that was not the case, then they Resident's Association would not be satisfied as there are sewage treatment plants which are constructed properly and work properly and there are sewage treatment plants which are not constructed properly and which do not work properly.

Councillor Lichter indicated that there are two particular sewage treatment plants that have been examined and have been declared by the Environment Department as plants that are working properly; however, these two plants are contaminating the Shubenacadie River. He advised that as a result of that, there are water problems in his own District. Councillor Lichter advised that if he had a choice between holding tanks or a sewage treatment plant he would go with the holding tanks and not with the sewage treatment plant. He advised that he had been surprised when the ECC had recommended a sewage treatment plant.

Mr. MacLean advised that he would also prefer holding tanks to a sewage treatment plant; however, he advised that the Resident's Association previously advised that they would abide by the decision of the ECC and if it is the recommendation of the ECC that a sewage treatment plant be constructed they would live with it.

Councillor Lichter then advised Mr. Thomas that three to five months ago when he had appeared before PAC on this same issue, he had asked Mr. Thomas if a Public Hearing would be required, in his opinion, on this particular issue. He asked Mr. Thomas to repeat his answer of that time.

Mr. Thomas advised that, at that time, he had stated that the Resident's Association would live up to the Environmental Control Council findings and they felt that if they were to act on that Study then it was unnecessary for the Hearing.

Councillor Lichter then advised that Mr. MacLean had stated that this Council was attempting to gag the residents or to muzzle them. He advised that it was his own motion to address those issues, where they are not following exactly the ECC recommendations and that a Public Hearing be held but held only on those issues. Mr. MacLean, however, was suggesting that the Municipality was trying to push the development on the residents without permitting them to address Other issues.

Mr. Thomas felt it was significant that there were seven new Councillors and they felt it was only correct that there should be a review of what came out in the Hearings.

Mr. Thomas then advised that he would like to address a question Councillor Lichter asked Mr. MacLean, relative to other development. He advised that one of the things that had come out at the ECC Hearing was the fact that the rock formation was different in Windsor Junction than in the surrounding area. He advised that on one side of the lake you have clay soil and on the other side of the lake you have all rock. He advised that this was one of the reasons why on one side of the lake residential development is permissible and on the other side it should not be; the side where there is a great deal of rock is the dangerous area; that is the site where the Cobequid Industrial Park is proposed for location.

Mr. MacLean agreed that he felt that the Council was attempting to gag or muzzle the residents. He advised that this was because in 1981 the residents were dealing with a different proposal and with a different developer. Since that time, he advised, the property has changed hands a half a dozen times and the plan has changed. He, therefore, felt that everything should come out again. He felt that the fair way would be to have a complete Public Hearing, allow the Developer to address all the issues, bring his plan out so that all new and all old Council Members can listen to it, let the opponents address all the issues and then Council make up its mind. He did not think that the decision taken during the first night of the Hearing was the correct manner in which to proceed; this was addressing only three issues and having all Council Members able to participate in it. He did not think that the 1981. before Council tonight was the same as the one discussed in

Councillor Lichter agreed that it was unfortunate that at this Public Hearing the same Councillors were not present as during the first Hearing; however, he advised that going back in Council minutes of last year, 1982, you would find one particular motion put forward where the Council had asked the ECC to bring down the decision by a certain date. He advised that one of the reasons for this motion was so that the same Councillors could wrap up the whole situation. Unfortunately, the delays caused by everyone concerned, including the Resident's Association, made that impossible and have brought Council to the point where it is tonight and that cannot be changed at this point.

Mr. MacLean asked Councillor Lichter, as Chairman of the PAC, if he could tell him who owns the land where the Development is proposed to be located.

Councillor Lichter advised that he did not know who did own it but he knew who did not own it; all the opponents in front of and behind him in the Council Chambers. He advised that he was very concerned that people were willing to dictate to someone else what they can or cannot do with their property.

Councillor Snow questioned Mr. MacLean as to whether he felt that the Riverlake Resident's Association had been given every possible opportunity to address all the issues relative to the proposed P.U.D.

Mr. MacLean indicated that they had not.

Councillor Snow agreed with this and advised that he would like to see the whole issue re-discussed from the very beginning.

Councillor MacDonald questioned whether Mr. MacLean would really go along with the construction of a sewage treatment plant to which Mr. MacLean advised that he would, as it was a recommendation of the ECC, as long as the Plant was properly constructed.

Councillor MacDonald then indicated his opinion that Mr. MacLean could not really be serious about environmental protection if he would allow such a thing.

However, Mr. MacLean advised that he has seen instances where the Plants did work properly. Furthermore, he indicated his opinion that when the ECC made this recommendation, they made it because they did not think the Developer would go along with it and the Development would then be quashed.

Councillor DeRoche indicated his opposition to sewage treatment plants in general. He advised that the fluid coming from a plant is supposed to be safe for human consumption; however, he advised that the chemicals contained in it, would kill a person more quickly than human effluent.

Councillor Wiseman advised that she had been on the site Monday morning when she had noticed that the Bicentennial Highway goes through the back of the Cobequid Industrial Park property. She advised that a

couple of years ago when they were blasting that road through, there were a number of complaints, not only in the Sackville area, but also in the Waverley area, about the blasting that was being done. She questioned whether there was any noticeable affect on the lakes from the construction of the highway and from the blasting in particular.

Mr. Thomas advised that there was an effect from this blasting. He advised that he had replaced up to 14 windows because the seals were broken due to the blasting during the twinning of the Bicentennial Highway. He advised that a milky substance had been coming into Three Mile Lake, also as a result of this blasting. This claim had been substantiated by the Department of Environment, who checked it out and found that it was a runoff coming from the twinning of the Bicentennial. It has not occured since they have hydroseeded.

Councillor Wiseman questioned whether there was any disturbance to the sediments in the Lakes, due to the highway construction.

Mr. Thomas advised that this had been discussed with Mrs. Mudroch and the cores, she felt had not been disturbed; however, she had advised that it would not take too much to resuspend them and put them in the system. She is going to continue the study of the different densities coming down and how fast it does settle.

Mr. Thomas further advised that the first studies were done in 1974 long before the twinning of the highways.

Councillor Deveaux indicated his understanding that the opposition being expressed was not so much against the proposed Development but was against the location of that Development; he asked Mr. Thomas if he was correct in this.

Mr. Thomas advised that the Riverlake Resident's Association was not anti-development or anti-industry. The Association insists, however, that development be approved and proceed only after proper studies have been carried out, necessary controls have been defined and a reliable monitoring system has been designed. He advised that these comments had been made in June of 1981. He also stated that the Association came to Council back in 1979, with a Petition with over 900 names asking that a one-year moratorium be put on that piece of property until proper studies had been done. He advised, that finally now they are getting these studies and will be able to get some answers in the near future.

He quoted from a Report prepared by Shirley Freer who had been the Chairman of their Health and Water Committee, as follows:

"Health is never a very popular topic at Hearings but Health is a quality of life we hold dear. Industry is a way of working not a way of life and when we permit it to take precedence over human values, we are leaving a sad heritage to our children. The Gold Mining in our area left us much to be remembered and to be remembered by."

Mr. Thomas referred to many incidences where residents of the area had been hospitalized for arsenic poisoning.

Councillor Deveaux asked if there had been a gravel pit at that site at one time and was advised by Mr. Thomas that there was; he also went to one of the maps and pointed to the location of the Pit.

He advised that in 1975 a Mr. Noel Feedham began to bulldoze the land and was going to put in a gravel pit. However, concerned residents got together, formed a Resident's Association and a Constitution and put a stop to that development.

Mr. Thomas then advised that in 1977 the land was sold to Industrial Machinery and in their first proposal, they said they were going to put in a rock crusher and then an industrial park.

Councillor Deveaux then questioned whether, if the proposal was approved in accordance with all the ECC recommendations, would the Riverlake Resident's Association accept that.

Mr. Thomas advised that the Association had said that they would live up to the recommendations of the Environmental Control Council, on the Environmental Issues.

Councillor Snow questioned whether there were ever any tests done on the Tungsten Mine Pits on the proposed site, whether by Mrs. Mudroch or by any other persons.

Mr. Thomas advised that there were some studies that were at the Environmental Control Council Hearing.

Councillor Lichter questioned how much money was spent by the Resident's Association in fighting the development on this site.

Mr. Thomas advised that it was in excess of \$100,000.00.

Councillor Lichter advised that the land was sold by Noel Feedham to Industrial Machinery for \$50,000.00. He felt that the Association would have been better off to purchase the land.

Mr. Thomas advised that the Association did offer to purchase the Land; he added that they did not think the fight over that land would go as far as it has.

Mr. MacLean advised that the Association offered to purchase the land from Mr. Eisenhower of Industrial Machinery for \$400,000 but he refused to accept the offer.

At this point in the Hearing there was a five minute recess.

Mr. John Hartlin, Resident of Waverley: Mr. Hartlin advised that Waverley was as concerned about this proposed Development as was the Riverlake Resident's Group in so far as the pollution of the lakes would have an effect on Waverley as well.

Mr. Hartlin indicated to Council that he had written many articles on the local and provincial mining history which he felt indicated that he was knowledgeable in this field. He advised that it was on this basis that he had been approached two years ago by the Riverlake Resident's Association to speak at the Public Hearing in 1981 regarding the proposed Industrial Park and again tonight.

Mr. Hartlin then provided Council with a Slide Presentation depicting the Mine Shafts on American Hill and surrounding area and the debris and garbage collected in these Mine Shafts, advising that these same slides had been shown to the Environmental Control Council during their three-day Hearing. Included in this Slide Presentation was a Plan of Muddy Pond which showed many tunnels underneath the Pond. He advised that there were numerous other tunnels and shafts throughout the entire Mine area which also surrounds the proposed site of the Cobequid Industrial Park.

Mr. Hartlin gave an extensive history of of the Tungsten and Gold Mining which ravaged Waverley from 1907 onward. During this presentation, Mr. Hartlin referred repeatedly to the the Mining Shafts and Tunnels which permeate the area and also the resulting high arsenic concentration in the soil, the lakes and particularly Muddy Pond which would most certainly be disturbed by any development on the proposed site. He advised that a University Professor has done studies on the arsenic content in the water of Muddy Pond which indicated that to drink one and one-half litres of water from Muddy Pond would kill a human being within several hours.

Mr. Hartlin's comprehensive presentation related to the proposed method of Storm Water Management at the Cobequid Industrial Park Site. He indicated to Council that the water could not be made to run up hill and further, that should the Developer be successful in managing this feat, there would be no way to prevent groundwater from flowing through all the underground tunnels and shafts left from the Mining era in Waverley, and thereby distributing arsenic, mercury and tungsten contaminants throughout the entire chain of lakes in the area. It was also his fear that the lethal arsenic level in Muddy Pond would be disturbed and would migrate through the tunnels and shafts into the lake system.

Mr. Hartlin indicated his hope that Council would agree that the proposed site is unfit as a place for the Cobequid Industrial Park to locate and that, in fact, no development, not even residential, should be permitted on that tract of land. He then invited questions from Council.

Councillor Snow questioned how long Mr. Hartlin felt that Lake Thomas would last once blasting began around the Tungsten Mines and Muddy Pond is disturbed.

Mr. Hartlin advised that from reading what the Experts say, it is a critical Situation. Based on this, he did not feel it would take very long for Lake Thomas to become contaminated.

The Deputy Warden referred to the Mine Shafts in the Waverley area and questioned whether it was a possibility that they could be filled with rock or some suitable soil which would prevent the problems of water flowing through the tunnels.

Mr. Hartlin thought it might be possible; however, the ratepayers have not studied this.

Councillor Eisenhauer questioned how far the proposed site was from the Mining area of American Hill and how far from Muddy Pond and he was advised by Mr. Hartlin that it was approximately one-quarter mile.

Mr. Hartlin then utilized the Developer's model of the park and surrounding area in order to point out the proximity of the Site to the Muddy Pond and Mining area. He then briefly reviewed for Council's information, all the surrounding waterways connected to Muddy Pond.

Councillor Bayers questioned Mr. Hartlin relative to the distance from Lake Thomas to Muddy Pond and was advised by Mr. Hartlin that the two were separated by approximately one-half mile.

In response to questioning from Councillor Wiseman, Mr. Hartlin advised that the pits and tunnels under Muddy Pond flowed in Easterly and West-erly directions; however, he was not sure how far back in distance they went.

Councillor McInroy advised with regard to Storm Water Management, that this was a recommendation of the Environmental Control Council. He also advised that the Developer has agreed to comply with that recommendation and further, that the Resident's Association had previously agreed to abide by the recommendations of the ECC. Therefore, he did not see what was contentious about this particular part of this Development, as apparently both sides have agreed with the ECC recommendation. He questioned whether the judgement of the ECC was being questioned.

Mr. Hartlin advised, with respect to Storm Water Management, he would not have any idea where to locate drainage, and he did not hear the Developer state where that drainage was to be located.

Councillor McInroy felt that the three issues before Council should be dealt with one at time; he felt that Storm Water Management could be disposed of as the Developer and the Resident's Association are agreeable to the ECC recommendations and that Council should proceed to discuss the other items: Sewage Disposal and the Monitoring Board.

Mr. Thomas advised Council that Mr. Hartlin was here this evening as a concerned citizen to throw some light on the results of Waverley's Mining History which he feels affects the issue of Storm Water Management and that he is not here on behalf of the Riverlake Resident's Association.

It was the position of Mr. Hartlin that he was in disagreement with the decision taken by the Environmental Control Council relative to Storm Water Management and Drainage.

Councillor McInroy then reiterated that the ECC, the Developer and the Resident's Association were satisfied with the manner in which the issue of Storm Water Management is to be handled. He then questioned whether Council should be debating this one issue any further or to judge whether the conditions set out by the ECC were reasonable.

Mr. Hartlin indicated his opinion that the Storm Water Management issue would work if the drains were going to be located above ground and would be draining into the lake at a specific point; however, if the intent is to dig a ditch running down into Lake Thomas it will not work as it would not be known where the water was coming from.

Mr. Birch advised that any changes to Storm Water Management, arising out of the direction of the Minister of Environment, based on the advice of the ECC would be subject to further approval of the Minister.

Councillor McInroy reiterated his opinion that Council should now move on to debate regarding the Sewage Disposal and the Monitoring Board.

Mr. Hartlin advised that as a resident of Waverley living within one-quarter mile of Muddy Pond, he did not want to see any disturbance to the Pond; in fact, he felt that the area should be restored.

Councillor Snow questioned Mr. Birch as to where the Storm Water was supposed to go; he advised that if it was to go into Lakes in other communities, then there would be another battle from another Community.

Mr. Birch indicated where the water was supposed to go by quoting from the decision of the ECC as follows:

"Surfacial run off from the Industrial Park area shall be diverted from Muddy Pond and by conduit or ditching along the contour west of Muddy Pond and discharged into Lake Thomas below the Muddy Pond outlet."

He further advised that the Engineers have not indicated that this would be an impossible task and they have agreed to comply with it.

Councillor Snow advised that in by-passing Muddy Pond, something far more dangerous could be delivered from the Tungsten Mines into Lake Thomas.

However, Mr. Birch advised that the Tungsten Mines were discussed at the ECC Hearing and it was agreed that the Engineers and Geologists would have to test in that area before moving into the area. The tests must meet with the satisfaction of the Department of the Environment.

There were no further questions for Mr. Hartlin.

Mr. Tony Hunter, Owner of the Point of Eagle Point Drive: Mr. Hunter advised that he was here this evening, not to provide any expert testimony but as a concerned citizen, as to the future of the lake system. He advised that he had been present and has testified at all of the Hearings to date only as a concerned citizen. He advised that from every study he has read and from everything he has heard relative to the proposed site, it is obvious that it is one of the most environmentally sensitive areas in the whole Municipality and he did not feel that it was a suitable site for an Industrial Park.

There were no questions for Mr. Hunter.

Ms. Nancy Haley, previous Executive Member of Riverlake Resident's Association: Ms. Haley advised that although she was no longer on the Executive of the Association, she is a concerned citizen. She pointed out that she was one of the founding members of the Association and, although no longer actively involved, she feels as strongly as in 1975. She advised that the proposal must be stopped as the Lakes are too important to the area to be ruined by the proposed development.

There were no questions for Ms. Haley.

Mr. Ed Latriar, resident of Windsor Jct.: Mr. Latriar advised that his dwelling was on Third Lake which is across the lake from the proposed Industrial Park. He advised that he spends a lot of time on the lake and he has spent a lot of time walking over the property. He advised that while walking over the property you can actually hear the underground springs running in different directions and he was concerned about the springs that run into Third Lake and was concerned about control of Storm Water with all those springs and tunnels.

Councillor MacDonald indicated that there were also tunnels under Muddy Pond; he questioned Mr. Latriar as to whether those tunnels would not be draining into Third Lake now.

Mr. Latriar was not aware of any; he advised that he was only aware of those running into Third Lake now from the proposed site.

Councillor Bayers questioned Mr. Latriar as to how far from the proposed site he resided.

Mr. Latriar replied that he was within one-half mile from the proposed Cobequid Industrial Park site.

Councillor Bayers then questioned Mr. Latriar with regard to the type of sewage disposal method used in his home and how far his home was from the Lake.

Mr. Latriar replied that he used a septic system and that his home was within 100 feet from the lake but that his septic field was not between the home and the lake but was on the other side of the home; as well it was only one-year old.

Subsequent to the above, there were no further questions for Mr. Latriar.

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

"THAT there be a five-minute recess."
Motion Carried.

SPEAKERS IN OPPOSITION - (continued)

Mr. Paul B. Miller, Solicitor on behalf of the Riverlake Resident's Association: Prior to delving into his presentation, relative to the Park issue, Mr. Miller briefly echoed the comments of Mr. Dave MacLean relative to the conduct of the Public Hearing. He suggested that this Hearing may be a futile effort. This matter, he advised, first came to a Public Hearing two years and two months ago and it was aired fully at that Hearing; however, since that Hearing two years ago a great deal has transpired. An Environmental Control Council Hearing was held, the Sackville Industrial Park has come into being, and there has been a change in Policy by the Province regarding Interchanges. This, he felt was relative as the P.U.D. By-Law indicates that one must consider roads and you could not consider it, if you don't hear all relative information to it. He indicated that there were seven Councillors present this evening who have not heard information relative to this particular item.

Mr. Miller objected strongly to the fact that this issue was not to be addressed at this Public Hearing. He felt that by the restrictions imposed on what may be discussed at this Hearing, that any decision resulting from this Hearing could probably be successfully appealed by either party in the Courts on the basis of fairness.

Mr. Miller then questioned whether he was permitted to speak on the P.U.D. Agreement itself as it was not one of three items to which the Hearing has been restricted; he indicated that the Developer has spoken on the agreement at length.

Deputy Warden Margeson advised that the Agreement had been approved by a previous Council; however, the three issues to be discussed tonight varied from the original agreement which is why they were being addressed at this time. He requested that Mr. Miller restrict his comments to those three issues only.

Council debated briefly whether or not Mr. Miller should be permitted to address the Agreement itself. It was eventually AGREED that Mr. Miller be permitted to address the Agreement if he so wished; however, if his remarks should deviate from the three issues, then the Applicant must also be given the latitude to come back with a brief period of summation.

Solicitor Cragg advised that the P.U.D. has been approved in principle by the previous Council through a motion passed January 19, 1982. However, he agreed that Mr. Miller should be able to speak on the P.U.D. Agreement as it relates to the three items: (1) Sewage Disposal; (2) Storm Water Management and (3) Monitoring Board.

Prior to continuance of Mr. Miller's presentation, Council also briefly debated and questioned exactly what had been approved by the previous Council and also what was approved in principle in the motion of January 19, 1982.

However, this issue was not resolved at this time and Mr. Miller continued his presentation.

Mr. Miller advised that he would first address the three major issues and then the P.U.D.

Mr. Miller advised that, relative to Councillor McInroy's opinion that Storm Water Management should not be further discussed as it had been agreed to, he advised, that the Riverlake Resident's Association had taken this same position in regard to Sewage Disposal. He advised that the ECC felt that a Treatment Plant should go on that Site and therefore, it should not be argued. However, he indicated that Staff have recommended something different; therefore, if staff is not following the recommendations of the ECC, he saw no reason why the Resident's Association should do so. He felt that they had as much right as County Staff and the Developer to review the ECC decisions and make alternate recommendations.

He advised that they do not take exception to the ECC recommendation; however, on the issue of Storm Water Management, they have not said how it is to be done, only that it should be diverted from Muddy Pond. This, he advised, was as a result of an acknowledgement by them and acceptance that Muddy Pond is lethal and has an extremely high arsenic concentration in its sediments. In order to substantiate this claim, he referred to a Study done by Alena Mudroch and R. Sandilands, Technical Report No. 9, entitled "Geochemical Analysis of Lake Bottom Sediments in Shubenacadie Headwaters", a report to the Shubenacadie River Basin Board as to the sediments in those lakes. He advised that this study was done over a number of years, started in 1974 and completed in 1978. He advised that their mandate when they began the study was to determine the nutrient loading of the lakes. The major recommendation they made from the study was that it requires further study. He advised that as a result of this study and Mrs. Mudroch's testimony before the Environmental Control Council, they finally did get authorization for the continued study which should be completed within a year.

Mr. Miller advised that studies completed todate do not answer the question as to the impact on the lake system due to development. He advised that upon completion of Mrs. Mudroch's new study it will be possible to decide where Industrial, Commercial and Residential Development should locate or where there should be no development.

Mr. Miller then advised that at a meeting held with the Minister of the Department of Environment just yesterday, that was one of the agenda items. The agenda had consisted of (1) what was to be done about the ECC recommendations, and (2) the need for further studies so that there could be a Waste Water Management District and plan what type of development should be allowed and where.

Mr. Miller indicated that the Minister responded very favourably to the second item, as he had suggested that there will be a further meeting to discuss that issue and he also suggested that there should be a Board with residential input to study that and to decide those issues.

Reading from the above-mentioned report, Mr. Miller advised that the amount of arsenic in the bottom sediments of Third Lake is 36, the acceptable level is 1; therefore, there is 36 times the acceptable levels of arsenic in that lake. He advised that there was no mining around that lake and questioned where the arsenic could have come from. He suggested that it was in the Bedrock. He advised that on Three Mile Lake which does border on that Site, more so than Third Lake, the arsenic content was 51. He advised that part of this could be attributed to past mining activities. He further advised that in both of those lakes the mercury content was acceptable. However, in Muddy Pond the arsenic level was 800; 800 times the acceptable level and the mercury level was 40 which is 100 times the acceptable level of .4.

Mr. Miller advised that with regard to Storm Water Drainage, that is the reason that the Environmental Control Council wanted any Storm Water to be diverted from Muddy Pond; they do not want to resuspend the sediments and carry arsenic and mercury through the water system.

Mr. Miller advised that 70% of the proposed site, now drains towards Muddy Pond. He advised that when the site is cleared and trees and shrubs are cut down and the parking lots for the businesses are paved, there will be a lot of surface water to be drained and diverted away from Muddy Pond. He advised that if it is successfully diverted then there should not be a problem. However, he questioned what damage could be done if it was not successful. He advised that there would be a problem so monumental that any size of protection bond would not be significant enough to clean up the damage. He advised that he had not seen any specifications at all from the Developer which would indicate how he would redirect 70% of the water. However, he advised that the Resident's Association has consulted themselves with an Engineer, who reviewed it and who is generally familiar with the site and he advised them that it would be a major engineering feat to re-direct that Storm Water and to have control over that Storm Water.

Mr. Miller advised that this did not even address subterranean drainage through all the underground shafts and tunnels. He advised that an item of interest brought out at the ECC Hearing was that some of those tunnels not only went under Muddy Pond but went right into Muddy Pond. He wondered how many were also under the proposed site. Furthermore, he advised that there was nothing in the ECC decision that would address Subterranean drainage and what the impact of that is going to be on Muddy Pond and where it will go.

Based on the above, he suggested to Council that Stormwater Management is an important issue, which could not be neglected tonight.

Mr. Miller then referred to the issue of septic systems. He advised that at the Meeting yesterday with the Minister of Environment, their delegation questioned the Minister as to why he had recommended a Treatment Plant when all the information they had regarding such Plants was negative. The answer they had received to this question was that the Department of Environment were not suggesting that wastewater from the plant be emptied directly into the lakes. The reason a treatment Plant was suggested is that the proposal is an industrial use and it would have industrial effluent which it was felt should not empty into on-site systems but would be better treated by a wastewater treatment plant.

Mr. Miller advised that yesterday, the Resident's Association was also assured by Mr. MacDonald, Chairman of the ECC and the Minister, that the type of treatment plant they are envisioning will have to be proven to be effective before the Cobequid Industrial Park is allowed to operate. He advised that this is stated right in the ECC recommendations. He indicated that they were not talking about the type of Treatment Plant for typical domestic sewers. They are talking about an entirely different concept in treatment plants; a considerably more expansive treatment plant than what you have in the area currently. He advised that this is the reason why the Developer does not want to construct this plant; he cannot afford it.

Mr. Miller advised that, the Resident's Association suggestion to the Developer would be, that if he is not prepared to protect that site that he should get another site; otherwise, he should comply with the recommended controls.

Mr. Miller advised, that at the meeting yesterday with the Minister, there was very little discussion regarding Holding Tanks. He advised that with the exception of the previously-mentioned Alberta Industrial Park, he did not know of any other Park using that system. He advised, that the Alberta Park has a totally different system of disposing of the waste from the Holding Tanks; it is put in a lagoon process. He advised that the Association had some concerns about the cost of putting a Waste Water Management District in the County level and trucking this out. He advised that they had been attempting to get some clarification on how long you could delay the septicity process with chemicals; however, they were not receiving clear answers but had heard everything from one day to one week. He advised that this indicated a very frequent pumping out if a system like that goes in and there would have to be controls that would make sure that no-one else used it for dumping; in other words there would have to be a sort of lock system. Their major concern related to the Holding Tanks was the cost and the precedent involved.

He advised that they were not necessarily rejecting the proposal but they felt there was not enough information available yet as to the ramifications of it relative to costs and the precedent setting nature of it.

With reference to the On-Site Disposal, Mr. Miller felt that the Resident's Association had made themselves abundantly clear on their feelings relative to this issue. They had indicated that they are already experiencing problems not only with septic systems installed prior to 1975 but also those installed since that time. He advised that if one were to go up to Silversides Subdivision the sewerage could be seen running down the roads on a wet day. He advised that most of that Development was constructed subsequent to 1975 under the new regulations. The same problems were being experienced, he advised, in Fall River Village.

He advised that the experience the Community has had relative to On-Site Systems has not been a satisfactory one and they did not want to add to that, the possibility of chemicals also being disposed of On-Site.

Mr. Miller referred Council to the Overview Maps, which included the proposed site, and which he had presented to Council at the previous Public Hearing on this issue in 1981. He advised that these maps had indicated that the majority of the area was highly unsuitable for septic systems. Since that time, he advised, that he had not seen any information to the contrary. He also advised that the issue of sewerage disposal took up the vast majority of time at the Environmental Control Council Hearing. He advised that before the ECC made their decision relative to waste disposal they heard full information from the Department of Environment, the Department of Health, by the Developer and his Consultants and by the Residents. Mr. Miller also thought it was important to note that the ECC had their own Advisor to the Board, who was Dr. Ogden, a Biochemist with Dalhousie University and had been the Advisor to the Board for quite a time. This Doctor was also one of the Authors of a Study which dealt with this very same issue.

The above information indicated to Mr. Miller that it was unfair to suggest that the ECC made their decision without the benefit of expert advice; he advised that they did have expert advice and they still came to the conclusion that a sewage treatment plant was required on the proposed site.

Mr. Miller then referred to the issue of the Monitoring Board. He advised that the issue of a Monitoring Board came about when the Resident's Association was asked by the Chairman of the ECC if the Proponent, the Resident's Association and Mr. Bottomly would meet to come up with a recommendation. ECC advised them that the recommendation was not to be binding; that they did not agree with the Park or disagree with the Park, but putting everything else aside, the ECC suggested that they meet and come up with a proposal for a Monitoring Board, if the Park is going to go ahead. Therefore, Mr. Miller advised, that they did meet as suggested by the ECC. They met at Mr. Sheppard's Office, and he advised that the result of that meeting was the recommendation, as included in decision of the Environmental Control Council. He advised that at that time, the Developer did agree on it and Mr. Sheppard did agree on it and it was agreed to by the Residents. He advised that it came as a shock, at the beginning of this

Hearing, after knowing that it had been agreed on by the Resident's Association and the Developer, to hear that it was not agreed on by County Staff.

He advised that the Minister of the Department of Environment informed the Delegation at yesterday's meeting, that if County Council does not agree to the Monitoring Board as recommended by the ECC, that he will not issue a Regional Development Permit, unless it is included in the Agreement.

The above completed Mr. Miller's presentation relative to the three major issues. He then proceeded to discuss with Council his objections to the P.U.D. Agreement itself.

He began by referring Council to Section 23 on page 7 of the proposed P.U.D. Agreement. This was the Section on the Environmental Protection Bond. He read the Section as follows:

"The Developer, prior to any construction, shall furnish the County a valid surety bond issued by a surety company qualified to do such business in the Province of Nova Scotia, and acceptable and satisfactory to the County, which bond shall be conditioned to insure the faithful and full performance by the Developer of the terms of Item 6 of this Agreement, and to stand as security for the payment by the Developer of any valid claim by the County against the Developer for breach of the terms of Item 6. (Item 6 referred to "Environmental Quality").

The amount of the bond shall be determined on the basis of area of "land under construction" where "land under construction" is defined as follows:

- (1) For construction of roads and services "land under construction" will normally be the land within the road rights-of-way. Where there is construction outside rights-of-way, "land under construction" will be land disturbed by such construction.
- (2) For construction by the purchaser of property within the park, "land under construction" will be the area of property for which a building permit is issued.

In either case, the area of "land under construction" will be the area of property for which a building permit is issued.

The amount of the bond will be \$5,000 per acre of "land under construction", with a minimum value of \$50,000, which surety bond shall be maintained and kept by the Developer in full force and effect during each phase of development and it shall be in effect until the construction is completed and approved by the Department of Environment."

Mr. Miller then read to Council, Section 5.11 of the decision of the Environmental Control Council: "The Committee does not take issue with the adequacy of Environmental Protection Bond required of the Proponent under the P.U.D. Agreement. However, the Committee recommends that a method be found to establish a link of responsibility with individual

Tenant Occupiers of the Park, either through individual bonding or by joining them with the original bond. If joined with the original bond, the amount would be increased to the appropriate level."

Mr. Miller advised that this provision of the ECC recommendation was included nowhere in the draft P.U.D. Agreement.

Mr. Miller advised that it was important that the ECC recommendations be met due to the fact that the Municipality was dealing with an out-of-province company developing that Park, which to his knowledge was their only asset in the Province. He advised that the minimal protection bond of \$50,000 would not be nearly adequate to correct the damage if there was a control failure.

Another issue he had with the P.U.D. was the name of the Company that the Municipality was entering the Agreement with. He advised that the Agreement submitted to Council for approval, was between Cobequid Industrial Park Limited Partnership, as the Developer and the County of Halifax. He advised, that his reading of the P.U.D. By-Law would indicate that the Municipality must deal with the Registered owner of the lands. He advised that the land has changed hands so many times, that it is not clearly known who actually owns it. Mr. Miller submitted as exhibits, documents which indicated that an Agreement of Sale was conveyed to Renaissance Investments Consultants Limited just this last month. He advised that the documents, with the Registry Stamps from the Registry of Deeds on them, also indicate that the Legal Title to this land still remains with Industrial Machinery or its Trustee in Bankruptcy; he advised that he saw their name nowhere in the Agreement. He advised that Cobequid Industrial Park Limited Partnership were not shown anywhere at the Registry of Deeds, as being either a legal or an equitable owner. He, therefore, questioned how the Municipality could enter into a Contract for development of lands with a Party that has no registered interest.

Mr. Miller then advised that two years ago, based on the minutes of the previous Public Hearing in 1981, Mr. Quiring from Allstate Investments came before Council as did Mr. Eisenhauer and they told Council that the owners of the land were Industrial Machinery and that under an Agreement of Sale Otron Direct Sales Canada Limited were going to be purchasing it. He advised that they had deceived Council as that land was conveyed to Otron-Allstate before that Public Hearing and Council was not informed of the transaction. He advised, that in testimony before the Supreme Court of Nova Scotia, Mr. Pearson admitted that it was conveyed but it was not registered. It was then supposedly conveyed to Cobequid Industrial Park Limited Partnership but still there is no registered documentation on that. Mr. Pearson also acknowledged in that Public Hearing that the transaction took place in June of 1981 prior to the Public Hearing, during which time, Council was told that it was owned by Allstate and Otron.

Mr. Miller then advised that during the ECC Hearing, Mr. Pearson indicated that the lands were owned by a Consortium and the Consortium at that time were Cobequid Limited Partnership, Cobequid Enterprises Limited and a Company called Venture Investments. Mr. Miller advised that he has seen no mention made of Cobequid Enterprises or Venture Investments.

Mr. Miller advised that the relevance ownership had, was that the Municipality should know who they are contracting with. He also advised Council that from May of 1981 when the lands were first sold until the end of June 1981, the price went up from \$300,000 to \$1,500,000. increasing five-fold in price within a two-month period.

He suggested that the Municipality was not dealing with Developers but with Speculators. This suggestion was first made by Solicitor Hayman, who spoke at the 1981 Public Hearing on behalf of Mr. George MacKay.

Mr. Miller advised that there were many other issues he would like to discuss with Council which he felt were relevant, such as traffic, however, he agreed to honour the ruling from the Chair and would not discuss them, although he encouraged Council to consider them. Therefore, the above completed his presentation to Council.

Mr. Miller then invited questions from Council.

Mr. MacKay advised that in the presentation to Council at the Public Hearing June 29, 1981 submitted by Mr. Miller on page 24 of the minutes of that Hearing, it stated: "area residents do not want the Windsor Junction Waverley Interchange to be built." He questioned whether this accurately reflected the wishes of the residents.

Mr. Miller agreed that this was probably correct, especially as they would have to pay for it on their taxes. He thought that most of the residents felt any Interchange which should be built should link the existing Sackville Industrial Park with Bedford and Dartmouth. He felt that was where the need for an Interchange was the greatest. He also advised that yesterday, it was confirmed by an Executive Assistant to one of the Ministers that the Provincial Government's Priorities have changed and the likelihood of an Interchange in Cobequid Park is NIL. If there is one built, it will probably be built in Sackville.

Councillor MacKay further read from page 24 of the above-mentioned minutes: "It is the opinion of the Riverlake Resident's Association that the construction of the Cobequid Industrial Park without an Interchange on Highway 102 would place an intolerable burden on the Cobequid Road and would present a traffic-safety hazard for all pedestrians" ... Page 30 "further the proposed Cobequid Industrial Park without an Interchange would have a devastating impact on road traffic along the Cobequid Road." He requested clarification of these remarks.

Mr. Miller advised that they were not opposed to an Interchange per se, they were opposed having to pay for it. He advised that if an Interchange is going to go in the Cobequid Industrial Park, he suggested that the Developer should pay for it.

Mr. Miller further advised that he did not feel it was likely that the Department of Transportation would put an Interchange in the area considering the pressures from the Town of Bedford and the community of Sackville, and the common sense of placing an Interchange in that area. He further advised that they have heard nothing from the Department of

Municipal Affairs which is contrary to that. They have never waived the requirement of an Interchange before a Regional Development Permit and they have even suggested that they may not allow two Interchanges in such a short space from a traffic-safety point of view.

Councillor MacDonald advised that one of his main criticisms in 1981 was not having an Overpass. He advised he was still of the opinion that if the Park is developed and there are large trucks coming and going towards Bedford it will be almost impossible to turn at the end of the Cobequid Road.

Councillor DeRoche referred to page 6 of the P.U.D. with regard to the Monitoring Board, as follows:

"The Cobequid Industrial Park Monitoring Board shall be established as per the recommendation of the Environmental Control Council in Section 5.10 of a study entitled "Report and Recommendations to the Minister of the Environment on the Public Hearing on the Proposed Cobequid Industrial Park" and dated July 10, 1982 ..."

He then questioned whether Mr. Miller felt it was appropriate that Council establish a Board which answers directly to higher authority and by-passes this Council or would he consider it more appropriate that the Minister of the Environment has the jurisdiction and should establish such a Board.

Mr. Miller felt that Council could amend that to have them report to both. He did not see any reason why they could not report to Council and to the Minister of the Environment. He did not think it would make any difference; for one thing the Chairman of the Shubenacadie Lakes Advisory Board or some representative from the Advisory Board would be sitting on the Monitoring Board and reporting to Council anyway as the Shubenacadie Lakes Advisory Board is an advisory board to council.

Councillor McInroy indicated his understanding that if every recommendation of the Environmental Control Council were contained within the report and agreed to by the Developer, that the Resident's Association would be agreeable to the Development. He questioned if this understanding was accurate.

Mr. Miller advised that he would have to seek instruction from his Client; however, his client had stated in 1981 before Council made the decision to refer to the Environmental Control Council that they would live by the recommendations of the ECC on the Environmental Issues. They did not suggest that there weren't planning considerations that they still were concerned over such as Traffic. The ECC has no mandate to hear those concerns and looking at the transcripts of the Hearing, once or twice when the Resident's Association had attempted to bring this issue up, they were told that it was not the mandate of the ECC and they were brought back to the environmental issues.

Mr. Miller felt that the above was probably part of the reason why there was a dissenting opinion from the ECC. He advised that to his

knowledge there has never been a dissenting opinion issued by the ECC yet two of its members did take the effort to write a dissent resulting in the split decision of 3-2. He advised that in reading the dissent closely, part of it is based on the fact that perhaps they should have taken other issues into consideration.

He advised that they did a risk-benefit analysis and in their dissent they indicated that there were still risks even with all the controls and they did not feel that the benefits were worth taking any risks. He agreed that maybe they should not have considered this but he suggested that Council should certainly consider it, particularly as Council is not restricted just to the Environmental aspects of it.

Councillor McInroy indicated his understanding that this evening Council is restricted insofar as there are three issues which the Public Hearing was called in order to discuss. He advised that the project had already been "approved in principle" as pointed out by the Municipal Solicitor.

Mr. Miller did not agree with the opinion of the Municipal Solicitor and questioned, as Council had earlier, exactly what "approval in principle" means. He advised that "approval in principle" was not contained in either the Municipal Act or the Planning Act; in fact, he did not know what an "approval in principle" was. However, he did not think it bound Council but that they would have to make a decision that was in the best interest of the Municipality.

Council discussed the meaning of "approval in principle" at length, asking for clarification from the Municipal Solicitor.

Mr. Cragg advised that approval or approval in principle or approval in general or specific approval is approval; however, he indicated that, if it so desired, Council could rescind its previous motion of approval, as no action has been undertaken to cause any damage or unrepairable injury to any Party. However, he reminded Council of the ruling that any Councillors who have not been present for all the Public Hearings dealing with this matter cannot vote, if Council feels it should be voting on the whole matter once again.

This information was discussed at length with some Councillors indicating their disagreement with the Solicitor.

Councillor Lichter referred to information given him earlier by Mr. MacLean that the Riverlake Ratepayer's Association had offered \$400,000 to purchase the proposed site. He advised that the issue of ownership seems to be confused; he questioned whether Mr. Miller had been involved in making the \$400,000 offer and if so, who did he make the offer to.

Mr. Miller was not involved with the offer as it was before he had become Solicitor of the Organization; however, he presumed that it had been made to Noel Feedham of Scotia Acres. This, he advised, was only from hearsay.

Councillor Porier advised, that from previous meetings and Public Hearings with the Riverlake Resident's Association, she had received the impression, that they wanted to stop development as much as possible. She questioned whether there was ever any intent on the part of the Association to limit development entirely in the area or do they ever intend to allow any development.

Mr. Miller indicated his opinion that the Resident's Association was not against development; they all pay taxes and they realize that the tax base is not healthy in the County and that more commercial and industrial assessment is required in order to lower the residential tax rate. However, because they have an environmentally sensitive area, they must be careful as to the location of that industrial and commercial development.

This concluded Council's questioning of Mr. Miller and there were no further speakers in opposition. At this time, it was Agreed by Council that Mr. Clark, Solicitor for the Proponent be permitted to come forward and give a brief summation.

Mr. Clark advised, with regard to the Minister of Environment, that he was speaking with the Department today and it was his understanding that the interpretation the Department put on it, is that if there is no industrial waste to be discharged from the site, the treatment plant would not be required. He advised Council that calling the proposal an "Industrial" Park was a misnomer as it is the intent of the Developer to construct a "Business" Park which would only be discharging domestic waste, which would require septic tanks, the same as in a normal dwelling. As the engineers had indicated, there would probably be less waste than that discharged from a private home. The Department of Environment had indicated to them that they were not against domestic waste or septic systems which have been approved in principle by the Department of Health and also some of the Staff of the County.

Mr. Clark advised that those persons speaking in opposition to the proposal tonight have spoken in regard to the environmental considerations and these have already been reviewed at the ECC Hearing. He advised that the ECC Board of Experts set out its recommendations after fully airing these Environmental concerns. Assuming that the Minister of Environment is referring to Industrial Waste in his recommendations of the ECC, the the Developer agrees with all the ECC recommendations, which were set out in the P.U.D. Agreement.

With regard to the Monitoring Board, Mr. Clark advised that the Developer accepts this Board including the pre-screening as long as this can be interpreted that in pre-screening he would only have to disclose the amount and type of effluent to be discharged; his reason for this is that bringing the Monitoring Board in during the early stages may interfere with the confidentiality of the negotiations which he would like to guard against. Otherwise, with respect to the Monitoring Board, he would accept the ECC recommendations.

With regard to the Surface Water run off, the Developer has agreed that it be diverted from Muddy Pond and this has been written into the P.U.D. Agreement. The Developer is in complete agreement with this requirement.

With regard to the site itself, the Developer has dug a number of test pits, 20 or more, and the overburden in some of the areas is over 20 feet; therefore, the soil appears to be a good gravel type of soil, suitable for septic tanks. He advised that the Engineer who did the work for the Developer, Mr. Frank Nowlan, made a finding that there is no evidence that arsenic is apparent in high concentration and this issue was fully addressed by the Developer in the ECC Hearings. He also advised that, to his knowledge, the Developer is the only one who did actual testing on the land and can give an actual determination of the soil from these tests.

Mr. Clark advised that before any septic tanks could be put in, they are subject to Department of Health approvals and subject to the County's scrutiny as well. Of course, he indicated that there was the protection of the P.U.D. Agreement which has been reviewed by Mr. Miller and the Developer on the previous evening of Hearing, who advised that it would give the County much more protection than would Residential Development.

This completed Mr. Clark's summation.

Councillor Lichter questioned whether the Developer would go along with all three recommendations: (1) Sewage Treatment Plant, (2) Storm Water Management and, (3) Monitoring Board.

Mr. Clark advised that the Developer has no intention of discharging Industrial Waste; therefore, the Treatment Plant would not be necessary. As previously indicated, there was no problem with the Storm Water Management and the Monitoring Board, so long as the prescreening requirement of the Monitoring Board meant that no more than the type and amount of effluent is disclosed for the purposes of confidentiality.

Councillor Lichter indicated his understanding then, that the Developer would not agree to constructing a Sewage Treatment Plant.

However, Mr. Clark advised that, should the Developer be discharging Industrial Waste, then, yes, he would be put into the position of having to construct a Treatment Plant; if not, he would prefer the septic systems as an alternate.

Councillor MacKay questioned whether there would be covenants in the Deeds of Sale, as to what kinds of Tenants could purchase and locate within the confines of the Park.

Mr. Clark advised that the P.U.D. Agreement would dictate that; if a company was brought in that would discharge industrial waste, the developer would be in the situation where he would have to build a Treatment Plant.

Councillor MacKay indicated his opinion that if there is a covenant in this Deed of Sale, that it would not be binding on a subsequent sale and they would be vulnerable for the next occupier of the building to perform a different function that could produce industrial waste.

Mr. Clark advised that covenants would run with the land.

Councillor MacKay was still of the opinion that the Developer would be vulnerable as to the waste of any subsequent purchasers. He then questioned Mr. Clark as to who the present registered owner of the property was.

Mr. Clark advised that Cobequid Industrial Park Limited Partnership were the owners of the lands since 1981. He advised that they have purchased it through Agreement of Purchase and Sale. He advised that the lands were conveyed from Ross Scott & Violet Drysdale to Industrial Machinery and Industrial Machinery then entered into an Agreement of Purchase and Sale with Otron Direct Sales and Allstate Investments; they in turn entered into an Agreement of Purchase and Sale with Cobequid Industrial Park Limited Partnership. Since Industrial Machinery went into Bankruptcy this year, the Agreement of Purchase and Sale that they had with Allstate Investments and Otron Direct Sales, was sold by the Trustee in Bankruptcy to Renaissance Investments which is a related Company to Cobequid Industrial Park Limited Partnership and the same thing happened with respect to the Agreement of Purchase and Sale by Allstate and Otron Direct Sales, which was again purchased by Renaissance Investments Limited. Therefore, the ownership now is with Renaissance Investments Limited and Cobequid Industrial Park Limited Partnership. He advised that Renaissance Investments Limited are a Mortgagee and Cobequid Industrial Park Limited Partnership is like a Mortgagor; when they pay off the monies that are owing they have ownership. What they have as of this day, is equitable ownership.

Councillor MacKay then questioned, who the Agreement was between, in the opinion of Mr. Clark.

Mr. Clark replied that the Agreement was between the Municipality and the equitable owner, Cobequid Industrial Park Limited Partnership.

Councillor Mont questioned Mr. Clark as to whether Cobequid Industrial Park Limited Partnership had the registered deed to the property.

Mr. Clark advised that the interest of Cobequid Industrial Park, was held through an Agreement of Purchase and Sale and the Deed to the property was held by Industrial Machinery Limited.

Councillor Mont then indicated his opinion that Industrial Machinery was the legal owner of the property.

Mr. Clark advised that Renaissance now owns the interest that Industrial Machinery has.

Councillor Mont then questioned whether Cobequid Industrial Park Limited Partnership, or Renaissance Investments had deeded to the Municipality and reserved land for park, playground and public purposes to which Mr. Clark advised it had not.