

BE ADOPTED AS CIRCULATED".

MOTION CARRIED.

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

"THAT THE MINUTES OF COUNCIL SESSION HELD ON MARCH 17, 1992 BE ADOPTED AS CIRCULATED".

MOTION CARRIED.

PROPERTY ON GLORIA AVENUE, SACKVILLE OWNED BY MR. AND MRS. RONALD HILL

Warden Lichter advised that he had received a letter from Deputy Warden Sutherland in which he requested that Council entertain the possibility of Mr. Allan Smith speaking briefly to Council on an issue on which Council had previously made a decision some time ago. The issue was the property of Gloria Avenue, Sackville, belonging to Mr. and Mrs. Ronald Hill, whereby Council ordered that the retaining wall, concrete steps, etc. be removed. Mr. Smith wished to speak on their behalf.

Council agreed to hear Mr. Smith.

Mr. Allan Smith advised he had been asked to represent the case of the Hills in Sackville and that Mr. and Mrs. Hill were present. He said the issue was encroachment on County property and stated that there was no question that the encroachment took place but the question was whether or not an improvement was made and whether or not there was any reason to take down the improvement.

Mr. Smith advised that the parcel of land adjacent to the Hill's property was allocated to the County as a tot lot and, over time, it was a congregation point for young people, accumulated a lot of garbage and was unsightly. When the Hills moved in, they decided to clean it up. It was the County's responsibility to do it but the County did not see fit to do so. Mr. Hill, therefore, took approximately eight loads of garbage off the property, cleaned out the trees, dragged out the dead stumps, etc. He then decided to pave his driveway.

Mr. Smith said that one could argue whether Mr. Hill should have looked at the property line and ascertain whether or not he was on his own property before putting the driveway in but he neglected to do that. He said there was no requirement by the County to have a permit to pave a driveway or a small wall so Mr. Hill went ahead and did it. Mr. Hill looked at where the curb stopped and it actually stopped about four feet beyond his property line. He, therefore, extended his driveway four feet and built a small retaining wall in from his driveway because it was on a slope and he built four steps up to the back of what he thought was his

property. He also sodded the whole area - the side yard of his property plus a part of the tot lot. The result was that the overall look of the area was improved, specifically the tot lot, and there was a marginal improvement in his own property.

Mr. Smith said that the County saw fit to issue a subdivision permit to a developer at some point in time and a serious excavation had taken place where these houses were built. In the back yard, there is a wall 20-30 feet high which runs almost perpendicular. Behind that, there is a trailer park. Over the course of time, water was running down the hill into the backyard of Mr. Hill's property and the adjacent property and Mr. Hill could not do anything with his backyard so decided to run a drain across the backyard into the adjoining lot. At some point in time, someone saw the drain and reported it to the County. The County told him he was not allowed to drain onto County property. Mr. Smith said he understood that problem had been addressed by Council and that there was an allocation of approximately \$6,000 to fix the problem. The situation is still such that the Hills have paved a piece of property adjacent to their house which is on County land and built a small wall and four steps on County land. The County saw fit to have Cox Downie send a registered letter to them telling them to restore the property to its original condition.

Mr. Smith said that when Mrs. Hill received the letter from Cox Downie, she went to her neighbours and asked what did they think of restoring the lot to the original condition. He said he had a petition with him signed by 32 residents of Gloria Avenue living in the immediate vicinity who were supporting the position which the Hills would like to put forward. The position was that the Hills see it as a reasonable position for the County to leave in place the existing wall and steps which would give access to a tot lot and they would like the County to put in place the complete fencing of the property as well as all necessary playground material to effect a tot lot, which was the original intention of the County to have the developer set aside for that purpose. Mr. Smith stated the Hills would also like to have the County provide maintenance and garbage pickup on an on-going basis and remove the dead trees and provide pruning as necessary. Mr. Smith said the Hills did not feel there was any advantage to tearing out the wall and steps.

Mr. Smith advised that it had been said that Mr. Hill went ahead and did the work without checking but he did not need a permit and did not have to check; however, it might have been better if he had checked. He simply thought it was an improvement to the general area. The matter now has been sent to the solicitors and they have been given two weeks to effect the change and now it is up to the County whether or not the structures need to be removed and the lot returned to its original condition or if the County can see fit to provide the tot lot, which was originally intended, and leave the present structures in place, which are really an asset.

Mr. Smith thanked Council for allowing him to speak.

Warden Lichter advised there would be no debate on this item, that Deputy Warden Sutherland would be introducing a Notice of Motion to rescind Council's original motion and that Notice of Motion would be effective for the Council Session on May 5, 1992.

Deputy Warden Sutherland said he was prepared to move the Notice of Motion indicating that at the meeting on May 5, 1992 he would be introducing a motion that Council rescind its original motion relative to the encroachment.

LETTERS AND CORRESPONDENCE

- Letter from Department of Transportation and Communications dated April 1, 1992 acknowledging receipt of letter dated March 27, 1992 requesting a status report on improvements at Highway #2 and Holland Road, Lake Fletcher, together with sidewalk construction on Holland Road.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

Councillor Taylor asked if the format had changed with regard to letters from the Minister of Transportation. He noted that the Minister's secretary had signed the above letter as well as other correspondence in the Council package. Warden Lichter stated it was not unusual for a secretary to sign on someone's behalf if the person happened to be away. The letters, in any case, were acknowledgements.

- Letter from Department of Transportation and Communications dated April 1, 1992 acknowledging receipt of letter dated March 27, 1992 requesting the status of proposed improvements to the Highway 333 and 213 intersection at Tantallon.

It was moved by Councillor Fralick, seconded Councillor Giffin:

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter from Department of Transportation and Communications dated April 1, 1992 acknowledging receipt of letter dated March 27, 1992 concerning driver examination centre at Sheet Harbour.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter from Department of Transportation and Communications dated March 30, 1992 acknowledging receipt of letter dated March 24, 1992 requesting paving of Southwood Road, Highland Park under the 15-year program.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter from Colin Maxwell, Vice-President, Canadian Wildlife Federation dated March 25, 1992 extending appreciation for Council's support for National Wildlife Week.

Mr. Reinhardt outlined the letter.

It was moved by Councillor Taylor, seconded by Deputy Warden Sutherland:

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter from Minister of Environment dated March 23, 1992 acknowledging Council's concern over the cost of removing coolants from refrigerators.

Mr. Reinhardt outlined the letter.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter dated March 30, 1992 and Resolution from the City of Vancouver concerning the sale of arms to the MidEast, requesting that Council support the Resolution.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

There was no motion put forth to support the motion.

- Letter from Pet Protection Committee, Bide-A-While Shelter Society dated March 10, 1992 requesting Council's support for a Pet Protection Law for Nova Scotia.

Mr. Reinhardt outlined the letter.

It was moved by Councillor Peters, seconded by Councillor Giffin:

"THAT THE CORRESPONDENCE BE RECEIVED".

Warden Lichter advised that he had asked the Clerk's Office to supply the addresses of shelters in the County so that they could write to them directly concerning this issue.

MOTION CARRIED.

- Letter dated March 31, 1992 from Canadian Housing and Renewal Association requesting Council's support of Resolution concerning erosion of government support for the creation of adequate and affordable housing and outlining a three-stage process for long-term strategy for social housing in Canada.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

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

"THAT THE MOTION AS PRESENTED REGARDING RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM FOR 1992 BE SUPPORTED BY COUNCIL EXCEPT FOR THE FACT THAT COUNCIL COMMUNICATE ITS SUPPORT BY LETTER RATHER THAN TELEGRAM".

MOTION CARRIED.

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

"THAT THE RESOLUTION AS PRESENTED REGARDING SOCIAL HOUSING BE SUPPORTED BY COUNCIL EXCEPT FOR THE FACT THAT COUNCIL COMMUNICATE ITS SUPPORT BY LETTER RATHER THAN TELEGRAM".

MOTION CARRIED.

- Letter from Premier Donald Cameron dated March 13, 1992

acknowledging correspondence to the Prime Minister concerning the Canadian Constitution.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

- Letter from Edward MacDonald, Warden, Municipality of Inverness dated April 13, 1992 requesting Council's support for a meeting of all rural municipalities of Nova Scotia to discuss the recommendations of the Task Force on Municipal Reform together with copy of letter of the same date to Mr. Ken Simpson, Executive Director, UNSM requesting the same.

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

"THAT THE TWO PIECES OF CORRESPONDENCE BE RECEIVED".

Warden Lichter advised that at the last Executive meeting of UNSM, the request was denied and that would explain why the letter was being received via this route. UNSM did not feel that they should be meeting separately with rural municipalities when all municipalities were members of UNSM.

MOTION CARRIED.

Warden Lichter then asked whether or not Council wished to support the stand of Warden MacDonald urging UNSM to hold that type of meeting. He explained that he had tried to have UNSM indicate to the provincial government that it was not prepared at this time to endorse the report. In fact, rejection of the report as it was recommended until all financial information is supplied to the member municipalities and until all financial shifts that will take place are clearly addressed, including the cost of education. He advised that education had been left out completely as an open door to downloading.

Deputy Warden Sutherland said that with reference to Warden MacDonald's request, he would be prepared to move that a letter be written to Warden MacDonald advising that Council was prepared to recommend that the Department of Municipal Affairs deal with all municipalities, not only the rural municipalities, as expeditiously as possible relative to certain concerns about the Task Force. Warden Lichter noted that a letter which will be dealt with later on in the Supplementary Agenda package indicates just that.

It was agreed, therefore, that no further action was required on the two letters.

- Letter dated April 13, 1992 from the Solicitor General in response to Council's request concerning policing requirements for Halifax County.

Mr. Reinhardt outlined the letter.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

Councillor Brill stated that at this time it was a fact that the criminal case load in the urban areas of Halifax County has increased substantially and this was recognized by the Police Committee and the RCMP. Additional police have been requested but this has been denied by the provincial government under the present cost sharing formula. The province has increased the County's share of education costs and social services costs constantly and, as a result, the County does not have enough money available to hire the additional police required. He said, in his opinion, it was appropriate that the public should be aware of this.

MOTION CARRIED.

Councillor Richards stated that a potential resolution to the problem might be for a joint meeting to be held between the Solicitor General, the Warden and representatives of the Police Committee, and Mr. Reinhardt in order that a position can be put forward. He said, as indicated at the Police Committee meeting earlier this date, there was no question that crime was on the increase but there has been no additional support from RCMP. He said that with the meeting he proposed with the Solicitor General, the Solicitor General might see with the provision of hard, cold facts and the strength of representation that there is a real need for additional officers. Under the current formula, the province has that responsibility and Council owes it to the residents of Halifax County to make this presentation.

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

"THAT THE SOLICITOR GENERAL BE REQUESTED TO MEET WITH WARDEN LICHTER, A REPRESENTATIVE OF THE POLICE COMMITTEE, MR. REINHARDT, CHIEF SUPT. BURCHILL OR SUPT. HALL OF THE RCMP AND MR. MEECH IN ORDER TO DISCUSS ADDITIONAL REQUIREMENTS FOR POLICING IN HALIFAX COUNTY".

Councillor MacDonald stated it was disappointing that even though the population of Halifax County was growing, there would be no increase in policing coverage unless the Municipality covered the cost itself.

MOTION CARRIED.

- Letter from Mayor Ducharme, City of Halifax dated April 13, 1992 requesting a County representative on a Bid Committee to host the 1999 Pan Am Games.

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

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

Warden Lichter stated that, as he understood it, the City of Halifax was going to bid to host the Games and, should they be successful, they would need the County's cooperation and support. He said that support, in his opinion, meant dollars.

Councillor Richards asked how many would be on the Committee. Warden Lichter advised he did not have any information regarding the size of the Committee. Councillor Richards said he felt this was important because if the County was only going to provide token participation to provide dollars, then he would not support it; however, if the County was going to provide real participation, then consideration could be given.

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

"THAT THE CITY OF HALIFAX BE REQUESTED TO PROVIDE MORE INFORMATION REGARDING THE MAKEUP OF THE COMMITTEE".

Councillor Giffin noted, however, that it might be more advisable to appoint a staff member, rather than a Councillor to the Committee if and when the time came.

MOTION CARRIED.

- Memorandum from Mayor Sylvester Atkinson, President, UNSM dated April 15, 1992 concerning the Report of the Task Force on Local Government.

Mr. Reinhardt outlined the Memorandum.

It was moved by Councillor Taylor, seconded by Councillor Peters:

"THAT THE CORRESPONDENCE BE RECEIVED".

MOTION CARRIED.

Warden Lichter asked Council how they wished to proceed with the examination of the Report and the stand to be taken by the Municipality.

Councillor Deveaux said that a number of issues needed to be addressed. He said he understood the Town of Bedford was setting

up a committee to look into the pros and cons of the report and suggested that a committee should be set up by Council as well to do the same to bring forward a recommendation to UNSM. Councillor Deveaux asked if there was a deadline. Warden Lichter advised that this was unknown.

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

"THAT A COMMITTEE BE STRUCK COMPRISING NO MORE THAN FIVE (5) MEMBERS, INCLUDING THE WARDEN AND THAT WARDEN LICHTER CHOOSE THE MEMBERS OF THE COMMITTEE".

Deputy Warden Sutherland stated it was his understanding that everyone would have an opportunity to review the Report and identify items of concern and thought that sometime it would be dealt with as a Committee of the Whole or Council. Warden Lichter said the easiest way would be for each Councillor to let him know his or her concerns regarding the Report and Warden Lichter could share the concerns or share with the other four members on the committee once they are appointed. Warden Lichter stated he certainly wanted to hear from every member of Council.

Councillor Cooper stated that the approach of having a committee for this particular item would just be the first step. The opportunity for input into the process was paramount because of the effect the report would have on the residents of the Municipality and the effect it would have on them. He said that this particular Report, along with some aspects of the last Electoral Boundaries Report, was tantamount to pushing things down peoples' throat and he could see only reduced opportunities for input. If a committee was going to be formed to review the Report, he said he would like to see a method to submit written comments addressing the issues and that an analysis should also be drawn up of what was not being said in the Report. He said there seems to be a number of financial areas where the province does not say who would be responsible or how. An in-depth study would be required to be submitted to both UNSM and the province.

Warden Lichter advised that Council had been given a time limit and Council set a meeting for April 1, which just fell at the end of the set time. The Report was presented on April 9, which was why Council's report was not acknowledged. He stated that 37 submissions had been seen by the Task Force consultants but he doubted that any heed had been paid to them.

Councillor Peters stressed her concern for the rural districts of the County and asked that the committee seriously consider this when the committee meets to review the Report.

MOTION CARRIED.

Also with regard to the letter, Warden Lichter advised that Executive of UNSM was recommending that a whole day regional meeting be held instead of the one planned for the evening of May 27, 1992. He requested five Councillors who would be willing to act as voting delegates for the all-day session.

Councillor Brill, Councillor Rankin, Councillor Ball, Councillor Deveaux and Councillor Taylor were appointed to attend the regional meeting.

TOPSOIL PERMIT SUSPENSIONS

Warden Lichter advised that this matter had been deferred from the April 7, 1992 Council Session. At that time, the solicitor brought to Council's attention that perhaps individuals whose topsoil permit was revoked or suspended should have the opportunity to address Council. He asked if there was anybody who wished to address Council on the issue.

Mr. Paul Sinclair advised he was a Development Consultant for the Armoyan Group who were the owners of Armcrest Estates, the development in question for the topsoil removal permits. He said there were four outstanding permits in question and that the builders themselves did not want to come individually or as a group and asked him to speak for them. Mr. Sinclair said the builders felt they were not given enough time or notice to rectify the problems in Armcrest Estates and that staff and Mr. Sinclair had been communicating over approximately the last two months to come up with solutions. Mr. Sinclair stated that Armcrest Estates, the Armoyan Group, felt that great steps had been taken towards solving the problem. When builders excavated their properties in March and Department of Transportation did not plow the streets back far enough initially, the snow was piled on the properties and then fill was piled on top. This meant that snow had not had time to thaw and the fill has run down over the curb onto the street. The first rain that occurred resulted in the fill washing into the storm sewer system and that was when the samples were taken that are now in question.

Mr. Sinclair stated that the Armoyan Group has had meetings with the builders, individually and as a group, and has spent about \$2,500 over the past four weeks for the builders on street sweeping, hay and straw to stabilize slopes, plastic sheeting to cover the piles of fill and some of the builders have made a real effort. The builders, being good corporate citizens, are now at the point that they realize the problem and will not let it happen again and are willing to follow through because they see the need. Mr. Sinclair advised that the topsoil removal permits were a new process and he did not want what happened to First Lake to happen to Second Lake. The County, however, does not provide any information on what they can do and the builders are forced to come to Armoyan Group to try to come up with solutions. Mr. Sinclair

said that the four builders who have had their topsoil permits suspended would like Council to either defer the suspension until the next rain so that it can be checked as to whether or not they have conformed to the regulations or reinstate the suspensions. Mr. Sinclair advised that improvements had been noted by staff.

Warden Lichter stated that Council could either revoke, uphold or change the suspension.

Mr. John Sheppard, Manager of Storm Drainage, stated that the builders have done a lot of work to improve their erosion control methods over the last couple of weeks. He stated that one of the four has continued to work on the site in direct violation of the By-Law and Mr. Crooks would be dealing with the matter. He stated that even though there have been improvements staff's position would be that the permit suspensions remain in effect. He stated that staff would need to see a rainfall to determine how well the improvements that have been made are in terms of performance.

Deputy Warden Sutherland advised that he had checked to see what improvements had been made and that the only way it could be said that there is improvement would be to take some samples when there is a rainstorm. He said he did not know if that was logical in view of the suspensions. The builders had complied with the County's restrictions and, in view of the work that has been done on the sites, he was prepared to recommend that Council further defer dealing with the suspensions at this time.

It was moved by Deputy Warden Sutherland, seconded by Councillor Boutilier:

"THAT COUNCIL DEFER ACTION ON THE TOPSOIL SUSPENSIONS UNTIL STAFF ARE ABLE TO TAKE SAMPLES".

Councillor Boutilier stated he would second the motion because the Topsoil By-law was put in place and, unless it is enforced to the satisfaction of staff, then time is being wasted. Nothing can repair the damage of the silt that has already entered Second Lake. The message should be very clearly that the Topsoil By-law is in effect and the County plans on enforcing it.

Councillor Harvey asked if Deputy Warden Sutherland's motion would interfere with the Municipality's ability to deal with the one case where the builder was ignoring the suspension.

Mr. Crooks responded that Deputy Warden Sutherland's motion was essentially to continue the suspensions in effect and the question of enforcement proceedings was separate from the status of the permits. Certainly there would be nothing inconsistent with continuing the suspension while at the same time looking at the enforcement proceedings.

MOTION CARRIED.MINOR VARIANCE APPEAL - MV-1-03-92

The Staff Report was presented by Paul Morgan who advised that this was a request by Graham Lutwick to permit a reduction to the front yard setback requirements established under the Land Use By-law for planning districts 1 & 3. His proposal is to accommodate a barn on his property on the Pauls Point Road at Hacketts Cove. The application was made in May, 1991 for this proposal. The building inspector went out and checked the site and found that the barn was already on the property and it was located very close to the road. Staff checked with the Department of Transportation and found that it encroached onto the road right-of-way by 12 feet. It was something the Department of Transportation would not accept. The applicant was advised of the By-law requirements, any structure has to be 20 feet back from the front property line, but there were provisions for minor variance. The barn, at the time, was not on a permanent foundation. He stated that he had seen the property and if Mr. Ludwig had made a minor variance application we would be willing to consider the proposal provided that it was at least off the highway right-of-way.

Difficulty occurred when the applicant did not want to make the minor variance application. This put staff in a difficult position. In October it was found that the barn had been put on a permanent foundation which was "0" feet back from the lot line. A letter was sent to the applicant saying that if a minor variance application was not submitted we have no choice but to instigate legal proceedings. Application was received in December and subsequently rejected and in the letter of rejection was advised that he should appeal to Council or there would be no alternative but to proceed to legal proceedings.

No appeal was received until the solicitor was instructed to initiate proceeding. At this point a minor variance application was made.

He stated that there are three criteria for the development officer in making a decision whether or not to approve an application. He stated that in this circumstance he was prepared to grant the variance if the application was made as it would not infringe upon the property rights of abutting property owners, there was uniqueness as the house already encroached on the highway right-of-way. He stated that the third criteria made it very difficult in that the applicant was given every opportunity to follow the proper procedure and didn't comply with that. This was the grounds for rejection under the provisions of the planning act.

Councillor Deveaux referred to a letter from Mr. Lutwick which stated that in November, 1991 he moved the building and stabilized structure etc. to comply with specifications for a minor variance.

Mr. Morgan stated that in November, 1991 he moved the structure to the "0" foot setback. He stated that before this had happened he had discussed this with Mr. Lutwick that in fact the requirement is 20 feet from the highway right-of-way. He stated that he had informed Mr. Lutwick that there was a uniqueness there and he was prepared to approve a substantial reduction to that. He stated that his decision, as development officer, for approval notification has to be given to abutting property owners and he could not guarantee that someone would not appeal or that council would not overturn the decision.

Councillor Deveaux asked if Mr. Morgan had mentioned a specific footage to Mr. Lutwick.

Mr. Morgan stated that there wasn't a definite footage but he had informed the applicant that it had to be off the highway right-of-way. He had suggested that Mr. Lutwick come in with a proposal, he would review it and if he decided to approve it the abutting property owners would be notified.

Councillor Deveaux asked if Mr. Lutwick was off the highway right-of-way.

Mr. Morgan stated that he was.

Councillor Peters stated that this gentleman had been given all the information and it has been ignored. She stated that she fails to understand that when this gentleman was given the option that he did not come in and speak to Mr. Morgan and why he put the barn on the "0" clearance. This was in direct disregard to what an inspector has to do. She suggested that council support staff on this issue.

Councillor Ball asked Mr. Morgan when the garage was built.

Mr. Morgan stated that at the time of the application it was already on the property. It came from a property in the vicinity.

Councillor Fralick stated that there had been some urgency when the barn and garage were moved. They had to either move them or they would have been demolished.

Councillor Peters asked Mr. Morgan that when he asked Mr. Lutwick to come speak to him would it not have been possible for Mr. Lutwick to take that structure, when he moved it to the "0" clearance, and put it on blocks.

Mr. Morgan stated that it was on skids when it was in the right-of-way and he informed Mr. Lutwick that before it could be moved to any permanent foundation it would have to go through the minor variance application because, even though he personally had no problem with it being fairly close to the front property line, the

concern was that if proper procedure was followed the abutting property owners would have to be notified and somebody may appeal to council and possibly have a decision overturned.

Councillor Cooper asked Mr. Morgan if Mr. Lutwick was well aware before he moved it from the encroachment back to the lot line that there was a requirement for a 20 foot set back.

Mr. Morgan confirmed this was provided in writing and also verbally by telephone.

Councillor Cooper asked Mr. Morgan if he had personally viewed that lot and if there was anything extraordinary about the lot that would have prevented it from being moved back beside his lot line.

Mr. Morgan stated that it could go back further from the front property line.

Councillor Meade asked if any objection was received from adjacent property owners.

Mr. Morgan stated that he had not received any.

Councillor Meade stated that there are only four properties beyond Mr. Lutwick's house so there would only be, on an average, three or four cars per day going past the property.

Mr. Morgan stated that this would be correct.

SPEAKERS IN FAVOUR

Mr. Graham Lutwick, property owner, stated that the whole problem seems to have been a breakdown in communication between himself and Mr. Morgan which resulted due to the fact that he has to frequently be away from home due to the nature of his job. He stated that he had been speaking to Mr. Morgan and had every intention of trying to comply with the wishes of the County. In the meantime the building was sitting on his property on a temporary basis. He stated that when he made his original request for a permit to move the building he had been told that it would take at least two and a half weeks to get such a permit. He would be at sea so he decided to move the building. The building was moved to his property and then he was away for most of the summer into the fall. He stated that some of his friends had thought that everything was in order so they came and put a foundation under the building without his knowledge. They moved the building back to the "0" tolerance. He stated that it may appear that all the rules were disregarded but that is not what happened. He stated that the building was not put further back because the building is sitting on the only place it could sit. If it was moved back any further it would encroach on the neighbouring property. It is presently within 8 feet of the neighbours boundary line. Also to go back any

further would interfere with the well. He stated that the barn is further back from the road than either the house or the garage.

QUESTIONS FROM COUNCIL

Councillor Fralick stated that he understood that the Department of Transportation has ruled in favour of the barn staying where it is.

Mr. Lutwick stated that this was correct. He stated that they have received a permit and approval from the Department of Highways.

Councillor Fralick asked Mr. Lutwick if he had not lost an amount of front lawn when a commercial building was built at the end of the road.

Mr. Lutwick stated that approximately 10 years ago, while he was away, the road was widened and the Department of Transportation cut into his field and he had not received notification from anyone about it. He stated that this was done to accommodate a fish plant at the end of the road.

Deputy Warden Sutherland asked Mr. Lutwick how long he had owned the property.

Mr. Lutwick stated that he has owned the property since 1972.

Deputy Warden Sutherland asked Mr. Lutwick if there had been encroachments on his property since that time.

Mr. Lutwick stated that the Department of Transportation have widened the road. The original right of way on those roads was 33 feet but they are now claiming 66 feet. He stated that he would have appreciated someone coming and discussing it with him before they did this. He stated that he had talked to Mr. Jerry Lawrence who felt that he had a case to make a claim but he decided not to take it any further.

Councillor Harvey stated that he felt the matter could have been avoided if the building had not been put on that permanent foundation.

Councillor Taylor asked Mr. Lutwick to confirm that he was at sea when his neighbours put the barn on a foundation and that it had been an honest mistake.

Mr. Lutwick stated that this was correct. He stated that they thought that the permits were all in order.

Councillor Fralick stated that in light of the long drawn out affair of this particular application and considering the circumstances Mr. Lutwick has been very meticulous with his buildings. He stated that the Department of Transportation has no

difficulty with it.

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

"THAT THE DECISION OF THE BY-LAW ENFORCEMENT OFFICERS
DECISION BE OVERTURNED AND SUPPORT MR. LUTWICK IN HIS
MINOR VARIANCE APPEAL"

Councillor Harvey stated that he would support the motion but he feels that staff did proceed properly and conduct themselves properly on behalf of the Municipality.

MOTION CARRIED

WITHDRAWAL OF MINOR VARIANCE APPEAL

Mr. Crooks stated that this was a minor variance appeal matter that was deferred from a previous session of Council. He stated that what has happened in connection with this minor variance appeal is that the applicant for the minor variance has withdrawn the application but after the variance was granted and the matter was appealed to Council. He suggested that the Council allow the appeal that was lodged with respect to this variance which will in effect remove the variance. He stated that this is essentially a housekeeping matter given that the applicant has withdrawn the application.

Mr. Dale Reinhardt read the letter for the record:

"Please accept this letter as notice of withdrawal of my minor variance application MV-04-02-92 Lot 31, Governors Glen Subdivision, Timberlea. Due to the time restraints it makes it necessary to proceed ahead adhering to the 20 foot setback. If you should have any questions, please give me a call." The letter was signed James R. Taylor, President, Austin Contracting Ltd.

It was moved by Councillor Giffin, seconded by Councillor Rankin:

"THAT THE MINOR VARIANCE APPLICATION MV-04-02-92 LOT 31,
GOVERNORS GLEN SUBDIVISION, TIMBERLEA BE WITHDRAWN AND
THE MINOR VARIANCE BE DENIED"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

1. File No. RA-FEN-02-91-18 - Application by the Armoyan Group Limited

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

"THAT MAY 11, 1992 BE SET AS PUBLIC HEARING DATE FOR

APPLICATION BY THE ARMOYAN GROUP LIMITED - FILE NO. RA-FEN-02-91-18"

MOTION CARRIED

2. Amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 8 & 9

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

"THAT A PUBLIC HEARING BE HELD ON OPTION 2 AND MAY 25, 1992 BE SET AS A DATE FOR PUBLIC HEARING"

MOTION CARRIED

DATE - MINOR VARIANCE APPEAL

Minor Variance Application No. MVC-04-92-09

Mr. Reinhardt stated that he had received a letter stating that notification was received that the appeal was being withdrawn therefore there would be no need to set a date. The location is Planning District 8 & 9, Mosher Road, Conrads Settlement.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

North Preston Servicing

It was moved by Deputy Warden Sutherland, seconded by Councillor Giffin:

"THAT COUNCIL APPROVE THE WITHDRAWAL OF \$248,426.06 FROM THE GENERAL CAPITAL GRANT FUND FOR THIS PROJECT"

Councillor Ball asked who normally pays interest payments on this type of servicing.

Warden Lichter stated that the resident does on the residential portion.

Councillor Ball stated that then this would mean that interest accrued on a project would be shared by the residents and the County. He stated that he has difficulty with withdrawing this amount of money out of the Capital Grant Fund because in fairness

to people who received the service in question, the community paid no money. There was no money expended by the residents but the general taxpayer throughout Halifax County, through its Capital Grant Fund, paid 50% of the cost. He stated that he objects because there are many residents in Halifax County who could use this money and would be willing to cost share in order to receive Municipal water.

Mr. Meech stated that the County had gone back to the Minister on at least two occasions and it has been reaffirmed that the Province is not prepared to pay any contribution to that interest. Councillor Ball asked if the Province had specified that they would only cost share 50/50 on the Principal when this project was proposed.

Mr. Meech stated that the policy of the Province has always been that in terms of their provincial contribution we would not receive any interest on that. He stated that he would like to point out that the province has responded by indicating that they, in fact, have picked up costs in addition to this which was the cost of installing the laterals from the properties out to the Department of Highways right-of-way and also contributed money to the Department of Housing to provide new housing.

Councillor Ball asked if any homeowner paid to have hook up from their homes to the main line.

Warden Lichter stated that they did not. This was paid by the province.

Councillor Ball stated that he feels that either the homeowners or the Province should pay this.

Councillor Deveaux asked if there was enough money in the Capital Grant Fund to provide this money.

Mr. Meech stated that there is money at the present time.

Councillor Deveaux said that he could not support the motion because it hasn't been proven to him that these residents can't afford to pay the interest portion at least.

Councillor Cooper stated that the deal on this project was a 50/50 deal. He stated that the province is now saying that it is not going to pay that 50/50 right down the line. The results of that is that other people in the Municipality aren't getting the same break and there are going to be times coming up when people are going to have a legitimate case to say what you do for one you do for all. He stated that there should be some method of making sure that the province goes along with the deal from start to finish. He stated that he cannot go along with the motion, that has to be 50/50.

Councillor Snow asked Mr. Meech what would happen if this was turned down.

Mr. Meech stated that the County has approached the Province on a number of occasions putting forward exactly the case that has been mentioned and the province has come back and stated that it is not prepared to pay additional cost sharing. He stated that if it is not approved then Halifax County would again communicate with the province but if they again refuse then there is no other alternative.

Councillor Snow asked what the deal was originally. Was it 50% of the total project.

Warden Lichter stated that there were three deals rolled into one. Springfield Lake, Musquodoboit/Middle Musquodoboit and North Preston. The message that came to Council was "you will get that funding subject to this is the way you treat the North Preston project". He stated that if it had been known these things would come about the County would have gotten in writing who would pay what.

Councillor Boutilier asked why it would not be possible to now go back and put a charge on the residents.

Warden Lichter stated this would not be possible because of the message that the people of North Preston received from the provincial government that the project will not cost them anything.

Councillor Boutilier stated that one of the things that Executive looked at for future projects is that the county would somehow take into account any future interest money.

Councillor Giffin stated that he feels that the County has to be careful it doesn't punish the wrong people. He stated that he felt that the main reason that the province agreed to do what it did was due to the fact that it was based on the community's ability to pay.

Councillor Richards stated that it is the province that should be paying this money. He stated that the residents are just caught in the middle of this. He stated that the Municipality made a deal with the residents in consultation with the province and the deal was that they were not going to have to pay for this project. He stated that the County should not go back on its word.

MOTION CARRIED
12 IN FAVOUR
8 AGAINST

Councillor McInroy declared a Conflict of Interest and left the

Council ChambersProposed County Policy to Deal With Assessment Reductions/Tax Adjustments Related to Prior Years

It was moved by Councillor Smiley, seconded by Deputy Warden Sutherland:

"THAT COUNCIL APPROVE THE RECOMMENDATIONS OUTLINED IN THE REPORT WITH RESPECT TO PROCEDURE TO FOLLOW WHERE A PROPERTY OWNER IS OF THE OPINION THEIR PROPERTY WAS WRONGFULLY ASSESSED IN THE PREVIOUS YEAR"

MOTION CARRIEDSt. Margaret's Arena Association

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

"THAT COUNCIL ENDORSE THE AGREEMENT BETWEEN THE WESTERN AREA COUNCILLORS OF HALIFAX COUNTY MUNICIPALITY AND THE ST. MARGARET'S ARENA ASSOCIATION"

Councillor Ball stated that this issue was dealt with last year. He stated that guarantees were made that payments would be in order. He asked if there were some sound financial commitments.

Warden Lichter stated that there is a written agreement which the County did not have a year ago.

MOTION CARRIEDGarbage Collection/Recyclable Collection - District 10

It was moved by Deputy Warden Sutherland, seconded by Councillor Bayers:

"THAT COUNCIL APPROVE THE CONTRACT FOR GARBAGE COLLECTION IN DISTRICT 10 BE AWARDED FOR THE 35 MONTH PERIOD FOR \$212,469.90, AND THAT THE CONTRACT FOR RECYCLABLE COLLECTION FOR AN 11 MONTH PERIOD FOR \$8,297.74 BE AWARDED TO THE LOW BIDDER, EASTERN SHORE CARTAGE LTD."

MOTION CARRIEDLake Loon Crescent, Montague Road

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

"THAT PURSUANT TO SEWERS AND SEWAGE IN HALIFAX COUNTY, COUNCIL ORDER THAT SEWERS BE CONSTRUCTED ON A PORTION OF

MONTAGUE ROAD AND ON LAKE LOON CRESCENT. FURTHER IT IS ALSO RECOMMENDED THAT PURSUANT TO BY-LAW 58, COUNCIL ORDER THAT A WATER DISTRIBUTION SYSTEM WITH HYDRANTS AND SERVICE BE CONSTRUCTED ON LAKE LOON CRESCENT"

MOTION CARRIED

Storm Drainage - Caldwell Road

Dale Reinhardt, Deputy Municipal Clerk outlined the recommendation from the Executive Committee which recommends that Halifax County cost share 70/30 for an amount of \$93,800. for the construction of laterals and hook ups of water and sewer to existing homes on Caldwell Road.

It was moved by Councillor Harvey, seconded by Deputy Warden Sutherland:

"THAT HALIFAX COUNTY COUNCIL APPROVE A COST SHARE OF 70.30 FOR AN AMOUNT OF \$93,800. FOR THE CONSTRUCTION OF LATERALS AND HOOK UPS OF WATER AND SEWER TO EXISTING HOMES ON CALDWELL ROAD"

Councillor Cooper asked the Warden to give an update on the whole situation with regards to servicing and the storm drainage. He stated he would like to know what the particulars are of that situation at this time.

Warden Lichter stated that approximately six weeks ago he received a request from Mr. Meech and the Engineering department to set up a meeting with the Department of Transportation who were looking at the possibility of having storm water and sewer installed along Caldwell Road. The meeting was to be attended by Chief Paul, some of his council members, members of the Department of Transportation, Mr. Meech, Councillor McInroy, the Honourable David Nantes and himself. He stated that Chief Paul was unable to make that meeting never the less transportation explained briefly that in order to do that and then to do the paving work required on that particular road is in the vicinity of \$2 to \$3 million. Before they could actually proceed with that the storm water issue has to be addressed. John Sheppard had a letter from Chief Paul indicating that if the County is to direct additional storm water through the brook that is going through the reserve lands belonging to the Millbrook Indian Band then they would expect compensation in the amount of \$283,000. The meeting at the Department of Transportation did not succeed in getting to any other conclusion than the Honourable Ken Streach saying that this appears to be an issue between the Indian Band and the Municipality and once that issue has been resolved then they can do what is necessary in order to proceed with the project. Warden Lichter stated that even then it may have to be phased in in a two year pay period meeting the cost of the storm sewer and paving. He stated there may also need

to be some curb straightening out as well.

Warden Lichter stated that another meeting had been set up with Chief Paul, some of his councillors, three representatives from Indian Affairs, Councillor McInroy, David Nantes, Engineering staff and himself. He stated that in the process of negotiating and discussing their demand it became obvious that there was no way that he would be prepared to recommend that \$283,000. figure. He stated that before he left the meeting he indicated that he would be prepared to go to the Executive Committee and recommend that 70% of the internal servicing costs for the 14 homes which is a small subdivision that has experienced water and sewer problems. He stated that 70% would amount to \$93,800. based on \$144,000. capital cost. He stated that in the meantime Halifax County would reserve the right to take a look at alternative methods of disposing of the storm water that will be coming off those acreages that are as yet undeveloped. Mr. Sheppard has undertaken to examine the situation and did discuss it with a consultant and reported back to the Executive Committee that although some of the storm water could be directed in some other way it would be such an insignificant amount that there would still be a need for that particular brook on the reserve land to be modified and consequently the Executive Committee would have to decide as to what is to be done. He stated that this was when the recommendation that is now before council was made.

He stated that, as to the question of costs, besides the \$93,800 the costs of doing whatever is needed to modify that brook is a cost that Mr. Sheppard could tell Council.

Mr. Sheppard stated that the Municipality's cost would be approximately \$70,000.

Warden Lichter stated that beyond that he did not know the amount of maintenance that would be needed.

Councillor Cooper asked if the agreement on this particular part of the project include unlimited access for maintenance of that system.

Warden Lichter stated that it does in section 4 of Chief Paul's letter that indicates a one time access. Chief Paul states that one time access is to say that if you want to improve the brook so that it would carry all the storm water for the watershed area then the modification should be made on one occasion and not come back at some future date to widen the brook again.

John Sheppard stated that the band was quite willing to give the County the right to come in and maintain with the stipulation that when it is originally constructed it be done to handle all the flow.

Councillor Cooper asked if this was normal or was this the first instance where there has been an up front amount to use a natural watercourse in this Municipality.

Warden Lichter stated that it probably was.

Councillor Cooper asked if consideration had been given to whether or not this would be precedent setting and whether or not others might bring the same argument before this Municipality.

Councillor McInroy stated that he did not support the paying of money for permission to go in and spend \$70,000. to clean up a brook bed that will take an increased flow of water without causing some backup or flooding. He stated that the brook that is being talked about has received storm water and discharged it into Morris Lake. Currently it takes the storm flows from the same area but by open ditch now discharging into that same watercourse. He stated that there are recent developments on the upper side of the road which are piped down to Caldwell Road. He stated there are no pipes on reserve land and it is not proposed that there be any pipes on the reserve land. The pipes currently discharge storm water into that same watercourse. He stated that it is unreasonable to demand payment for upgrading or modification to the watercourse. He stated that when the difficulties were first experienced it was with arsenic in the water and the first request that came to Council was for permission to extend the waterline then it was recognized that due to poor construction and various other issues the septic system on the reserve lands were also not functioning the way that they should so the request "can the Millbrook band connect to the water and sewer systems on Caldwell Road". He stated that the initial position was yes but you must extend the trunk lines up to your lands and go ahead and service your internal lands. The water and sewer lines at the point where they would have been extended were put there by the developer not Halifax County. He stated that what was being offered to the Millbrook band was what was offered to any other developer. They had some difficulty with funding. The federal government was giving them enough money to do their internal servicing but they felt they didn't have enough money to service all the internal lands plus pay the charges to extend the trunk line and water line.

There are 14 other homes on Caldwell Road. The reserve homes are off Caldwell Road in internal street that they developed. The other homes have experienced some water difficulty but primary difficulty was with their malfunctioning septic systems. He stated that his thoughts were that this may be an opportunity to get the whole thing done from the Atholea to Astral Drive area. What happened with respect to the Indian Band lands is that they no longer had to pay to move that trunk line, sanitary sewer line and water line any more than the 30% ft. frontage charge which everyone else was going to pay including the other 14 home owners up the street and including the developers who have undeveloped lands

fronting on Caldwell Road. The sanitary sewer and water are in place now the full length of Caldwell between Atholea and Astral and the sanitary sewer and water is in to all the homes on the reserve land. At this juncture the County is looking to go to the next phase which is the installation of storm sewer and in his opinion the Millbrook band has benefited to the same extent as everyone else with having had the cost sharing with the Municipality and the Provincial government to get the sanitary sewer and water in there. He stated that the private residents and the developers are going to have to pay the full cost of bringing laterals from the street into their dwellings which has already been done and paid for on the reserve lands.

He stated that the recommendation from Executive Committee is that council support cost share of 70/30 for an amount of \$93,800. for construction of laterals and hook ups of water and sewer to existing homes on Caldwell Road. He stated that except for a few the homes are not on Caldwell Road and he is concerned with the wording. He stated that another concern is that if it did not apply to the other 14 homes on Caldwell Road then that would be an injustice. He stated that the position right now is that what the Millbrook band is paying from what they might have paid originally for the water and sewer is about \$55,000 if you deduct the \$93,800 from the 30% which they would have been billed. He asked if we deduct the \$93,800 where does it come from. From statements made he has the understanding that the Department of Transportation is not cost sharing in this payout and not cost sharing in the \$70,000. that is estimated to modify that watercourse. Chief Paul points in his letter that they want unlimited access to the storm system which he has no problem with but he does have a problem with the benefits going. He stated that where the 14 dwelling currently are is on the lake side of Caldwell Road but on high side across the way is where the majority of the acreage which is going to drain into the pipes on Caldwell Road which is going to go down and discharge right into the watercourse on the reserve lands. he stated that it is unjust and unreasonable that the County has to make that payment and take money from the people along Caldwell Road or the other taxpayers of Halifax County to give to the Millbrook band on the basis of some calculation that applies somewhere in Halifax County. He stated that he was at two meetings and he made it quite clear that nobody should have any different front footage charge on that road.

Warden Lichter stated that when either staff members or council members asked him to negotiate that means to sit down and get the best deal for the County that he could get. He stated that it can either be looked at as a \$93,800. give away or as an almost \$200,000. saving. He could not get the Millbrook band down any further than the \$93,800. He stated that following that last negotiation he and John Sheppard had written to Chief Paul indicating to him that they reserve the right to examine other options and see what can be done to serve the best interest of the

Municipality. He stated that if Mr. Sheppard had come back and said that the water can be diverted another way then that would have been great. He stated that Mr. Sheppard believed that whatever other avenues there might be would be more costly than the \$283,000. He stated that it is a matter of the Warden bringing back the best deal that he could and it can either be rejected or accepted.

Councillor Deveaux asked if the Federal Government was contributing to this project or if Indian Affairs could be contacted to contribute.

Warden Lichter stated that the Federal government has annually given the Millbrook band capital monies but they don't earmark it for one particular project. They are given a certain sum of money and the band council has to decide as to how the money is allocated for different projects. He stated that there had been three representatives of Indian Affairs at the meeting and did not indicate any position at that time.

Councillor Ball asked if he was correct in assuming that there would be unlimited access to the storm drain system.

Warden Lichter confirmed this.

Councillor Ball stated that it is his understanding that the land is out of the jurisdiction of the Municipality. He asked the solicitor if in the eyes of the law whether or not it was questionable a native person has the capacity to make a contract which therefore means that any contract or agreement that we might intend to entertain with them might not be enforceable by law.

Mr. Crooks stated that this was essentially correct. The problem of capacity is with the Indian band.

Mr. Meech stated that our understanding is that the Federal government intends to sign this agreement. In other words it is not going to be just with the band but also executed with the Federal Department as well.

Councillor Ball asked if money had, in the past, been paid to a residential property owner to allow Halifax County to widen a watercourse to let more water drain off from properties down the road. He stated that in his opinion that the County should try to find another alternative route even if the alternative route cost more money.

Councillor Boutilier asked why the County got into this originally. He asked was it to look at problems with individual homeowners or was it to look at undeveloped lands and the drainage of undeveloped lands for future development.

Warden Lichter stated that he believed both. There is quite a bit of acreage of undeveloped lands that are going to drain through this storm sewer system and there are two or three homes right now that are in some trouble as far as flooding goes and part of the system would correct those two or three homes.

Councillor Boutilier asked if it was possible, before future developments are approved on those undeveloped lands, that a proposal would have to be presented to handle that storm water. He asked are we taking care of undeveloped lands for future development.

John Sheppard stated that there are three situations that the County is trying to address by dealing with this watercourse situation. To increase the capacity of the watercourse to resolve the flooding problems, transportation is looking at installing full storm sewer which will also increase the flow and construction on that storm sewer in conjunction with the water and sanitary sewer that have already been installed as well as the upgrading of road will encourage development in the area. Its the development of the 150 acres in the watershed that would increase the flow to the point that it would cause problems. It seems logical that the issue should be addressed now rather than after the fact when a development was in place and flooding occurred. If the Department of Transportation was not in the process of providing a storm sewer in that area the County would not have been involved in going to the Indian band to address the issue.

Councillor Boutilier asked why the Department of Transportation would not be more directly involved with the Indian band in negotiations.

Warden Lichter stated that it appears to him that some three large diameter pipes appeared somewhere at the beginning of that brook. John Sheppard stated that there is one development in Kenwood Estates and as part of that development they were required to put in storm pipe that was large enough to handle all the upstream flow of that 150 acres. The pipes direct flow toward the Indian land. Transportation are installing storm sewer and that in itself will tend to increase the flows. From transportations point of view they would see that the development of those lands are more logically within the interests of Halifax County to deal with.

Mr. Meech stated that transportation would look to Halifax County to do the installation of the storm drainage project. In other words they want it to seem to be a Municipal project.

Councillor Boutilier asked what future developers cost would be. Would it be a standard per ft. frontage charge.

Warden Lichter stated either that or per acre of land that could be developed.

Mr. Meech stated that this still needs to be explored in more detail and that would be a subsequent issue that would have to be dealt with at Council. He stated that the information as to what the County can legally do and come back with options and make a recommendation as to how the cost should be distributed.

Councillor Boutilier stated that he does not agree that the County should do this but under the circumstances if the County is going to proceed then based on Engineering we either agree with the figure negotiated or not. He suggested changing the agreement by putting in a limiting factor.

Deputy Warden Sutherland stated by looking after storm drainage along Caldwell as well as making provisions for accommodating the future acreage that will run through these reserve lands the County is acquiring to upgrade the part that runs through reserve lands. He stated that there doesn't seem to be much latitude in what can be done.

Mr. Meech stated that the other alternative is if we don't come to this agreement we won't be doing the project. Essentially from his point of view that it would be very irresponsible if we allow the undeveloped land owners to continue to develop unless they can come up with a solution as to how they will deal with their storm water. He stated that this is a position the Municipality would have to take. He stated that he wished to point out the DOT is not prepared to do the storm drainage unless the County finds a solution to have the storm water directed to a watercourse.

Councillor Peters asked if they put the storm water in it would solve the minor flooding problems that exist now but the concern would be for future development of the 150 acres.

Warden Lichter stated that it would solve the present flooding problems and it would direct and carry properly the water coming down on that developable area.

Councillor Peters asked if this storm water could be installed but before any development on the undeveloped land occurred those developers would have to make an agreement with the Millbrook band and the County would totally be out of it. This would be an agreement in the developing of their land. This would put the responsibility back on to the developer and they pay the Millbrook band and we have nothing to do with it.

Warden Lichter stated that the way to achieve that would be a moratorium on development until after they address the storm water flows. He stated that the Municipality cannot say who you negotiate with or how you negotiate but all we can say is they have to find a solution to the storm water before any approvals can be given for further development.

John Sheppard stated that two aspects are left. One to upgrade the road and the second is the storm sewer system. He stated that if a storm sewer system was put in then the adjacent landowners would have access to that pipe.

Councillor Peters stated that she is not in favour of the recommendation but she would like to have it deferred until a letter can be written to the Minister of Indian Affairs advising him of the uniqueness of the situation and asking him his position on this and to fund this as a capital works. She stated that a copy of the letter could go to the Minister of Municipal Affairs and the particular MLA's and address the urgency of it.

Warden Lichter stated he did not have any difficulty with Councillor Peters suggestion if Council accepts the possible consequences that the project by transportation might fall through.

Councillor Ball asked if there is any agreement restricting the density of the development.

Mr. Meech stated that there would be a restriction on high density residential and there was a section set aside for commercial.

Councillor Ball asked if this agreement was signed by the Indian Band Council or the Federal Government.

Mr. Meech stated that it would have been signed by the Band Council.

It was moved by Councillor Peter, seconded by Councillor Taylor:

"THAT THIS ITEM BE DEFERRED PENDING A REQUEST TO THE MINISTER OF INDIAN AND NORTHERN AFFAIRS, WITH A COPY TO THE HON. BRIAN YOUNG, THE HON. DAVID NANTES AND THE HON. KEN STREATCH ASKING FOR HIS INTERVENTION TO OBTAIN THE REQUIRED ACCESS AND EASEMENT FROM THE MILLBROOK INDIAN COUNCIL GIVEN THE ACTIONS AND FINANCIAL PARTICIPATION OF THE MUNICIPALITY AND PROVINCE OF NOVA SCOTIA FOR PROVIDING SANITARY SEWER AND CENTRAL WATER LINE EXTENSIONS ALONG CALDWELL ROAD THEREBY PROVIDING SERVICING CAPABILITY TO EXISTING PROPERTIES LOCATED ON RESERVE LANDS AND FURTHER THAT A REPLY BE REQUESTED BY MAY 19, 1992"

Mr. Meech asked for clarification from Councillor Peters on seeking financial assistance.

Councillor Peters stated she was referring to the \$93,800.

Mr. Meech stated that this particular capital works project which was to provide internal servicing to the indian lands was already

paid for by the federal government. He stated that this is where the money came from in the first place. From the federal point of view they did provide the money through an allocation of funds to the Indian band council. We are looking for the Minister to intervene and be able to reach a settlement so that Halifax County can get access to the watercourse without having to pay compensation.

MOTION CARRIED

Temporary Borrowing Resolution

It was moved by Deputy Warden Sutherland, seconded by Councillor Smiley:

"THAT TEMPORARY BORROWING RESOLUTION 92-01, SACKVILLE FIRE STATION IN THE AMOUNT OF \$300,000 BE APPROVED"

MOTION CARRIED

MEMORANDUM REQUEST FOR STREET PAVING

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

"THAT THE MEMORANDUM INFORMING COUNCIL THAT CARIBOU ROAD, COLGROVE AVENUE (PART) AND MAYWOOD DRIVE BE UNDER THE DEPARTMENT OF TRANSPORTATION 15 YEAR PAVING PROGRAM BE RECEIVED AND FORWARD TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS"

MOTION CARRIED

RESOLUTION - MUNICIPALITY OF THE COUNTY OF INVERNESS

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

"THAT THE RESOLUTION BE RECEIVED"

MOTION CARRIED

MEMORANDUM RE: SCHOOL TREATMENT PLANTS - MAINTENANCE

Mr. Meech stated that this was in response to a request from Council and was for information.

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

"THAT THE MEMORANDUM BE RECEIVED"

MOTION CARRIED

APPOINTMENT MUNICIPAL WEED INSPECTOR

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

"THAT BRIAN HULL BE NOMINATED TO THE POSITION OF MUNICIPAL WEED INSPECTOR"

MOTION CARRIEDMEMORANDUM RE: DEVELOPMENT STATISTICS

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

"THAT THE MEMORANDUM BE RECEIVED AND THE FORMAT BE APPROVED AS THE FORMAT TO BE FOLLOWED"

MOTION CARRIEDMEMORANDUM: GRANT REQUEST - GRACE MATERNITY

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

"THAT COUNCIL AGREE TO COMMIT A SUM TOTALLING \$200,000 PAYABLE IN FIVE (5) EQUAL INSTALMENTS OF \$40,000 PER ANNUM"

Councillor Ball asked who is responsible for the Grace Maternity Hospital.

Warden Lichter stated that he believed that it was the Salvation Army.

Mr. Meech stated that it is a private hospital with provincial funding.

Councillor Ball stated that he felt that \$40,000 per year can be better spent on the Municipality in trying to keep positions or services intact.

Councillor Richards stated that it has been past experience to deal with any requests for grants to any organization in a special meeting and he feels that this one should not be any different. He stated that he was not prepared to deal with this item at this time.

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

"THAT THIS ITEM BE DEFERRED TO THE GRANTS COMMITTEE MEETING THAT WILL BE HELD AFTER BUDGETS ARE SET"