

COUNCIL SESSION

TUESDAY, JULY 4, 1989

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Eisenhauer
Councillor MacDonald
Councillor MacKay
Councillor Richards
Councillor Cooper

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

SECRETARY: Glenda Hill

Warden Lichter called the Council Session to order at 6 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

It was moved by Councillor Fralick, seconded by Councillor Meade:

"THAT Glenda Hill be appointed Recording Secretary."
MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, June 6, 1989, be approved as circulated."
MOTION CARRIED

LETTERS AND CORRESPONDENCE

Minister of Transportation and Communications

Mr. Kelly reviewed this letter concerning the paving of Atlantic View Drive, Sambro.

It was moved by Councillor Ball, seconded by Councillor Fralick:

"THAT this item of correspondence be received."
MOTION CARRIED

Minister of Small Business Development

Mr. Kelly reviewed this letter concerning a working committee for the East Preston Business Incentives Centre.

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

"THAT this item of correspondence be received."
MOTION CARRIED

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

"THAT Mr. Meech, Chief Administrative Officer, be designated to represent Halifax County Municipality on the working committee for the East Preston Business Incentives Centre."
MOTION CARRIED

Nova Scotia Sport and Recreation Commission

Mr. Kelly reviewed this item of correspondence regarding supervision on lakes and beaches in Halifax County.

It was moved by Councillor Bates, seconded by Councillor MacDonald:

"THAT this item of correspondence be received."

Councillor Bates informed that he is pleased that the Province has engaged consultants to carry out a study of all beaches in the Province, and he expressed hope that the study will result in improved safety measures on beaches across the Province.

MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this letter in response to Council's correspondence regarding the take over and maintenance of the Old Halifax Road near Lantz.

It was moved by Councillor Richards, seconded by Councillor Randall:

"THAT this item of correspondence be received."
MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this letter concerning the paving of Ryers Road, Indian Harbour.

It was moved by Councillor Fralick, seconded by Councillor Ball:

"THAT this item of correspondence be received."
MOTION CARRIED

Various Senior Citizens Groups throughout Halifax County

Mr. Kelly advised that a number of letter have been received from various senior citizen's groups throughout the Municipality expressing concern about the recent property tax increase.

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

"THAT these items of correspondence be received."
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORTPrivate Roads

Mr. Kelly read the report and recommendation of the PAC regarding this matter.

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

"THAT the Minister of Municipal Affairs be requested to amend the Province regulations for Halifax county in order that private roads may be approved in electoral District 13 pursuant to the requirements of the Planning Act, as opposed to Department of Transportation standards as the current private road regulations now read."

Councillor Cooper expressed concern about the potential affects of no longer requiring Department of Transportation site plans, etc. He felt there should be some means of control by either the Department of Transportation or the Municipality.

Warden Lichter responded that he has communicated this information to the public, and a public hearing is necessary before these changes are implemented at the municipal level, at which time the public can indicate their opinions. He stated the people have indicated their support to date.

MOTION CARRIED

Forest Hills, Phase 10C - Re-alignment of John Stewart Drive

It was moved by Councillor Cooper, seconded by Councillor Bates:

"THAT Council instruct the Municipal Solicitor to draw up a deed from the Municipality to the Nova Scotia Department of Housing, returning the walkway portion of Parcel P10-1 and that portion of Parcel P10-1 that is required to re-align John Stewart Drive as per the plan dated August 1, 1985 (revised June 16, 1987);

ALSO THAT Council retain the remainder of Parcel P10-1 and not accept an additional 2.12 acres offered by the Nova Scotia Department of Housing."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORTStipends, Halifax County Council

Mr. Kelly reviewed the report and recommendation of the Executive Committee regarding this matter.

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

"THAT stipends for Council and non-Council appointments to Halifax County Committees and Boards remain as implemented until November, 1989 when the compensation package will be reviewed."

Councillor Deveaux referred to the report regarding stipends which was circulated to all members of Council. He stated it did not indicate the difference between remuneration now and what the total would have been under the old system of remuneration. Warden Lichter advised that the report indicated what the new system means in terms of gain or loss, which is a comparison to the previous system.

Councillor Deveaux commented that it is unfortunate that Ocean View Manor is one of only a few that is affected by the new system. He asked if any changes to the system will have to be approved by the Minister of Municipal Affairs. Warden Lichter advised that any changes to the system of remuneration have to be approved by the Minister of Municipal Affairs because they involve a by-law amendment.

MOTION CARRIED

By-law Amendment, re Dog By-law

Mr. Kelly reviewed the report.

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

"THAT the Dog By-law be amended as per the report, with regard to 'effective physical restraint' of a dog."

MOTION CARRIED

Warden's Pension By-law

Warden Lichter declared a conflict of interest. In the absence of Deputy Warden McInroy, Councillor MacKay took the chair.

It was moved by Councillor Bates, seconded by Councillor Meade:

"THAT Council approve By-law No. 62, the Arthur C. MacKenzie Retiring Allowance By-law, as proposed."

Councillor Ball expressed objection to approving a by-law for one person alone. He stated the criteria to make a person eligible should apply to all in that position. He stated he cannot support the proposed by-law because he feels it is discriminatory.

Mr. Cragg advised that the original by-law presented was the Warden's Retiring Allowance By-law, which gave Council the right to grant a pension to any person who qualified, although former Warden MacKenzie was the only one who qualified at this time. He informed that it was the specific direction of Council at the last Session to have him draft a by-law which would only apply to former Warden MacKenzie.

Councillor Baker agreed with Councillor Ball. He stated it is wrong to give this pension for former Warden MacKenzie alone. He agreed that a criteria should be established that would apply to all. He also expressed concern about the cost, and he suggested this matter should be deferred for another year.

Councillor Deveaux also agreed that the proposed by-law should not apply to one person only. He stated it is discriminatory, and it should apply to all former wardens because they are as deserving of a pension as former Warden MacKenzie. He also expressed hope that the Executive Committee is continuing to investigate the possibility of establishing a pension for Councillors.

Councillor Bates stated the enabling legislation establishes all the criteria, and this by-law is for the pension. He felt future Councils can decide on a pension for future wardens. He stated this is a by-law to deal with the current situation.

There was discussion concerning the criteria to be eligible for a pension and the enabling legislation in relation to the by-law.

Councillor Richards stated the conditions for annuity for a warden must be set out for all former, present, and future wardens, and the by-law should not name a specific individual. He agreed with Councillor Ball that he cannot support the motion because the proposed by-law is discriminatory and vague.

Councillor Cooper also agreed.

PUBLIC HEARING, RE UNDERSIZED LOT LEGISLATIONFile No. FE-222-89-17

Mr. Gough reviewed the staff report, advising that this public hearing was duly advertised according to the Planning Act, and that no correspondence has been received either in favour of or in opposition to the approval of this subdivision. He recommended approval of the subdivision under the Undersized Lot Legislation.

Questions from Council

None.

Speakers in Favour of this Application

None.

Speakers in Opposition to this Application

None.

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

"THAT Council approve Lot GD-X of the estate of Dorothea M. Jackson, Lands of Douglas H. and Dorothy M. Allan and Doreen Snow, Fall River under the Undersized Lot Legislation."
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT Cont'd.Requests for Grants

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

"THAT the following grants be approved by Halifax County Council:

- a) District Parkland Grant, District 1 in the amount of \$847.50 for a backstop for the Black Point ballfield;
- b) District Capital Grant, District 1 in the amount of \$1,000 for fill and grading for the Black Point ballfield;
- c) District Capital Grant, District 1 in the amount of \$1,000 for fill and topsoil for the Boutilier's Point playground;
- d) District Parkland Grant, District 3 in the amount of \$1,500 for the ballfield parking lot at East St. Margaret's School;

cont'd....

- e) District Capital Grant, District 11 in the amount of \$500 for the purchase of equipment for the Three Harbours Volunteer Fire Department;
- f) District Capital Grant, District 16 in the amount of \$1,380 for fencing a walkway at Langevin Drive;
- g) District Parkland Grant, District 17 in the amount of \$474.60 for two park benches on County-owned property in Fall River;
- h) District Parkland Grant, District 17 in the amount of \$397.50 for recreation equipment for the Fall River Community Centre;
- i) District Capital Grant, District 18 in the amount of \$5,000 for electrical repairs at the Upper Hammonds Plains Community Centre (County owned and operated);
- j) District Capital Grant, District 19 in the amount of \$2,000 for a playground at the Millwood Elementary School;
- k) District Capital Grant, District 20 in the amount of \$847.50 for a backstop for the First Lake Drive ballfield;
- l) District Parkland Grant, District 21 in the amount of \$3,000 and District Capital Grant, District 21 in the amount of \$3,000 for the construction of a playground and purchase of equipment, Meadowlands Subdivision;
- m) General County Parkland Grant in the amount of \$5,900 for a soccer field at Maplewood Village, Timberlea;
- n) General County Parkland Grant in the amount of \$4,800 for emergency lighting for the Eastern Passage Community Centre;
- o) General County Parkland Grant in the amount of \$2,500 for a soccer field at Capallano Estates, Windsor Junction."

MOTION CARRIED

REPORT. RE SUPERVISION ON HALIFAX COUNTY LAKES AND BEACHES

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

"THAT the report regarding supervision on Halifax County Lakes and Beaches be received."

MOTION CARRIED

REPORT OF THE DEVELOPMENT OFFICER

It was moved by Councillor Richards, seconded by Councillor MacDonald:

"THAT the report of the Development Officer be received."
MOTION CARRIED

1988 AUDITED FINANCIAL STATEMENTS

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

"THAT the 1988 audited financial statements be tabled."
MOTION CARRIED

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

"THAT the auditors be invited to discuss the 1988 financial statements with Council."
MOTION CARRIED

Warden Lichter advised that this meeting will be arranged for August 29, 1989, as a special Session of Council has already been scheduled for that date to meet with the Executive Directors of the two tourist associations representing Halifax County.

COUNCILLOR BAYERS - SCHOOL BOARD REPORT, RE SCHOOLS CLOSING DURING THE EVENINGS

Councillor Bayers advised that schools closing to community groups has left parts of District 10 in dire need of a place for these groups to meet. He stated the schools serve as the community focal point in many areas, and they should be left open to the community groups. He stated these groups are an important part of education in terms of communication and leadership. He advised that many groups were told they can have the use of the school for \$30 per night, but he stated that small organizations cannot afford this. He questioned what can be done to help resolve this problem.

Councillor Reid assured that the School Board is not trying to play hard ball with Council for not providing the requested funds this year. He informed that the Maintenance Department was requested to cut \$80,000 from their budget, and school closures in the evening was part of that cutback. The School Board recognizes that this has affected some communities, and they are now trying to determine which schools and areas are most affected and how much money it will take to reinstate the service. He informed that there is a commitment on the part of the School Board to ensure that it is reinstated in small rural areas with regard to summer playgrounds, particularly in two areas affected: West Chezzetcook and another in District 10. Councillor Reid stated he was assured by the School Board that they had approached Mr. Markesino and worked out the necessary arrangements to ensure that summer schools would proceed in those

areas, at least as long as the janitors are in the schools. He concluded that the Board if further looking at night openings during the winter months, and they will know more after the School Board meeting tomorrow. He added that it will depend somewhat on funding.

Councillor Ball informed that the areas of Sambro and Harrietsfield are affected by this as they schools serves as the focal point in the community there. He stated participation and the availability of community groups means a great decline in the amount of vandalism to the schools. He noted that four schools will remain open due to exceptional circumstances, and he indicated that he would like to know more about those exceptional circumstances.

Councillor Cooper advised that there are such concerns in the urban areas, as well, which will cause a real concern for community groups this fall. He urged the School Board to seek avenues for community needs to be met.

Councillor Bayers stated parents trust leaders of the community groups with their children, and he suggested that this trust could be conveyed to the School Board, and keys could be issued to the leaders for a damage deposit. He also suggested that money could be saved by letting the grass grow a little during the summer months, as opposed to paying the Parks & Recreation Department to do this work.

Councillor Reid reiterated that it is not the intention of the School Board to cause community groups to fold. He stated there are many junior and elementary schools where janitors leave at 8 p.m., but the in last few years the School Board has paid them for an extra hour to stay for community groups. This year that extra hour had to be cut back, and community groups were asked to come earlier and leave earlier because they must be out of the school one-half hour before the janitor leaves. He stated there is no doubt that the Board is asking groups to be more flexible in using school facilities, but full service cannot continue to be expected because the School Board has had to make cuts, and the local groups are being asked to co-operate in this regard. He concluded that where schools are closed completely, the matter is being looked at further, and he expressed hope that the problem will be addressed at the meeting tomorrow.

Councillor Bayers expressed difficulty with asking people to start community organizations earlier in the evening, stating it is difficult for working parents to make such arrangements. He advised that the Boy Scouts, Cubs, Girls Guides, and Brownies all used to meet on separate nights, and they have now combined the meetings of the Boy Scouts and Cubs and the Girl Guides and Brownies so the schools is only used two nights per week, as opposed to four. He asked that this information be relayed to the School Board.

Councillor Cooper suggested that schools could be made available under the supervision of the trustees, as has been done in the past.

There was no further discussion regarding this matter.

COUNCILLOR FRALICK - PAVING, BAYVIEW DRIVE

COUNCILLOR FRALICK - INTERSECTION AT EXIT 5, HIGHWAY NO. 213

COUNCILLOR SMILEY - DAY CARE

COUNCILLOR RICHARDS - CLOSING OF ACCESS TO SHOPPING CENTRE, HUGH ALLEN DRIVE

COUNCILLOR RICHARDS - PAVING OF GALWAY ROAD

These items were all deferred to the next Session of Council.

URGENT AGENDA ITEMS

Councillor Deveaux - Texaco Refinery

Councillor Deveaux stated there is much concern about job security at the Texaco Refinery in Eastern Passage given the recent take over by Imperial Oil. He informed that a tribunal will be set up to hear what will happen to the plant in the future, after which he hopes to bring a motion with regard to the future operation of the plant.

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

"THAT a letter be sent to Imperial Oil expressing concern over the future security of jobs at the Eastern Passage Texaco Refinery and requesting that the present two year job protection plan by Imperial Oil be extended to five years."
MOTION CARRIED

Councillor Baker - Road Paving

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

"THAT a letter be written to the Minister of Transportation requesting paving of the road known as 'Lake Road', Hatchett Lake, under the 15 year road paving program, informing that the road was listed on October 23, 1963 by a declaration of the Minister of Highways of the day."
MOTION CARRIED

Councillor Poirier - Flashing Light, Myra Road

Councillor Poirier advised that increased development and traffic has created a dangerous intersection at the corner of the Myra Road and Highway No. 3.

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

"THAT the Minister of Transportation be requested to install a flashing light at the intersection of the Myra Road and Highway No. 3."
MOTION CARRIED

ADDITION OF ITEMS TO THE AGENDA FOR JULY 18, 1989

Councillor Bayers - Public Housing, District 10
Councillor Deveaux - Texaco Refinery

ADJOURNMENT

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

"THAT this Session of Council adjourn."
MOTION CARRIED

The meeting adjourned at 7:30 p.m.

COUNCIL SESSION

TUESDAY, JULY 18, 1989

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Councillor Baker
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor MacKay
Councillor Sutherland
Councillor Richards
Deputy Warden McInroy
Councillor Cooper

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

ACTING SECRETARY: Gail Foisy

Warden Lichter called the Council Session to order at 6 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

It was moved by Deputy Warden McInroy, seconded by Councillor Adams:

"THAT Gail Foisy be appointed Acting Recording Secretary."
MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT the minutes of the Joint Council Session, May 30, 1989, be approved as circulated."
MOTION CARRIED

It was moved by Councillor Ball, seconded by Councillor Cooper:

"THAT the minutes of the public hearing, June 19, 1989, be approved as circulated."
MOTION CARRIED

It was moved by Councillor Meade, seconded by Councillor MacDonald:

"THAT the minutes of the Council Session, June 20, 1989, be approved as circulated."
MOTION CARRIED

It was moved by Councillor Boutilier, seconded by Councillor Bates:

"THAT the minutes of the Joint Council Session, June 27, 1989, be approved as circulated."
MOTION CARRIED

LETTERS AND CORRESPONDENCE

Minister of the Department of the Environment

Mr. Kelly reviewed the item of correspondence regarding the sewage treatment plant for Woodbine Mobile Home Park.

It was moved by Councillor Boutilier, seconded by Councillor Randall:

"THAT this item of correspondence be received."
MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed the item of correspondence regarding providing an update on the upgrading of the Beaver Bank Highway.

It was moved by Deputy Warden McInroy, seconded by Councillor Bates:

"THAT this item of correspondence be received."
MOTION CARRIED

Director, Habitat Management Branch, Fisheries and Oceans

Mr. Kelly reviewed the item of correspondence and noted that it brings to attention the status of the Little Sackville River as a stream.

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

"THAT this item of correspondence be received."
MOTION CARRIED

Warden Lichter noted that he spoke to Councillor MacKay about this item being eventually dealt with by the Planning Advisory Committee.

SUPPLEMENTARY CORRESPONDENCEMary Gilliss, Chief Librarian, Halifax County Regional Library

Mr. Kelly reviewed the item of correspondence, wherein it advises that there will be a delay in the construction and opening of the Cole Harbour Branch Library.

It was moved by Councillor Bates, seconded by Councillor Richards:

"THAT this item of correspondence be received."
MOTION CARRIED

Chairman, Halifax County-Bedford District School Board

Mr. Kelly reviewed the item of correspondence, wherein the School Board is going on record as opposing the operation of a cabaret in the Cole Harbour area.

Councillor Richards indicated that he was not familiar with the operation of a cabaret in the Cole Harbour area and asked for details.

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

"THAT this item of correspondence be accepted."
MOTION CARRIED

It was moved by Councillor Richards, seconded by Deputy Warden McInroy:

"THAT a letter be written to the attention of Betty Rix, Chairman of the School Board, asking specifically what she is referring to in her letter of July 10, 1989, so that the problem can be addressed at the Council level."
MOTION CARRIED

President, Dartmouth Association for the Mentally Handicapped

Mr. Kelly reviewed the correspondence and advised that their group is looking for a nominee to set on their Community Based Board for DASC Industries.

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

"THAT Councillor Baker be nominated."

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

"THAT nominations cease."
MOTION CARRIED

Deputy Minister, Department of Municipal Affairs

Warden Lichter noted that the Deputy Minister is requesting that Council agree to be represented at a meeting with the Eastern Passage Ratepayers and Residents Association, the Department of Municipal Affairs, and the local MLA. Also, that the County cooperate in the form of providing the information that the people of Eastern Passage would require in order to make a proper determination of what their future is going to be. He recommended that Council cooperate on both items and that Council select a representative to attend the first meeting.

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

"THAT this item of correspondence be received."
MOTION CARRIED

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

"THAT the County cooperate in providing information to the people of Eastern Passage, and that a member of Council represent Halifax County at the meeting suggested by the Deputy Minister of Municipal Affairs."
MOTION CARRIED

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

"THAT Warden Lichter, as Warden of the Municipality, be nominated to represent the County."

Councillor Reid suggested that Mr. Meech should also be included as part of the negotiations and be in attendance at the meeting.

Warden Lichter stated that Mr. Meech would be involved, regardless of whether it is included in the motion.

It was moved by Councillor Richards, seconded by Councillor Fralick:

"THAT nominations cease."
MOTION CARRIED

Councillor MacKay referred to the statement that "the Department does not preclude itself from taking a position in favour of a particular option at a later date..." and questioned if this is a new stance. In the past it was always made clear that the Department of Municipal Affairs would not take a stand.

Warden Lichter indicated that he would endeavour to find out the answer at the first meeting.

Councillor Eisenhauer noted that the timing is not okay because there will be a substantial debt as a result of the treatment plant and the Municipality will

not know what that will bring to the taxpayer and what the assessment will be to assist in paying off the debt.

Councillor Deveaux said that he had no objection to a study being carried and that it would be good for future reference. He said that right now they are looking for a study to determine the feasibility.

Councillor Bates expressed concern that every couple of months there could be a petition if things do not go someone's way. He suggested that Municipal Affairs should look at the overall situation.

Warden Lichter pointed out that a few years ago the Municipality looked at the possibility of having a two to three year period in which annexation and incorporations would take place, and a ten year period of stability would take place; however, that was not accepted.

Councillor MacDonald noted that the Warden and Mr. Meech would be involved and suggested that they should refrain from any conflicts. He said that it is important that level heads prevail and hopefully come to the best conclusion for everybody.

Councillor Merrigan also expressed concern with another study taking place. He suggested that Council should call a public meeting to meet with the people of Eastern Passage and see what they want.

Administrator, Halifax County Regional Rehabilitation Centre

Mr. Kelly reviewed the item of correspondence and indicated that they are requesting a grant of \$2,500 from the General Parkland Fund to complete the renovations to the cottage owned by the Rehab Centre at Musquodoboit Harbour.

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

"THAT the request for a \$2,500 grant be approved."
MOTION CARRIED

DATE FOR A MINOR VARIANCE APPEAL

Appeal, Minor Variance Application No. MV-21-16-89

Warden Lichter indicated that it is being recommended that the appeal hearing be set for August 1, 1989 at 7 p.m.

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

"THAT the date for the appeal hearing be set for August 1, 1989
at 7 p.m."
MOTION CARRIED

Mr. Kelly noted that this application pertains to 147 Skyridge Avenue.

PLANNING ADVISORY COMMITTEE REPORTApplication No. DA-SA-25-85-16 - Amendment to the Development Agreement between the Municipality and Mr. Leslie Shipley, Lower Sackville

Mr. Kelly reviewed the report and recommendation regarding this application.

Councillor MacKay asked who makes the determination on whether or not an amendment to a development agreement is minor or major.

Mr. Cragg advised that development agreements are covered under Section 55 of the Planning Act. When to be approved or altered, it refers to Section 66, and referred specifically to subsection 2. He indicated that each decision is made on the basis of information provided by staff and by Council. If it appears to be relatively insubstantial as set forth in the Planning Act and considered to be minor we recommend accordingly. If it is anything major that goes to the heart of the agreement and changes the intention of the agreement, he felt the benefit of the doubt always goes towards saying it is major.

Councillor MacKay asked Mr. Cragg what his recommendation would be, to which Mr. Cragg responded that he considered it to be minor.

Councillor MacKay referred to page seven of the report, specifically the centre portion where the arrow is pointing closest to Sackville Drive which says a 10 foot buffer. He requested that consideration be given to deleting it as it is no longer necessary. He pointed out that the matter was raised at the Sackville Community Committee meeting, as well as at the Planning Advisory Committee meeting.

Councillor Morgan concurred. He said that it was originally placed there to place a 10 foot buffer between the parking lot and the residence shown in the block, but that it has since been sold and the developer is going to build an office building; therefore, the buffer is no longer required.

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

"THAT the request to amend the development agreement to alter the layout of a parking lot on Lot R-2AYB of the Subdivision of the Lands of O.E.L. and Lands of Oakdene Estates Limited, including the deletion of the 10 foot buffer, be approved."
MOTION CARRIED

Application No. RA-24-20-88-04 - Application by Alvin MacDonald to Rezone Lot 104B, located between the Brookside Road and the Prospect Road, Hatchet Lake

Mr. Kelly reviewed the report and recommendation regarding this application. He pointed out that in the supplementary report, it is recommended that the public hearing date be changed from August 14, 1989 to August 21, 1989.

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

"THAT a public hearing date for this application be set for August 21, 1989 at 7 p.m."
MOTION CARRIED

EXECUTIVE COMMITTEE REPORTStorm Sewer Easement, Municipal Parking Lot

Mr. Kelly reviewed the report.

It was moved by Councillor Richards, seconded by Councillor Reid:

"THAT the City of Halifax be granted the proposed storm sewer easement for \$34,365 in addition to \$500 for injurious affection due to parking disruption and further compensation for all trees removed, subject to the conditions outlined in the staff report."

Councillor Baker asked how many trees were being removed and in what area.

Mr. Meech advised that the proposal was examined by the Department of Engineering & Works, who recommended approval if the conditions outlined are met. He said that he assumed trees would be removed from the north side of the property where it abutts the residential properties.

Councillor Bayers questioned where the employees would park and whether \$500 was sufficient for people to park elsewhere.

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

"THAT this matter be referred back to the Executive Committee in order to get more information from staff."

Deputy Warden McInroy advised that presently there are parking restrictions on Craigmere Drive, and the City of Halifax will provide windshield parking permits for displaced vehicles from the County parking area. One of the other conditions is that a Commissionaire coordinate and direct parking during construction. He indicated that it would be beneficial and preferred if the work could be done before winter.

The mover and seconder agreed to withdraw the motion of referral.

MOTION CARRIED

Request for Loan - Timber Trails Residents Association

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

"THAT Council approve a loan advance in the amount of \$5,000 to the Timber Trails Residents Association to be repaid over a three year term with Council reserving the right to levy an area rate in default of repayment of principle and/or interest."

Councillor MacKay applauded Councillor Eisenhauer for providing recreational facilities in that area. He said that a couple of years ago he tried to get playground facilities in Sackville Manor, but at that point in time they had to

lease the land or have ownership to be eligible to use municipal monies on the land and was unable to. He questioned the legalities.

Mr. Cragg responded that generally it has been the policy that the County would not advance funds unless we owned control of the lands. There is nothing statutory that prevents the County from granting a loan for playground purposes.

Councillor Fralick asked if the same thing applied in regards to a grant on private lands. Mr. Cragg stated that is a totally different situation. He said that the lands would be for the general public as opposed to being owned by a private group or citizen making use of the land.

Deputy Warden McInroy asked Mr. Cragg if he was saying that this can be a private recreational facility for which the public can be prevented from using unless they are residents from that association. Mr. Cragg noted that the difference is that a loan to a group will be repaid under certain terms and conditions as opposed to a grant; he did not think the municipality would consider a grant that would restrict the use of the property to a large segment of the public.

Deputy Warden McInroy inquired about the area rate which would be levied against residents who do not use the facility. Mr. Cragg responded that this is a loan which, if granted, would be subject to certain restrictions; one of the conditions would be that an area rate could be levied on that area if the loan is defaulted.

MOTION CARRIED

Requests for Grants and a Loan

It was moved by Councillor Richards, seconded by Councillor Adams:

"THAT Council approve the following grants and a loan:

District Capital Grant, District 3 in the amount of \$600 for topsoil for the County-owned ballfield at Tantallon Woods;

District Capital Grant, District 8 in the amount of \$1,300 to support the purchase of a new Tandem Kayak by the Orenda Canoe Club, Lake Echo;

District Capital Grant, District 8 in the amount of \$2,000 and a District Capital Grant, District 9 in the amount of \$3,000 for the playground at Porter's Lake Community Centre;

District Capital Grant, District 11 in the amount of \$5,000 for an addition to the Moser River fire hall;

District Capital Grant, District 13 in the amount of \$500 for the Elderbank Residents Association to fence the playground;

cont'd....

Request for Grants and a Loan Cont'd.

District Capital Grant, District 14 in the amount of \$3,000 for the replacement of the electrical system at the Wellington/Fletcher Lake Volunteer Fire Department;

District Capital Grant, District 14 in the amount of \$2,000 for purchase and installation of windows for the Grand Lake Volunteer Fire Department/Grand Lake-Oakfield Community Society;

District Capital Grant, District 19 in the amount of \$5,000 for cost-sharing in the Springfield Lake capital project;

District Capital Grant, District 22 in the amount of \$150 for the fencing of a walkway at Smokey Drive;

District Capital Grant, District 23 in the amount of \$4,135 for the fencing of walkways at Wexford and Chaswood Drives; Delta Drive; and Ellerslie Crescent;

General Parkland Grant in the amount of \$10,000 and a District Parkland Grant in the amount of \$5,000 for the reconstruction of the West Dover ballfield, as well as a loan advance in the amount of \$11,000 to be repaid over a ten year term, principle and interest, with Council reserving the right to levy an area rate in default of repayment of principle and/or interest."

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORTRequests for Grants

It was moved by Councillor Horne, seconded by Councillor Reid:

"THAT Council approve the following grants:

General County Parkland Grant in the amount of \$538 and a District Parkland Grant, District 14 in the amount of \$538 for improvements to the playground at Oldfield School;

General County Parkland Grant in the amount of \$10,000 and a District Parkland Grant, District 6 in the amount of \$17,000 for the construction of a playground, Briarwood Subdivision, Eastern Passage;

District Parkland Grant, District 6 in the amount of \$5,000 for improvements to ballfields at Eastern Passage;

General County Parkland Grant in the amount of \$10,000 for improvements to the ballfield at Black Point."

MOTION CARRIED

Request for Loan - Lake Echo/Preston Volunteer Fire Department

It was moved by Councillor Adams, seconded by Deputy Warden McInroy:

"THAT Council approve a loan in the amount of \$50,000 for the Lake Echo/Preston Volunteer Fire Department for the purpose of purchasing land and a rescue vehicle; the loan to be repaid over a ten year term, principle and interest, with Council reserving the right to levy an area rate in default of repayment of principle and/or interest."

MOTION CARRIED

Temporary Borrowing Resolutions (Renewals)

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

"THAT Council approve the renewal of temporary borrowing resolution No. 88-01 for the Sackville storage reservoir in the amount of \$2,300,000."

MOTION CARRIED

It was moved by Councillor Richards, seconded by Councillor Adams:

"THAT Council approve the renewal of temporary borrowing resolution No. 86-05 (Eastern Passage/Bissett Lake) in the amount of \$3,200,000."

MOTION CARRIED

By-law Amendments, By-law Nos. 12 and 13

Mr. Kelly reviewed the proposed amendment to By-law No. 12, the Regulation of Animals By-law and By-law No. 13, a By-law Respecting Dogs.

It was moved by Deputy Warden McInroy, seconded by Councillor Richards:

"THAT the proposed amendment to By-law No. 12 be approved."

Councillor MacKay asked if it was the intention to control animals on other people's property other than their own. Mr. Cragg informed that was his instructions. He noted that the City of Halifax has a similar by-law, and there should be some reasonable interpretation of the amendment.

Councillor MacKay felt that when it came to enforcement, it would not come down to a lenient interpretation, as an offence committed has to be investigated. He indicated that he did not think there was a necessity for such a by-law, and that he had no intention of investigating this type of violation.

Councillor Boutilier said that he saw a flaw and suggested that if there is a by-law to be enforced it should not allow people to walk their dog and allow them on somebody else's lawn. Mr. Cragg responded that the amendments states it is only an offence if an owner of a dog fails to remove the excreta or defecation immediately after his animal or dog specifically places it on somebody else's property.

METROPOLITAN AUTHORITY REPORT - COUNCILLOR BATES

Councillor Bates advised that the most important topic discussed has been the Waste Management Strategy, which deals with such things as the existing landfill, determining a means of disposal, the locating of suitable and accessible sites and the preparation of studies and documents required to comply with legislation.

Councillor Bates also advised that they are in the process of selecting a committee which will be comprised of 12 to 15 members to deal with this issue over the next year or so.

Councillor Bates indicated that a report would be circulated to all members of Council.

It was moved by Councillor Bates, seconded by Councillor Adams:

"THAT the report from the Metropolitan Authority be received."

Warden Lichter advised that he was upset at the last Metropolitan Authority meeting about the hiring of a consultant for an estimated cost of \$142,000 for the first year of the public consultation process. He clarified that he had no difficulty with the public consultation process, but rather that he did not want to hand over a blank cheque to a consulting company for a fee of \$142,000 for the first year when the project might last for two or three years.

Councillor MacKay asked if there will be monies made available for the rehabilitation or preparation of the site for another use after the conclusion of the landfill site.

Warden Lichter indicated that part of the tabling fee structure put in place is going to provide \$2,000,000 per annum for both the closing out of the landfill site and the process to find a new landfill site.

Councillor MacKay asked what type of facility was being contemplated and at what stage. Warden Lichter responded that Councillor MacDonald was attempting to get a meeting together in Sackville in order to give the public a chance to decide in connection with closing out the landfill site.

Councillor MacKay asked what the representation rate would be for representing the four municipal units on the committee. He said chances are 99.99 percent strong that the next landfill site will be in the County and that the County should have strong representation on that committee.

Warden Lichter advised that there has been no discussion about the exact composition of the committee. The consultants have suggested that the committee should be comprised of people from the four municipal units, as well as people with expertise and citizens from environmental groups.

Councillor MacDonald indicated that at the last Metropolitan Authority meeting he stressed the point that the future landfill site will be very important to

the future of Sackville and that the people of Sackville should have a strong say. He said that he voted in favour of the \$142,000 because there has to be a proper investigation of other landfill sites. He stressed that the decision has to be made by the people of the area, not by a subcommittee of engineers and technologists.

Councillor Bates agreed with the Warden about the \$142,000 and felt that the consultants should be able to project beyond a 12 month period.

MOTION CARRIED

KEN WILKINSON, QUEENS COUNTY

Councillor Deveaux advised that there was a meeting with the Executive of the Union of Nova Scotia Municipalities today. He informed that Deputy Warden Ken Wilkinson from Queens County is present and welcomed him.

COUNCILLOR FRALICK - PAVING, BAYVIEW DRIVE

Councillor Fralick advised that the street was paved under the 15 year program. He noted that there is a section of 100+ feet, which has been in place for 12 years which they did not pave while on-site. He noted that there has been a petition circulated and signed by the residents on four different occasions.

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

"THAT a letter be written to the Minister of Transportation and Communications pointing out that there has been a petition signed four times, and requesting that he give consideration for funding the 100+ foot 12 year section, as was done for the 15 year section."

MOTION CARRIED

Councillor Fralick - Intersection at Exit 5, Highway No. 213

Councillor Fralick informed that on December 20, 1988, Councillor Meade drew a sketch showing a solution which he thought would solve a very dangerous intersection by a shopping centre, arena, and a subdivision. He noted that since that time there has been at least two letters sent.

It was moved by Councillor Fralick, seconded by Councillor Cooper:

"THAT a letter be written to the Minister of Transportation & Communications requesting a response to previous letters."

MOTION CARRIED

Councillor Smiley - Day Care

Councillor Smiley advised that a few months ago she brought a young woman to Dartmouth for family court who had a two year old son and had been abandoned

Councillor Boutilier questioned who would enforce the by-law. Mr. Cragg responded that prosecutions depend almost entirely on the evidence given by the residents of the area.

Councillor Ball felt that if the municipality came down on stray dogs, it would not have to worry about dogs excreting on other people's property.

Councillor Deveaux indicated that he felt it was another by-law that would be difficult or impossible to support.

Deputy Warden McInroy indicated that most people obey the law, and once it is known that it is an offence, most people are going to pay attention and take it seriously. He said that there will be no major difficulty or hardship for dog owners; the amendment simply recognizes that in some instances there is a problem.

Councillor Merrigan suggested the urban areas would have to be looked at differently than a heavily wooded area.

Councillor Boutilier expressed concern with the enforcement aspect. Mr. Cragg advised that generally these two by-laws are enforced by Animal Control.

Councillor Bates agreed that it would be important to have some sort of mechanism to deal with this situation when it does come up.

Warden Lichter indicated that he would not want the amendments to apply to District 13, and that right now neighbours settle their differences in a more natural way. He expressed concern with politicians getting involved and paying taxpayers money for such a by-law.

Mr. Cragg clarified that the by-law, where it applies, will apply to an entire district.

Councillor Morgan indicated that in his district people walk their dogs on a public walkway and that in District 20 they walk them on the walkway adjacent to the lakes. The problem is that people do not seem to want to clean up after their dogs. He stated that he would like to see the by-law apply to the urban areas. He asked if there is any chance of eliminating a problem if there is no way to enforce the by-law uniformly.

Mr. Cragg responded that successful prosecution is only as strong as those witnesses are prepared to come forth and make a complaint and appear in court in support of their complaint.

Councillor Morgan asked what would substantiate evidence. Mr. Cragg responded that his experience has generally shown that the judge will believe the one who appears to be more believable.

MOTION DEFEATED 12 FOR
 12 AGAINST

It was moved by Deputy Warden McInroy, seconded by Councillor Bates:

"THAT the proposed amendment to By-law No. 13 be approved."
MOTION DEFEATED 11 FOR
 13 AGAINST

Councillor Richards asked if amendments can be made for specific areas of the County or whether they have to apply to the whole County. Mr. Cragg advised that Council could not enact it as an amendment to a by-law to apply only to certain districts; Council would have to enact a separate by-law to apply to certain districts.

It was moved by Councillor Richards, seconded by Deputy Warden McInroy:

"THAT a By-law be drafted for the Cole Harbour/Westphal area."

Warden Lichter suggested the by-law be drafted in such a way so as to leave other districts the opportunity to opt in. Also, that the wording be available to Councillors before they are asked if they would like to opt in or out of this by-law.

Councillor Cooper expressed concern that the by-law would not apply throughout the municipality. He indicated if the intention is to provide or afford residents of the municipality some method and means to have them enjoy peaceful enjoyment of their property without disturbance or annoyance, he felt it wrong for somebody to selectively decide that a resident should not be afforded that mechanism.

Mr. Cragg indicated that he could draft a new by-law to refer to animals in general, including dogs.

The mover and the seconder agreed:

"THAT the aforementioned motion be amended to allow the opportunity for other districts to take advantage of the by-law when it is prepared and brought back before Council."
MOTION CARRIED

RURAL SERVICES COMMITTEE REPORT

Fines for Littering

Mr. Kelly reviewed the report and recommendation. He clarified that the Committee was looking for the minimum fine for littering to be \$100.

It was moved by Councillor Fralick, seconded by Councillor Meade:

"THAT Council request the Province to increase the fine for littering from the present minimum of \$50 to a minimum of \$100."
MOTION CARRIED

by the child's father. The woman was not eligible for family benefits until she took the child's father to court. The father appeared and said he was not making money and could only spend \$13 per week, while at the same time asking for visitation rights. The father has not been heard from since, nor the \$15 per week. She stated that this young woman has not abandoned her child, is still her responsibility, and with help from her family is surviving. This young woman would like to work and take some job training so she can support her child and herself, but cannot and is trapped in the system that she cannot seem to get out of.

Councillor Smiley stated that the federal government has reneged on its commitment, which was a political promise; they have reneged on a system of adequate day care. She expressed concern that this will discourage women from entering the labour force. If they do not increase their participation in the labour force or even just maintain their participation at the present rate, the economy will not grow. Slowing growth means lower revenues and higher deficits.

Councillor Smiley suggested it would make good sense to take so many dollars per year and build a good system of dependable non-profit child care systems. We could relieve a lot of family stress, stimulate economic growth, reduce the deficit and social services, etc.

Councillor Smiley advised that 70 percent of all new businesses started in Canada last year were started by women. The reality is that women are working and children are not being cared for adequately, in spite of parents best intentions. Increasing participation of women in the work force makes the need for good day care more pressing each year. In 1988 62.2 percent of Nova Scotia women with children under five were working, up from 37 percent in 1975.

Councillor Smiley stated that children are an essential component of society and are our future. In reality, women are working to help pay the mortgage because two incomes today are a necessity, not a luxury.

Councillor Smiley indicated that in Nova Scotia, there are presently 2,011 subsidized spaces with more than 27,000 children in need. Early childhood education promotes optimal development for every child, socially, emotionally, physically. Several long-term studies in Canada and Nova Scotia have shown that children who are well cared for in their early years are more likely to be gainfully employed in later life, less likely to be juvenile delinquents, and more likely to be contributing members of society.

Councillor Smiley said that the complexity of the issue, who should pay for day care, and the kind of day care there should be, has caused confusion and disagreement both inside and outside the day care community, and government officials say the confusion delays action.

Councillor Smiley stated that she always felt pride in the fact that we had a system of medicare that the U.S. could not provide for its people. Also, that she thought we would be ahead of them in recognizing the need for adequate day care to protect our future, but she has been sadly disappointed.

Councillor Smiley expressed concern that there are still people who are hungry and cold. Some of these people would not be hungry or cold if we provide the means for their protection to work for better wages or to take job entry programs.

Councillor Bates indicated that he did not disagree, but that it is something being dealt with by the Federal government. He said that a letter would not hurt, but that it is a broad topic for Halifax County to deal with.

Councillor Deveaux agreed with Councillor Smiley's comments and said that day care is a very important issue. He suggested that the matter should be brought to the attention of the FCM and the UNSM.

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

"THAT a letter be sent to the Hon. Perrin Beatty, Minister of Health & Welfare Canada and to the Hon. Guy LeBlanc, Minister of Community Services, indicating that this Council recognizes the need for an adequate child care program and also encourage them to re-open negotiations on federal/provincial levels so that an effective cost-sharing arrangement can be ironed out for the benefit of the community and the health and welfare of our children;

ALSO THAT a copy of this letter be sent to the Senate."
MOTION CARRIED

COUNCILLOR RICHARDS - CLOSING OF ACCESS TO SHOPPING CENTRE, HUGH ALLEN DRIVE
COUNCILLOR RICHARDS - PAVING OF GALWAY ROAD

Councillor Richards advised that these items did not have to be dealt with at this time.

COUNCILLOR BAYERS - PUBLIC HOUSING, DISTRICT 10

Councillor Bayers withdrew this item from the agenda.

COUNCILLOR DEVEAUX - TEXACO REFINERY

Councillor Deveaux asked that this matter be deferred to the next Session of Council.

URGENT AGENDA ITEMS

Councillor Baker - Article in the Mail Star, re Social Assistance

Councillor Baker referred to an article in the Mail Star whereby the districts with the largest pay out for social assistance were listed. He objected to the article referring directly to Terence Bay as opposed to District 4; there are ten communities within District 4.

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

"THAT a letter be written to the editor of the Mail Star requesting a retraction and statement referring to District 4, as opposed to Terence Bay specifically."

MOTION CARRIED

Councillor Ball - Crystal Crescent Beach

Councillor Ball advised that the Province has done some improvements in trying to create a parking lot at Crystal Crescent Beach, but nobody is permitted to use it. He expressed concern that an emergency vehicle would not be able to get access to the beach if necessary, particularly because so many people go there.

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

"THAT a letter be written to the Department of Lands and Forests asking if they can rectify parking problems by opening some of their parking lots and to provide an access for emergency vehicles."

MOTION CARRIED

Councillor Ball - Ketch Harbour

Councillor Ball indicated that there is a boat anchored in Ketch Harbour, which for the past few months, has become a principle residence for an individual. The person is dumping effluent into the harbour, and nobody wants to claim jurisdiction. He asked for direction on who might have jurisdiction.

Councillor Horne suggested that Councillor Ball contact the Department of the Environment, and that he would provide the contact person.

Councillor Fralick - Interest Rates

Councillor Fralick expressed concern about the high level of interest rates and the effect interest rates has on our citizens. Further, the high interest rate policy endorsed by the Bank of Canada may be harmful to the growth of the economy.

It was moved by Councillor Fralick, seconded by Councillor Morgan:

"THAT a letter be sent to the MLA's in Halifax County, as well as the federal Members of Parliament, the Union of Nova Scotia Municipalities, the Federation of Canadian Municipalities, and all municipal units in Nova Scotia requesting them to exert any influence or support deemed appropriate in order to maintain a more acceptable level of interest rates."

Councillor Morgan suggested that the Governor of the Bank of Canada should demonstrate some humanism or else be removed from his position. He expressed concern that the high interest rate is devastating this country.

Councillor MacKay supported the policy and indicated that the high interest rate is hurting all segments. He said that as a realtor it does not encourage new home construction or the resale of existing homes and does not help the industry.

Councillor Merrigan commented that as part of the budget the federal government indicated it was looking at creating investment certificates/debentures that would not be taxed. The funds were to be loaned between the banks for housing that would help stabilize the housing market.

Councillor Eisenhower expressed concern that political interference could effect the setting of the interest rates.

The mover and seconder agreed:

"THAT it be incorporated into the aforementioned resolution that the federal government be encouraged to create tax exempt investment certificates/debentures, the funds of which would be loaned between the banks for housing to help stabilize the housing market."

MOTION CARRIED

Councillor Reid - Funding for the Halifax County/Bedford District School Board

Councillor Reid informed that there have been several joint meetings between Halifax County and Bedford Town Councils, and he felt some progress was made. He suggested that another joint meeting should be held as soon as possible to try and reach a conclusion.

It was moved by Councillor Reid, seconded by Councillor Fralick:

"THAT Warden Lichter be directed to approach Bedford Town Council to arrange a joint meeting to discuss School Board funding as soon as possible."

Councillor Bates agreed that progress is being made and felt that a conclusion could be reached at the next meeting.

MOTION CARRIED

Councillor Randall - Traffic Hazards, Porters Lake

Councillor Randall advised that he had been approached by some residents who were concerned about a one-half km section of the Old No. 7 Highway which runs through Porters Lake. The speed limit is 70 km/hr and what makes it so

difficult is the many exits/ entrances along this strip of road, i.e., a trailer park, post office, community centre, and a playground presently being installed.

It was moved by Councillor Randall, seconded by Councillor Fralick:

"THAT a letter be written to the Minister of Transportation & Communications requesting that the speed limit on the No. 7 Highway at Porter's Lake be reduced, possibly to 50 kms/hr;

FURTHER THAT a no-passing zone and a flashing light at the intersection of the trailer park and the No. 7 Highway be considered;

AND ALSO THAT a copy of this letter be sent to the MLA for the area, Tom McInnis."

MOTION CARRIED

Councillor Randall - Chezzetcook Clam Flats

Councillor Randall advised that this has been an on-going problem. The flats were closed a few years ago due to contamination. This spring the flats on the eastern side of the inlet have re-opened, but the flats on the western side remain closed.

It was moved by Councillor Randall, seconded by Councillor Richards:

"THAT a letter be written to the Minister of Fisheries asking if tests on the western side of the inlet have been carried out recently, how often they are tested, the most recent results of testing, and if there have been any efforts to determine the cause of contamination on the western side of the inlet and what action is contemplated to alleviate the problem;

ALSO THAT a copy of the letter be sent to the federal Minister of Fisheries and Oceans."

MOTION CARRIED

ADDITION OF ITEMS TO THE AGENDA FOR AUGUST 1, 1989

Councillor Baker - West Dover/Peggy's Cove Preservation Area

Councillor Baker - Paving - Little's Road, Terence Bay

Councillor Merrigan - Beaverbank Road

Councillor Merrigan - Street Lights

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

JOINT COUNCIL SESSION

RE, FUTURE FINANCIAL CONTRIBUTIONS TO THE SCHOOL BOARD

TUESDAY, JULY 11, 1989

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Fralick
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor MacDonald
Councillor Richards
Deputy Warden McInroy
Councillor Cooper
Mayor Christie, Town of Bedford
Deputy Mayor Kelly, Town of Bedford
Councillor Walker, Town of Bedford
Councillor Draper, Town of Bedford
Councillor Huntington, Town of Bedford
Councillor Goucher, Town of Bedford

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. Ken Wilson, Director of Finance
Mr. John Levangie, Department of Education

SECRETARY: Glenda Hill

Warden Lichter called the meeting to order at 4:05 p.m. He welcomed Bedford Town Councillors and Mr. Levangie from the Department of Education.

Mr. Levangie thanked Council for the invitation to this meeting, and he informed that he would speak with regard to the Funding Formula Review Committee and supplementary funding to the District School Board.

Mr. Levangie advised that the funding formula was devised in 1981 as a result of the report of the Commission of Public Education Finances. A committee was established to review this formula annually to determine if the needs of the School Board are continuously met. He advised that the committee is comprised of eight members; two from the Department of Education, one from the Department of Municipal Affairs, one from the Provincial Management Board, the chairman who is impartial, and representation from the Union of Nova Scotia Municipalities, the Nova Scotia Teacher's Union, and the Nova Scotia School Board Association. He advised that this committee will soon be meeting to begin discussing the funding formula for 1990, and each School Board will be asked to make a submission.

Mr. Levangie continued that supplementary funding began in 1987, at which time there was much discussion as to whether or not this funding would be mandatory or optional. The Province agreed that supplementary funding should be conditional in that the Province will pay their share if the municipal units also pay their share.

Mr. Levangie concluded with a description of how supplementary funding is arrived at. He informed that there has been much concern about the late notification to the School Board of supplementary funding.

Warden Lichter asked if the School Board's projected expenditures are used to calculate supplementary funding. Mr. Levangie advised that the Funding Review Committee meet in the fall, and make projections for the next year without knowing School Board requirements. He advised that projections are based on Provincially-projected figures, and they apply to every School Board in the Province.

Warden Lichter noted that some School Boards do not budget beyond mandatory funding. Several School Boards have also had surpluses which they return to the municipal units. He asked if the level of education in these schools is inferior to other School Boards in the Province. Mr. Levangie responded that one School Board is known for returning excess money to the municipal units at the year, but there is no way to determine if those students are disadvantaged in terms of other students in other School Boards.

Mr. Levangie advised that a survey is planned for the Colchester-East Hants District School Board to determine why they can offer a comprehensive range of programs for much less per student than other School Boards. It appears they benefit from numbers and from the economy, noting that their class size is two more than the Provincial average. He stated it appears students within the Colchester-East Hants District School Board are not at any disadvantage.

Mayor Christie inquired about global funding. Mr. Levangie explained that global funding is money that is returned to the School Board if it is not spent at the end of the fiscal year. He advised that specialized funding for special education programs is recollected by the Province, if it is not spent.

Mayor Christie also asked if the Formula Review Committee establishes the formula in the fall. Mr. Levangie advised that the Committee makes a recommendation to the cabinet, which is subject to approval by the cabinet. The response time by the cabinet is always different, although it is normally February or March. He advised that the Committee always has their recommendation to the cabinet by Christmas.

Councillor Walker inquired about audit procedures to ensure School Board dollars are spent wisely. Mr. Levangie advised that an audit of expenditures is carried out each year, although it is difficult to keep this up-to-date. He advised that a school survey can also be done which is more in-depth in terms of the service provided in relation to the dollars provided. He stated this survey is done infrequently on the basis of requests to the Minister of

Education. Mr. Levangie continued that another review is the Value for Money audit. He stated it is an in-depth review of the management action of the School Board to check on controls over all School Board decisions and expenditures.

Councillor Walker inquired about the procedure for entertaining such an audit for other areas. Mr. Levangie advised there have been no requests for such an audit besides the audit presently being conducted on the Cumberland County District School Board. Requests for these audits are considered, given limited resources. He concluded that the model now being worked upon will be the standard for the future.

There was discussion about the Province matching municipal units supplementary dollars, three to one. It was suggested that cost-sharing should be based on a percentage as opposed to three-to-one dollars. Mr. Levangie responded that cost-sharing based on percentage would not be appropriate because some municipal units are better able to contribute than others. He stated the concept of ability to pay must be recognized in the funding formula to determine supplementary and mandatory funding.

Councillor Reid inquired about the Colchester-East Hants District School Board receiving more funds due to the Indian population attending the schools within that system. Mr. Levangie advised that those additional dollars come from the Federal Department of Indian Affairs, and Indian students are not counted for funding purposes. Dollars for those students are spent by the board, but the money is recovered from the Department of Indian Affairs.

Councillor Huntington noted that the largest expenditure of the School Board is conveyance, and if it is found that contract bussing is far less expensive than the School Board owning its own fleet of buses, changes should be considered. However, it is the attitude of the School Board that the money will not be saved at the municipal level, but at the Provincial level. He asked if this has ever been considered by the Province. Mr. Levangie responded that alternative arrangements are considered when requested. He advised that transportation funds are global funds, and if the School Board is successful in reducing transportation costs beyond the projections, the funds do not have to be returned. However, the budget for the following year should be adjusted accordingly. He concluded if savings are made somewhere, it reflects back on the taxpayer at one level or another.

There was further discussion about transportation costs. Mr. Levangie referred to a clause in the Education Act which provides for a cost-free education to students between the ages of 5 and 20 years. He suggested that this includes transportation, although a legal opinion could be sought in this regard.

Councillor Deveaux inquired about the input of the Department of Education and the Funding Formula Review Committee towards supplementary funding. Mr. Levangie responded that the Committee makes a recommendation to the Provincial cabinet regarding education funding. Supplementary funding is based on ability to pay per student, and mandatory funding is based on ability to pay according to assessment.

Councillor Bates asked why Halifax County and Bedford Town Councils are paying more towards education every year, but the Province is not. Mr. Levangie advised that the Province has assumed a larger share of the education bill than the municipal units; there has been a definite shift in education costs towards the Province.

There was discussion concerning Provincial cost-sharing in education costs and for meeting cost-sharing for funds raised by an area rate. It was noted that the Province does not provide funds to meet or share in dollars raised from an area rate.

Warden Lichter inquired further about the School Board's right to return unspent funds to the municipal units at the end of the year. Mr. Levangie advised that there is no single arrangement for each School Board. In 1981, each School Board signed an agreement, and in some cases it provided that any money left over could not be spent until the School Board consulted with the municipal units. He advised that an amendment will be necessary to incorporate this into the Halifax County-Bedford agreement, which must be signed by all parties involved.

Warden Lichter clarified that the municipal units could put their dollars upfront in order to get the 3 to 1 dollars from the Province, and the municipal share could be returned to the Municipality at the end of the year as surplus. Mr. Levangie agreed, stating amendments to the agreement may be necessary, but it is possible.

Warden Lichter inquired about the funding decided upon by the Province following the recommendation by the Funding Formula Review Committee. Mr. Levangie informed that there have been years when the government approves the recommendation of the Committee and other years when they demand cuts because they feel the recommendation is too high.

Warden Lichter stated in the past the Committee has made recommendations based on what is needed to operate the School Board, the government has demanded cuts, and there have been no disasters. However, if the municipal units cannot afford to provide whatever dollars were requested, the School Board claims there will be a disaster, and the municipal units will always be called irresponsible, if they do not approve what the Province dictates as mandatory. He concluded that the municipal units should indicate they can only afford a certain amount, and if no more is provided, it must be realized that the school system will not collapse.

Councillor Walker inquired about the basis of the recommendation by the Funding Formula Review Committee. Mr. Levangie advised that the Consumer Price Index and projections by the Province are used for their recommendation, as well as a commitment on the part of the Province.

Councillor Richards noted that Mr. Levangie had earlier indicated a model school board consists of 10,000 students; since the Halifax County-Bedford District School has 30,000, he asked if it works to multiply the factors by