

RESPECTING THE CHARGE FOR WATER SERVICES WITH SECTION
NUMBER 2 BEING OMITTED"

MOTION CARRIED

It was moved by Councillor Sutherland, seconded by Deputy Mayor
Bates:

"THAT THIRD READING BE GIVEN TO BY-LAW NO. 58, A BY-LAW
RESPECTING THE CHARGE FOR WATER SERVICES WITH SECTION
NUMBER 2 BEING OMITTED"

MOTION CARRIED

It was moved by Deputy Mayor Bates, seconded by Councillor Turner:

"THAT NOTICE OF MOTION BE GIVEN FOR OCTOBER 5, 1993"

MOTION CARRIED

REQUEST FOR BY-LAW ENFORCEMENT OFFICER, SPC

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

"THAT JULIA ELIZABETH HARVEY BE APPOINTED AS BY-LAW
ENFORCEMENT OFFICER, SPC FOR THE COUNTY OF HALIFAX"

MOTION CARRIED

CENTRAL WATER EXTENSION

Mayor Lichter said Mr. Wdowiak is recommending that the report be
approved with the deletion and referral to the Service Standards
Committee of the last paragraph on page 4 and the third paragraph
on page 5.

Councillor Cooper asked why these are being deleted from the report
at this time.

Mayor Lichter said his understanding from Mr. Wdowiak is that a
more careful examination would be required whether such stringent
requirements is need or not.

Councillor Cooper asked if Halifax County was still intending to
follow the recommendations of the Insurance Advisory Organization
in which ever manner it can be done to achieve those standards.

Mayor Lichter confirmed this.

Councillor Rankin said it was his understanding that discussions on
design standards would fall under the Planning Advisory Committee.

Mayor Lichter said when some of these issues were dealt with at the Steering Committee level it was recognized that there are some grey areas that may fall into one or the other committee's jurisdiction. He said the recommendation as to what level of pressure and pipe sizing required is more of a servicing standard than a subdivision standard. He suggested that Service Standards and PAC have a joint meeting.

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

"THAT COUNCIL APPROVE THAT THE WATER DISTRICTS OUTLINED IN THE STAFF REPORT DATED SEPTEMBER 7, 1993, THE CRITERIA FOR CONSIDERING CENTRAL WATER EXTENSIONS BEYOND THESE DISTRICTS AND PROPOSED AMENDMENTS TO THE MUNICIPAL SERVICES GENERAL SPECIFICATIONS BE APPROVED BY MUNICIPAL COUNCIL AND SUPPORTED BY AMENDMENTS TO THE APPROPRIATE MUNICIPAL PLANNING STRATEGIES AND THE GENERAL SPECIFICATIONS. FURTHER THE LAST PARAGRAPH ON PAGE 4 AND THIRD PARAGRAPH ON PAGE 5 BE REFERRED TO A JOINT COMMITTEE MEETING OF THE SERVICE STANDARDS AND PAC"

MOTION CARRIED

Councillor Cooper said this report is going to have impact on many areas of the municipality. He referred to page two under existing water problem areas it indicates that staff would agree with the view and are prepared to recommend the inclusion the addition areas within water service districts. He asked Mr. Meech if in the original priority items was not priority A areas to be those that had health concerns and they were to be given the priority.

Mr. Meech asked Councillor Cooper if he was talking with regard to the criteria that was employed in terms of developing the capital program.

Councillor Cooper confirmed this.

Mr. Meech said priority A was committed projects and the next one was, to a large degree, developed on the basis of the severity of health problems whether water quality or quantity. In the case of sanitary sewer this was whether there was inadequate septic tank disposal facilities.

Councillor Cooper said he would suggest that the motions and the reports that have been to council, with regard to that, indicate that the priority A projects are those that are health hazards.

Mr. Meech said there was a category where projects were already committed and they were the highest priority as a result. The next ones were developed on the basis of health problems.

Councillor Cooper quoted from minutes of Committee of the Whole,

March 20, 1987 where Mr. Wilson had informed council that priority A projects were those which have created a health or safety hazard and are needed as soon as possible. He said this implied that priority A projects are those that have health problems. He said he is suggesting that this is a policy that the municipality has that health ones go to priority A, not those that are necessarily immediate for development or health. He made reference to a statement which states that the municipality has not been funding or contributing financial support for the extension of central water to new developments. He said what this is saying is once they are inside the development area, the county is not contributing money. He asked if Halifax County has to put monies into upgrading of mains for water bypass that comes out of the capital of the municipality.

Mr. Meech said that particular expenditure would be paid from funds from the water utility. He said, in that instance, there are funds that come from the water utility that have been accumulated to address some of those major infrastructure components as part of the overall servicing system.

Councillor Cooper he said there had been questions raised as to the complete infrastructure regarding whether recreation, schools, etc. should be considered in this process. He said it hasn't received much discussion in the report. He asked what the status was as planning at one time had indicated they were concerned about these matters.

Mr. Meech said those considerations influenced the recommendation to try and place certain restraints on allowing those areas to expand further.

Councillor Cooper said basically Halifax County is limiting its expansions, with the present general infrastructure including recreation, schools, etc., to those areas which probably can handle it.

Mr. Meech said he would not agree to that statement because Halifax County is of the view at this point that in some areas there is probably more housing that's going to place demands on other services that's beyond the capacity of those services to accommodate the increased population. He said Halifax County had to recognize the reality that there had been approvals given to expand certain subdivisions with the benefit of central water and what they have attempted to do is to bring that to a conclusion.

Councillor Cooper asked if Halifax County had plans or any actions anticipated, in the near future, to address those concerns. He said he was referring to the Sackville, Beaverbank or Hammonds Plains area where developments are going in.

Mr. Meech said the reality is that they are going to have to be

addressed as they have in the past, on a reactionary basis. He said there is a commitment to proceed with an expansion, in the Hammonds Plains area, with regards to schooling. He said transportation is the Department of Transportation's responsibility to do the planning and whatever improvements are necessary to the road network associated with what demands are placed on that transportation network.

Councillor Cooper said he would suggest it is time Halifax County started looking at some type of master plan for these things because the more it is left on an ad hoc reactionary basis, the more the county is going to find itself in this continuing concern about capital budgets. He said he does not think it is appropriate for the municipality to continue in the vein for the coming ten or fifteen years. He said in the Herring Cove area the county has designated a water service district and it is his understanding that that area will be serviced out of the Halifax water supply system through a flow meter that the municipality has put in those lines. He said, to him, this points out that the municipality must be prepared to extend water services in areas using the services of a non resident water utility where the purpose is of extending those waters. He asked if Halifax County can be prepared to have a water service district designated in Herring Cove through the services of the Halifax water utility, and it has been designated with very little discussion with the Halifax water utility, why was the same exercise not carried out in the Eastern section of the municipality, particularly Cole Harbour areas.

Mayor Lichter said the last part of the document indicates quite clearly, not the same arrangement as Herring Cove, but the same arrangement that is in this document that that is the kind of approach that must be undertaken with the Dartmouth water utility.

Councillor Cooper said he would suggest that it is different because Halifax County has designated that water service area through Halifax County's water utility on their own initiative without going with the Halifax water utility and if it can be done in one area of the municipality, it can be done in all areas of the municipality. If the water utility of Halifax County is prepared to go in areas such as Herring Cove, designate districts as water service districts without the general agreement and discussion with the water utility in the area, then it can do it in all areas. He said Halifax County should be prepared to say "these will be the water service districts Halifax County requires" and the county should be going to Dartmouth and saying "can you service these areas and, if you can't, then maybe we should be looking at taking over the utilities in that area".

Mr. Meech said Halifax County is going to proceed to develop the necessary information base and develop what the county believes should be the water service districts and then use that as part of the county's input to the negotiations with the City of Dartmouth.

He said he has not yet received a response from Dartmouth to a request asking them if they would jointly sit down and start examining the future expansion of the water utility. He said the difference between the Halifax situation and the Dartmouth situation is that at least with regard to the Halifax situation the county has an agreement which says it has access to "x" amount of gallons of capacity. He said to his knowledge, Halifax County does not have that in existence with regard to the Dartmouth water utility. He said this would be one of the things that would be dealt with through the negotiations. He said it is the intention to develop the county's information base and what the county believes those water service district boundaries should be. He said this will be done unilaterally and then inputting that as part of the proposal to the City of Dartmouth.

Councillor Cooper asked what kind of a time frame was being looked at.

Mr. Meech said he did not have this information at the present time. He said he will give an indication at the next council session as to when the county will be in a position to have those boundaries presented.

Councillor Cooper asked if there was an agreement in place between the county and Dartmouth.

Mr. Meech said his understanding is that there is some form of an agreement.

Councillor Cooper said through research he said it seems to indicate that the agreement said that it shall be the right of the City of Dartmouth water utility to service the areas in the municipality but not the responsibility to do so. He said this implies that they can if they want but they don't necessarily have to. He said if this is the case the municipality has fallen short in ensuring that there is ways to provide the service to residents in the municipality that need it. He said he would like to see that agreement.

Mr. Meech said that over and above any agreement that is in existence water utility's such as the Dartmouth utility are regulated by the Nova Scotia Utility Review Board. He said they have authority that may go beyond what is covered in the specific agreement.

Councillor Cooper asked if it would be possible for the municipality, if Dartmouth determines that because of their antiquated system they are unable to provide the supplies, flows and pressure that might be required, to consider establishing it's own section of water utility in the Eastern area of the municipality.

Mr. Meech said this has been discussed in the past and the key issue to be focused on is the water supply and what arrangements the county could come to with Dartmouth in terms of taking ownership of the transmission and distribution mains that are within Halifax County jurisdiction. He said there was an assessment done of existing water utility's on the basis of whether or not there was some merit in looking at a regional water supply and distribution. He said it is his understanding that this will be finalized shortly.

Councillor Cooper said he feels there should be one basic service for water supply in all the cities and the municipality as needed in those areas. He said he feels enough time has not been spent regarding those extra infrastructures, basically recreation, transportation, etc. and he feels the county should be making that a part of some type of capital master plan for the municipalities. He said he feels the water service districts must be designed for all the areas of the municipality that are in need of them and the priorities adhere to the policy that had been determined by council in the past. He said priority A has to be for those areas that have the biggest health problems over extending to unapproved new developments.

APPOINTMENT - BOARD OF MANAGEMENT - VON, DARTMOUTH

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

"THAT HELEN HEMSWORTH BE APPOINTED TO THE BOARD OF MANAGEMENT, VON, DARTMOUTH"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

BEAVERBANK SERVICING

Mr. Meech said this is included as a project in the capital program. He said he can bring a report to next council session that can show what the total cost is and how it could be phased in for "x" number of years.

DATE - MINOR VARIANCE APPEAL

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

"THAT OCTOBER 5, 7:00 P.M. BE DATE AND TIME SET FOR MINOR VARIANCE APPEAL"

MOTION CARRIED

COMMITTEE OF THE WHOLE RECOMMENDATION

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

"THAT COUNCIL ENDORSE RECOMMENDATION #37 OF THE MAY 1993 SHUBENACADIE LAKES PLANNING/POLLUTION CONTROL STUDY AND THAT APPROPRIATE GOVERNMENT DEPARTMENT, UNIVERSITIES AND INDUSTRY ASSOCIATIONS BE INFORMED AND REQUESTED TO SUPPORT THIS INITIATIVE THROUGH THE PROVISION OF TECHNICAL AND FINANCIAL SUPPORT"

MOTION CARRIED

CORRESPONDENCE RE: DARTMOUTH FERRY AMALGAMATION

Mayor Lichter said he wanted to point out that Metro Authority asked the CAO's to get together and try to come to an agreement. He said the COA's have met and there is a recommendation that will be going to the Authority.

FCM FEDERAL ELECTION STRATEGY

Mayor Lichter said at the last Board meeting of the directors of FCM the Federal Election Strategy was hammered out and the schedule of events as appears on the handout is what has been agreed to. In order to meet with that agenda he has three resolutions he wishes council to consider.

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

"THAT THE RESOLUTION "MUNICIPAL INFRASTRUCTURE" BE APPROVED"

MOTION CARRIED

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

"THAT THE RESOLUTION "GRANTS IN-LIEU-OF TAXES" BE APPROVED"

MOTION CARRIED

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

"THAT THE RESOLUTION "SOCIAL HOUSING" BE APPROVED"

MOTION CARRIED

Mayor Lichter said he will be informing FCM that council has passed

these resolutions. He said he will be contacting all candidates for Federal election to try and arrange a meeting to explain the meaning of those resolutions from both the FCM and council's perspective.

DANGEROUS AND UNSIGHTLY SHIP - COUNCILLOR SMILEY

Councillor Smiley said the Arctic Trader has been an eyesore at the Eastern Shore wharf in Sheet Harbour since early spring. It has been visibly polluting the area and the community for several months. She said it has just suffered it's second fire and is a smouldering, floating, blackened mass of ash and peeling paint. She said that four volunteer firemen of the Sheet Harbour department were tried to bring the fire under control. She said the heat was so intense that it was melting face masks. She said the chief ordered his men out of the area and immediately after leaving the area there occurred a back draft type of flash fire which could have resulted in a loss of life. She said the fire was set by a twelve year old. She said the ship is only twenty five feet away from a home. She said the wharf is in a basically residential area. The elementary and high school are just a few hundred feet away. There are toxins being emitted from the smouldering ship. The remnants of fuel oil, toxins, and tinder dry wood is ready to ignite at any time. She said she has been in contact with the Coast Guard who say they are negotiating with the RCMP and with the Department of Justice. She said the message she is receiving is that they are all going by the book. They know who the owners are and they know that the ship, for all intents and purposes, is abandoned. It is a danger to the community and it is felt that there is enough evidence for the Department of Justice to proceed to have this ship removed from East River.

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

"THAT A LETTER BE WRITTEN, WITH A COPY TO THE COAST GUARD AND THE LOCAL MLA, TO THE DEPARTMENT OF JUSTICE ASKING FOR IMMEDIATE ACTION TO BE TAKEN ON THE REMOVAL OF THIS SHIP FROM THE EAST RIVER WHARF IN SHEET HARBOUR"

MOTION CARRIEDTRANSPORTATION - COUNCILLOR GIFFIN

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING PAVING OF THE COX LAKE ROAD UNDER THE FIFTEEN YEAR PROGRAM"

MOTION CARRIED

CROSSWALK, BOUTILIER'S POINT - COUNCILLOR MEADE

It was moved by Councillor Meade, seconded by Councillor

"THAT A LETTER BE WRITTEN, WITH COPY TO THE HONOURABLE JIM BARKHOUSE, TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THEY INVESTIGATE WHETHER A CROSSWALK IS WARRANTED AT THE CORNER OF BOUTILIER'S POINT ROAD AND THE NO. 3"

MOTION CARRIED

CROSSWALK - COUNCILLOR RANKIN

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

"GIVEN THE EVER INCREASING VOLUME IN VEHICULAR TRAFFIC ON THE NO. 3 HIGHWAY THROUGH BEECHVILLE, LAKESIDE AND TIMBERLEA, COMBINED WITH THE PEDESTRIAN TRAFFIC PARTICULARLY IN THE AREA OF THE APARTMENT BUILDINGS AND POST OFFICE IN LAKESIDE COUNCIL REQUEST THE DEPARTMENT OF TRANSPORTATION GIVE CONSIDERATION TO THE INSTALLATION OF A CROSSWALK IN THIS AREA. FURTHER A COPY OF THE LETTER BE SENT TO BRUCE HOLLAND, MLA AND SHELLY LEAMAN, 1419 ST. MARGARET'S BAY ROAD, APT. #302"

MOTION CARRIED

CANADA MORTGAGE AND HOUSING - COUNCILLOR HENDSBEE

Councillor Hendsbee said that it is his understanding that prior to him being elected to council there may have been correspondence expressing concern with regards to the cuts in funding to various social housing programs. He said it is his understanding that in the office that serves his area and the other eastern shore districts only twelve loans were processed with approximately 57 other applications on a waiting list.

It was moved by Councillor Hendsbee, seconded by Deputy Mayor Bates:

"THAT A LETTER BE WRITTEN TO THE MANAGER OF CANADA MORTGAGE AND HOUSING, WITH A COPY TO THE MP'S AND CANDIDATES IN THE FEDERAL ELECTION, SHOWING HALIFAX COUNTY'S CONCERN ABOUT THESE PROGRAM CUTS IN SOCIAL HOUSING"

Mayor Lichter said the clerk has written on these program cutbacks several times and UNSM has passed resolutions.

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT COUNCIL RATIFY THE APPROVED DISTRICT CAPITAL GRANTS"

MOTION CARRIED

URGENT AGENDA ITEMS

Crosswalk - Councillor Mitchell

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING A CROSSWALK IN THE PROSPECT BAY AREA DOWN BY THE MYLES SUBDIVISION AND ONE IN THE BAYSIDE AREA BY THE BUS STOP BY THE INTERSECTION BY FADER'S ROAD"

MOTION CARRIED

Department of Transportation - Councillor Rankin

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

"GIVEN THE EVER INCREASING VOLUME OF VEHICULAR TRAFFIC IN THE GREENWOOD HEIGHTS SUBDIVISION COMBINED WITH THE AMOUNT OF PEDESTRIAN TRAFFIC ESPECIALLY WALKING ELEMENTARY SCHOOL CHILDREN IN THE AREA OF THE INTERSECTION OF BRENTWOOD/EISENHAUER, COUNCIL REQUEST THE DEPARTMENT OF TRANSPORTATION GIVE CONSIDERATION TO THE INSTALLATION OF A 3 WAY STOP SIGN AT THIS INTERSECTION. FURTHER A COPY BE SENT TO BRUCE HOLLAND, MLA AND JANET BEAUCHAMP, 78 BRENTWOOD AVE., TIMBERLEA, B3T 1E5"

MOTION CARRIED

Bus Turning in Mushaboom - Councillor Smiley

Councillor Smiley said she has had several calls from concerned parents and many calls from individuals employed by the School Board. She said recently a physically challenged student started using his wheelchair for the first time and the new accessible school bus picks him up. He has to board the bus from his home side of the road so when the bus travels East to pass his home it must turn and back track. The place that has been chosen for the turn is the Mushaboom Road. This new bus is three feet longer than the usual bus and it's a standard operating vehicle. Serious concerns have been raised by the community and others about this site as a turning point. She said it is at the base of a large

hill and slight turn where there have been fatalities. She said this stop should be reevaluated because there is a lot of concern.

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

"THAT A LETTER BE WRITTEN, WITH A COPY TO THE MLA FOR THE AREA AND THE SHEET HARBOUR BOARD OF TRADE, TO THE SCHOOL BOARD ASKING THAT THE MUSHABOOM TURNING POINT FOR THE ACCESSIBLE SCHOOL BUS BE REEVALUATED AS SOON AS POSSIBLE"

MOTION CARRIED

ADDITION OF ITEMS TO THE NEXT COUNCIL SESSION

Department of Education - Councillor Giffin

Federal Department of Indian Affairs - Councillor Giffin

DOT - Councillor Rankin

ADJOURNMENT

It was moved by Councillor Peters:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

September 13, 1993

PRESENT WERE: Deputy Mayor Bates, Chairman
Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Ball
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Merrigan
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
Fred Crooks, Municipal Solicitor
Julia Horncastle, Recording Secretary

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The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Reinhardt called roll.

PA-PD5-18-92 & ZA-PD5-18-92 - APPLICATION BY LOWELL PERRY TO RE-DESIGNATE AND REZONE A PARCEL OF LAND ON THE HERRING COVE ROAD FROM CONSERVATION TO RESIDENTIAL

Deputy Mayor Bates outlined the procedure followed for a public hearing.

Paul Morgan, Planning and Development, presented the staff report. He said Mr. Perry owns a parcel of property on the Herring Cove Road in Planning District 5. He said the property is located on the Eastern side of the road leading out of Halifax. The land is a 6.2 acre parcel. Mr. Perry has requested amendments to the Planning Strategy and Land Use By-law for district 5 to allow for residential development. Mr. Morgan said this is not permitted under the current policies as the lands are designated and zoned conservation.

He said Mr. Perry's intention is to develop this property as three lots (each being approximately 2 acres in size) with single unit dwellings. He said Mr. Perry has submitted a final plan of subdivision. He said Mr. Perry acquired this property from the Department of Natural Resources as part of a land compensation package - he had owned property in the Town of Bedford along the

Sackville River. He had obtained permits to develop a motel on the site and there was some concern, in the town, that these lands were in the Sackville River Flood Plain. As a result, the Province reached an agreement with Mr. Perry to acquire the lands in the town in exchange for compensation of money and/or lands. This land in Herring Cove is part of the compensation package. Mr. Morgan said that the transaction has been completed but, at the time of the staff report, the transfer was still being negotiated.

He said the properties are designated for conservation uses under the Planning Strategy and, in fact, almost 50% of district 5 is designated as such. The designation has been applied to Crown holdings which, according to the Planning Strategy, comprise the largest free lease holdings owned by the Province. He said these lands do not have much potential for forestry or resource exploitation and generally the soil covers are quite shallow. He said the community has applied this designation and conservation zoning under the Land Use By-law to promote maintaining these lands for conservation and possible recreational uses. He said there are provisions to allow for land exchange, within this district, between private land owners and the Crown that would not require an amendment to the Planning Strategy. Since the land exchange is taking place within the Town of Bedford, there is no provision in the policies to consider an exchange as such. This is why a plan amendment is required.

He said the extent of these lands are such that they do not comprise a significant portion of the land holding. He said the crown holdings, on the other side of the road, extend to district 4. He said these lands are not home to any wildlife that is considered endangered or would not pose any risk to wildlife habitat. He said these lands could be used for a view plain of Halifax harbour. He proceeded to show council slides of the area in question. He said, with respect to the conservation designation, staff does not believe the loss of these lands would be significant. He said the proposal is consistent with development along the Herring Cove Road.

He said the main objection has come from the Department of National Defence because at their training school. He said the training school frequently involves the emission of diesel fuel to simulate smoke conditions. He said the facility is to train personnel as well as local fire fighters. He said they are concerned that on occasion, depending on the wind conditions, people on this property may be adversely affected by the smoke. He said the department has stated there would be no danger to health but pose more of a nuisance. He said the three property owners from the Holystone Subdivision were contacted and asked for their opinions. He said there was some indication that they were bothered on occasion and at times it was unpleasant enough that they could not go outdoors. Sometimes there was also a thin film left on the cars. He said it does not appear to be on a consistent basis. He said the

department advised that it would be most severe if there was a temperature inversion. He said they have advised that if they see the smoke plume crossing the Purcell's Cove Road, they will cease operation.

He said, if the winds were blowing from the North, it is difficult to estimate how often this would be occurring. He said, based on the opinions of the residents, it would appear that, although it might be a nuisance at time, it would not be enough to preclude development of this site. He said he would advise that the department has specifically requested that their correspondence be made available to council and thus it was attached to the staff report. He said the loss of this land for conservation uses would not be significant. Residential development, in terms of surrounding uses, would seem consistent. He said the nuisance effect would not appear to be substantial enough to preclude the possibility of this development. He said, if council chooses to accept this recommendation, the necessary amendments are identified in Appendix A and B of the staff report. He said this would be redesignating this property from conservation to residential and rezoning it from conservation to R1 (single unit dwelling) zone.

QUESTIONS FROM COUNCIL

Councillor Taylor asked if this proposed development or the Holystone Subdivision was closer to the Department of National Defense property.

Mr. Morgan said the proposed 6.2 acres would be closer.

Councillor Sutherland asked if any serious consideration has been given to the view plains in district 5 MPS.

Mr. Morgan said not specifically although under the policies for the conservation designation there is a designation whereby the municipality would work with the province and the Department of Natural Resource towards coming up with a master plan for these lands. He said this has not occurred up to this point.

Councillor McInroy asked why the Department of National Defence would discontinue operations if the smoke plume crosses Purcell's Cove Road. He asked if there were dwellings on the other side of the road opposite this site.

Mr. Morgan said he is not aware of any. He said if the winds are blowing in a Southerly direction, the smoke would be blowing towards the Herring Cove area. He said the village of Herring Cove is approximately a mile or two towards the South. He said, in the past, the department said they did receive complaints on a more frequent basis. He said Halifax County staff is not aware of any in recent years. He said it is his understanding that in the past they used tear gas on the site to simulate riot training

conditions. He said this has since been discontinued. He said at the present time the effects would be that of stove oil smoke.

Councillor McInroy said it causes him some concern when the Department of National Defence writes to staff and then being aware of staff's recommendation, contrary to it's wishes, asks every councillor be fully aware of exactly what you are being asked to approve. He said under a different circumstance councillors were warned about a problem that would arise as a result of approval of a subdivision. He said he is not comfortable with the survey, its results, etc. He said he would be reluctant to approve. He asked if these lands were available, in terms of the compensation swap, subject to zoning or are they now in the ownership of the applicant.

Mr. Morgan confirmed that they are in the ownership of Mr. Perry. He said during the initial stages staff did make Mr. Perry and the Department of Natural Resources very aware that any development on this site would require a plan amendment and Halifax County could not offer any guarantees that the approval would be forthcoming. He said he understands that Mr. Perry is going to be a resident on one of the properties.

Councillor McInroy said the gentlemen could pass away a week after he moves in, decide to sell because his personal circumstances could change and therefore there is no guarantee. He said he does not feel it should impact on councils decision the fact that Mr. Perry intends to live on that site.

SPEAKERS IN FAVOUR

Mr. Lowell Perry, 2 Winston Drive, Churchill Estates, spoke in favour of the application. He said there seems to be concern with regards to the smoke from the training school. He said he received report from the weather office in Bedford as to which direction the wind blows and how often and frequently it blows from that direction down over this land. He said it goes down 7% of the time. He said the fires only last for three or four minutes. He said the smoke puffs are very infrequent and only 7% of the time is the wind blowing from the North and thus over this property. The fallout that is experienced is negligible. He said there are homes in the area presently and the smoke does not cause him any concern. He said, if this application is approved, the other two lots have been purchased. He said the purchaser is cognisant of this. He said the facility is shut down if the wind is blowing from the East out over the Purcell's Cove Road because they are afraid the smoke will interfere with traffic flow. He said the school is about one half mile up the road, uphill from this and down in a bit of a depression. He said there is a valley leading East towards the harbour thus the winds carry the bulk of the smoke out over the harbour. He said the smoke would have to come uphill from the North and have an inversion in order to force that smoke down on

the land in question.

QUESTIONS FROM COUNCIL

Councillor Harvey said the survey that was taken indicates that the people were disturbed approximately twice a month.

Mr. Perry said he does not feel that it is a serious situation not based on his reports from the weather office and his observations on site.

Councillor Harvey asked if he thought the purchasers of the lots would be prepared to sign some kind of a waiver that they would never complain to the municipality or seek any kind of compensation or redress or the closing down of the DND property.

Mr. Perry said he was prepared to do this.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT COUNCIL APPROVE STAFF'S RECOMMENDATION AND APPENDIX
"A" OF THE STAFF REPORT"

MOTION CARRIED

15 IN FAVOUR

2 AGAINST

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

"THAT COUNCIL APPROVE APPENDIX "B" OF THE STAFF REPORT"

MOTION CARRIED

15 IN FAVOUR

2 AGAINST

ADJOURNMENT

It was moved Councillor Ball, seconded by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

September 20, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Fralick
Councillor Mitchell
Deputy Mayor Bates
Councillor Hendsbee
Councillor Peters
Councillor Merrigan
Councillor Giffin
Councillor Barnet
Councillor Harvey
Councillor Sutherland
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Dale Reinhardt, Acting Municipal Clerk
Julia Horncastle, Recording Secretary

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Mayor Lichter called the meeting to order at 6:00 p.m. He welcomed Mr. Bill Butler, Planning and Development, Mr. Jim Ross and Mr. Tom Mills.

Mr. Butler said tonight's discussion is the culmination of a project which began five years ago by council resolution of September, 1988. He said it is the end of the completion of a project established by that resolution, it is also the beginning of another process of implementation.

The protection of the Shubenacadie Lakes system is one of the major objectives that is present within the Districts 14 and 17 Municipal Planning Strategy. The study has concluded that all development activities within that particular watershed should occur within a management framework which emphasises the maintenance of the water quality and quantity of that lake system. He said there is no overall structure or strategy for watershed management in Nova Scotia. The instigating factor which led to this project was a proposal to install central municipal sewer in the Lockview/Macpherson Road area of Fall River. That proposal was to consist of a secondary treatment system. Concern was expressed with regards to the possible impacts of the treatment plant on the water system. As a result of that concern, council approved a resolution directing the CAO to devise a long term strategy for the area which established specific community and regional objectives for maintaining the water system. Consultation with community groups was a very important part of that resolution.

A meeting was called with the Ratepayers of the two districts to

discuss the issue of water quality and to get their ideas on how best to approach the project. As a result of that meeting, terms of reference, for the project, were developed and it was decided to take a Task Force approach to oversee the project.

Following the motion of September, 1988 funding was secured for the study. Beginning in the spring of 1990 and completing in the spring of 1991 Phase I, of the study, was completed. Phase I was basically intended to provide the base line water quality data that was needed to proceed to establish some kind of a management strategy. Phase I, through computer modelling exercise, looked at some alternative development strategies to try to determine what effects some of these alternative development scenarios might have on the lake water quality. Following the completion of Phase I in September of 1991, the Task Force held a series of three community meetings to present the results of Phase I as well as to receive community input relative to water quality objectives.

Phase II began in November, 1991 and completed in the spring of 1993. Following Phase II a series of public meetings were held to present the results and to receive public response. He said all lakes have a natural aging process. He said in a lake far away from any human habitation, this process can take thousands of years but in an area where there is habitation this process can be significantly accelerated. A watershed management process is basically intended to control that aging process.

He said each lake within the Shubenacadie Lake system has the capacity to absorb these contaminants. One of the most important of those is phosphorus which creates nutrients in the lake which in turn absorbs oxygen and leaves to increased plant growth. The alternative development strategies which were looked at in both Phases I and II primarily focused on phosphorus as a base line contaminant and what effect alternative development strategies would have relative to the introduction of phosphorus to the lakes system.

The Phase II study established the 1990 levels as the levels that we should strive to maintain. The residents felt that the existing state of the lake was what should be maintained and therefore the 1990 levels of these contaminants were the objectives. The study recognized that because contamination is a function of existing activities as well as new development 1990 objectives could not be achieved right away. A ten year time was established within which time it was hoped that the necessary changes to existing development and activities could be instituted.

Mr. Tom Mills spoke to council. He said when he first became aware of the phase 1 study he went to one of the public meetings. As a result of that meeting, he was asked by Councillor Peters if he would join the task force. He said as a result of questionnaires to the residents after the phase 1 presentations it was clear that

the majority have labelled their first concern the maintaining of drinking water quality in these lakes. That was followed by water contact sports. He said another questionnaire was sent out at the end of phase 2 and the questions asked were basically was whether the property had water frontage, how they used the lakes, have the lakes changed and if the lake was used for drinking, which ones. He said even though it has not been broken down by percentage, it is clear that approximately 37% of the people that answered the questionnaire are saying they have water frontage and also obtain their drinking water from that water frontage. He said there is the potential for significant amounts of mercury, arsenic and lead to get into the water. He said these are presently found in the sediments which do not present a problem chemically. He said as the lakes get more acidic the water column can pick up some of these minerals. He said the cost of preventing a problem is going to be much less than the cost of curing it if it is allowed to happen.

He said prevention can be done in many ways and with many costs. Planning controls and proper engineering of future allows for some flexibility in the approach to the problem. He said once the process has proceeded and the controls don't exist the methods to cure the problem are likely to be limited. These limited choices are what will increase the costs. He said it is time to involve the community as a whole and to make them aware of what is happening and how they can be part of the solution even in the way they go about their normal activities of landscaping, building, controlling water runoff and maintenance of their septic systems etc. He said it is necessary to organize a group and get public participation in a group to carry that forward. He said it needs support from the municipality to show the municipality is interested in maintaining the water quality and maintaining this area as a desirable place to live. He said they have come to council to ask for endorsement on one of the recommendations of the report. He said the recommendation will ensure that further organizational activity is arranged and that the public can then participate knowing they are not going to be fighting with the municipality and other levels but will be part of a board which they can participate with.

Mr. Butler said Phase II has 39 specific recommendations. Those recommendations provide the framework for a management strategy which would ensure the long term integrity of the Shubenacadie Lakes System. The recommendations involve not only dealing with existing problems or issues, but also making regulatory changes in looking at dealing with new development in new ways. He said the study calls for better information than what is presently available. He said public education is a very important part of the management strategy. He said the recommended management strategy would involve a cooperative relationship involving government, industry and universities as well as the communities under the leadership of Halifax County. He said at this meeting is

to formally ask council to ratify recommendation #37 of the study which basically would provide council's support to the ongoing process of implementation through a community based approach. He said if this was approved by council, staff would follow up by initiating a meeting(s) to get this community organization off the ground. He said they would also forward letters to various government departments and agencies asking for their support to this ongoing management strategy both in terms of technical support from staff members and perhaps through monetary means at some future point.

Mayor Lichter asked if the report was referring to provincial or federal government.

Mr. Butler said it was referring to both.

Mayor Lichter asked if the recommendation was talking about financial support.

Mr. Butler said there is a possibility but the initial letters will not be looking for a firm answer. At some point in the future all may be approached for some financial support.

Councillor Peters said she would like to thank all the volunteers that were on the board and the task force and Tom Mills for the work put into this. She said she does not think these two reports should die on the shelf. She said the hours spent and the interest in the community has indicated that Halifax County must move forward with this and act on these recommendations even though they will take time. She said she is asking for the support of council on this resolution which would include staff taking an active participation. She said an advisory council could be formed.

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

"THAT COUNCIL ENDORSE RECOMMENDATION #37 OF THE MAY 1993 SHUBENACADIE LAKES PLANNING/POLLUTION CONTROL STUDY AND THAT APPROPRIATE GOVERNMENT DEPARTMENTS, UNIVERSITIES AND INDUSTRY ASSOCIATIONS BE INFORMED AND REQUESTED TO SUPPORT THIS INITIATIVE THROUGH THE PROVISION OF TECHNICAL AND FINANCIAL SUPPORT"

Councillor Cooper said he feels with proper management systems such as this can provide the where with all for recreation and also to support life in drinking water and other systems. He said he feels this is a good step and council should endorse it.

Deputy Mayor Bates asked if there were any financial implications.

Mayor Lichter said at this time it is his understanding that there is nothing other than staff involvement and advertising. Later on if there are financial implications it would have to come back for

council approval.

Mr. Butler said that it is well understood that council is not necessarily committing itself to any particular amount of money. He said there are implications in some of the recommendations, should the community group seek to implement specific ones, that they may be back to council looking for financial resources or perhaps even by-law amendments.

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

MINUTES & REPORTS
OF THE
SECOND YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
OCTOBER COUNCIL SESSION
TUESDAY, OCTOBER 5 & 19, 1993

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COUNCIL SESSION

October 5, 1993

PRESENT WERE: Mayor Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Ball
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, CAO
Dale Reinhardt, Acting Municipal Clerk
Fred Crooks, Municipal Solicitor

=====
The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Reinhardt called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE SEPTEMBER 13, 1993 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Armoian Group requesting an opportunity to address council regarding amendments to the Caldwell Road Service By-law.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter said he had discussed the issue with Mr. Meech and the solicitor and as the Second and Third Reading will not take place at this meeting, they are recommending that the Executive Committee deal with this request. He said there is a letter, from Phillip W. Reid, which came to him, requesting that the date he wished to speak to council be changed from this meeting to the October 19th council session.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT LETTER FROM THE ARMOYAN GROUP BE REFERRED TO THE EXECUTIVE COMMITTEE WITH THE UNDERSTANDING THAT THEY WOULD NOT BE PRECLUDED FROM MAKING A PRESENTATION ON OCTOBER 19, 1993"

Councillor McInroy said it is his understanding, assuming that the Executive Committee will be dealing with it at its next meeting, this would be prior to this issue coming before council again. He said he would also like to make sure that this referral to the Executive Committee wouldn't preclude the possibility of some representation being made, on October 19th, to the whole council.

Mayor Lichter said it would still be necessary to have them come before council and then it would be up to council to decide at that time.

Councillor McInroy said he was making his motion with that understanding.

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

Mayor Lichter said the letter concerns an issue from the Armoyan Group. They request an opportunity to present their proposal to council and to allow council to determine if the proposal is consistent with current policies. Mayor Lichter said he has discussed the issue with a representative of the Armoyan Group, Mr. Meech and the solicitor and it is now up to council to decide whether they would permit someone from the Armoyan Group to make a presentation. He said he would also bring to the attention of council the report from the Engineering and Works department concerning this issue.

Council agreed to hear the presentation.

Mr. Barry Zwicker, Wallace MacDonald Lively, representative of the Armoyan Group made the presentation.

QUESTIONS FROM COUNCIL

Councillor Merrigan asked if you put an eight foot berm with pipes and it snows and freezes it will not take long before that pipe is under water and ice and is frozen up what will it do to the berm if the pipe is frozen. He said it can and may work if the county is in a position to go around and clean out these detention ponds to keep them clear.

Mr. Zwicker said the water will rise, within that berm, to the top of the berm and there are two possible recourses, flooding further up the lot for a short distance and the other possibility is over the top spillage. He said the over the top spillage is another method of designing these detention facilities so that they will spill over the top. He said this is another way of getting your flow rate. He said there is a level of maintenance required as well for such times as, in the fall, when the leaves drop. He said also when there are winter ice up situations it would be a responsible thing to go out and clear those. He said there is a certain amount of holding capacity in that facility with the pipe closed.

Councillor Merrigan said if that pipe floods there will be flows on the adjacent property.

Mr. Zwicker said it would depend on the rate of the flow that is going over the berm and there would have to be some proof that that rate is higher than what the twelve inch pipe would permit in the first place. He said there is not a clear situation on whether there is anything legal or illegal about it.

Councillor Hendsbee asked if there was any anticipation of when Mr. Haverstock plans to develop the lower lands.

Mr. Armoyan said that land is part of an estate. He said there are approximately eight beneficiaries and there is a problem in getting permission from the trustees of the estate.

Councillor Hendsbee asked how temporary might this facility be. He asked what happened if there is a 1 in 100 year storm and this washes out and causes damage to adjacent lands. He asked who would be responsible or liable if it is under municipal ownership.

Mr. Zwicker said the criteria that is used for the design is 1 in 5 year storms. He said there has to be some consideration given to storms in terms of where that water hits but when there is a 1 in 100 year storm there will not be many systems, anywhere, that is going to handle those systems. He said the design would be to keep them in as natural direction and course as possible.

Councillor Hendsbee asked if any recreational lands been dedicated to the county or has it been 5% cash value. He said there may be an opportunity where dedication of a land parcel could incorporate one of these retention areas as part of the recreation lands for the subdivision plan.

Mr. Armoyan said the parkland will be dedicated when they receive final endorsement and approval. He said the parcel of land dedicated would be negotiated with the recreation department.

Councillor Boutilier asked Mr. Zwicker if permission had been obtained from DOT would they still require the consent of the municipality. He asked if the municipality would still have to agree to operate the facility if the permission had been received. He asked if permission had been received from all down stream land owners would Halifax County be involved.

Mr. Armoyan said there would have been no problems.

Councillor Boutilier said Mr. Zwicker had indicated that the two temporary retention facilities could be eliminated or taken out completely. He asked how this could be done. He said if a development is done you have those two ponds but if you remove those two ponds you are still going to allow for the increased flow or drainage of the water onto someone else's property. He said they would then, in turn, pick up that excess amount of flow and also deal with their own water flow. He said, from his point of view, he does not see how you could remove it altogether.

Mr. Zwicker said the point he was making was that it is the responsibility of every downstream landowner/developer to design their storm water systems to accommodate the upstream flow assuming it is developed. He said this is assuming the higher rate. In the system that is within St. George Blvd. the system is designed to handle the water and the rate of runoff about 50% of which is not owned by the Armoyan Group. He said the flow that is anticipated

off of this land has to be designed into this. The same holds true for the Haverstocks or whoever ultimately develops the land.

Councillor Boutilier said he did not understand how you could remove the detention ponds and then subsequently another developer would have to come in and design some system that would be able to handle the additional flow. He asked how many landowners were involved.

Mr. Zwicker said there was just the one, the estate of Mr. Haverstock.

Councillor Sutherland asked if there was any comment from either the Engineering staff of the municipality or the Department of Transportation in reference to the actual design of the detention pond and facility and did they make any recommendations for change in what was proposed.

Mr. Arroyan said the Department of Transportation and Environment says it works and will do the job.

Councillor Sutherland said considering this is an unusual set of circumstances for the municipality, he asked if the Arroyan Group be prepared to enter into a legal agreement with the municipality to protect against liability and/or maintenance etc.

Mr. Arroyan said they had offered money for maintenance because the engineering department had indicated that they do not have the resources to be able to handle it. He said they had said they would be willing to contribute for approximately five years to cover whatever the cost of maintaining it would be. He said they would pay that money up front.

Councillor Ball asked Mr. Sheppard on the engineering schematics and design on what the system is designed to do, forgetting the policy, if he has any problem with the system. Can the system do what it is designed to do.

Mr. Sheppard said storm water management and the calculation of storm drainage flows is an inexact science. He said in the context that this is the accepted norm, he is comfortable with the work that is proposed. He said it puts Halifax County in a position of accepting those calculations and in the event there is a problem in the future, he would be concerned because Halifax County is faced with a situation where it will be discharging those flows based on calculations of the down stream land and there is no natural watercourse there. He said Halifax County is potentially exposing itself.

Councillor Ball asked him to confirm that water does drain there today.

Mr. Sheppard said there is no doubt. He said he has not looked at the plans and calculations in detail. He said he had indicated, at PAC, that if council should decide "yes this is the way to go", then it would have to be looked at more closely.

Councillor Ball asked Mr. Sheppard, in his opinion, if Halifax County was to accept it, how much would it cost to maintain the system on a yearly basis.

Mr. Sheppard said not very much but he is more concerned with the potential that this approval, if given, would give in terms of other such facilities across the county of Halifax. He said, at the present time, he does not know of any other areas such as this outside the serviceable boundary. He said the whole concept of the serviceable area boundary is to keep your facilities in some kind of manageable area. He said he is concerned that this is going to set a precedent to accept facilities, like this, in many areas across the county.

Councillor Ball asked if it would depend under what conditions it is accepted as to how grave the precedent would be. He said Mr. Armoyan alluded to the fact that there was an attempt, supposedly, that monies were offered to maintain the facility for five years. He asked if it was a fact that they would give a contribution to the municipality, up front, for five years to maintain the facility.

Mr. Sheppard said there will be some maintenance costs and there was an offer made. He said they are more concerned with regards to the potential liability with regards to downstream. He said, if in the future the Haverstock lands are going to develop and if, in fact, there is an opportunity for that pond to be removed, he said he would like to know who is going to ensure that that is going to happen because, at the present time, the county of Halifax has no role in storm water management in the unserved areas. He said this means there is no mechanism at this point in time for that to happen. The second question he would have is who is going to pay the cost to remove and take out of service those retention facilities. He said if it can be covered by bond then that part of it is resolved.

Councillor Merrigan said he feels a policy should be put in place to deal with this.

Mr. Sheppard replied that the Department of Transportation has a policy in place and in his understanding, from them, is that they couldn't justify having it given the range of problems they have had before adopting that policy. He said they were being held responsible for the impact on downstream when they did not have that policy in place.

Deputy Mayor Bates said it seems there are only so many things

Halifax County can ask a developer to do and he said they seem to have done all they can possibly do to carry on with this development. He asked Mr. Sheppard if he concurred with the Department of Transportation that what they are proposing to do will, in fact, from an engineering point of view, will work.

Mr. Sheppard said that based on what he has seen he feels it will work.

Deputy Mayor Bates asked if Halifax County does not give them the go ahead, based on what they are planning to do, what is the alternative. Will they have to stop development because of this 1 in 5 or 1 in 100 years rainfall that naturally falls anyway. He said all this means is that water speeds up because of the work that has gone on in the subdivision. He said it appears when further development goes on downstream new development is going to have to look after it. He said Halifax County has to be reasonable with the developer and asked what the alternative might be if the county does not go along with it.

Mr. Sheppard said, as he understands it, there is no alternative. He said the decision that is made, with regards to this project, will set a precedent that may have serious implications and he said he is not prepared to make that decision on his own. He said the decision that will be made here tonight goes beyond Kingswood.

Deputy Mayor Bates asked if the land that is owned by the estate had been owned by someone else and had given permission, what would happen then, could they go ahead and build.

Mr. Sheppard said that is typically what happens all the time. All the development in the unserviced areas of the county takes place under the scenario where the drainage is being discharged from a new subdivision onto adjacent lands. He said this question has not come before council before because, it is his understanding, developers have always been able to get that permission.

Deputy Mayor Bates said that, in some respects, it seems like the land that the water is going to drain into is being further protected by what they propose to do simply because of the fact that it is owned by an estate and couldn't get the approval.

Mr. Sheppard said this is right but the county of Halifax is not involved in that whatsoever. He said it is an arrangement that was made by the developer and the Department of Transportation.

Councillor Boutilier said he believes the answer is in policy. He said eventually as emphasis shifts in more rural areas, Halifax County is going to be confronted more and more with these types of scenarios. He said, in the meantime, each and every developer that comes before council could go through the same scenario as tonight based on its' merits and do it. He said he feels most importantly

that Halifax County needs a policy developed concerning storm drainage runoff, for the rural areas, if this is going to be a possibility. He said, in the interim, he would suggest Halifax County look at each case that might come forth but certainly, with some haste, begin to develop a policy that will be able to address this just in case it should happen again. He said unless the county is prepared to address it then this developer or another developer will be in the same boat. He said if there is no natural watercourse and you go to develop a piece of property, you can't do something that is satisfactory to either retain it or hold it or do something properly with it then he does not see what recourse the developer would have.

Councillor Brill asked what is done, with regards to this, in other parts of Canada.

Mr. Sheppard said Halifax County has never been confronted with this before and he did not have the answer at the present time.

Councillor McInroy said it seems to him that when Halifax County is faced with a situation like this the county should recognize and acknowledge some of the difficulties that are evident but at the same time should be, if possible, imaginative, flexible and cautious in moving ahead. He said he feels it is not acceptable for the county to do nothing. He said if the county was to pursue, while waiting for the development of some kind of policy, some kind of contractual agreement whereby the municipality would have secured financial commitment up front. He said the agreement would relate to things such as maintenance and the ultimate removal when deemed appropriate, limit to the extent feasible the liability to the municipality. He said limit its' liability relative to the calculation for discharge etc. that Mr. Sheppard has referred to. He said he has concern with regards to the lots that are affected. He said he cannot imagine anyone moving into a dwelling on one of those lots and living there for very long, without calling somebody and wanting that area that continually floods fenced. He said he has concern about reference to 1 in 5 year storms that, from his experience, occurs yearly. He said having those kinds of things dealt with, he does not know if he can appreciate that the developer wouldn't want to give up the potential of marketing those lots that are affected because of potential lost revenue. He said there may be some way to look at subdividing, as a separate lot, remaining in the ownership of the developer those lands that will be subject to flooding. He said he feels there are a lot of things that could be done by way of a contractual arrangement with up front financial commitment secured. He said a policy can be developed. He said if this first one is dealt with on a site specific agreement/arrangement between the developer and the municipality then, if that is a precedent, all it tells him is that the county should undertake to enter into an agreement with some other developer down the road and have specific requirements at that time that might be peculiar to that site. He said he feels an