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1. **CALL TO ORDER**

The meeting was called to order at 6:00 p.m. at Sunnyside Mall, Bedford.

2. **APPROVAL OF MINUTES - FEBRUARY 27, 1997**

MOVED by Councillors Barnet and Kelly to approve the Minutes of meeting held on February 27, 1997 as circulated. MOTION PUT AND PASSED.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Added Items: Letter dated March 18, 1997 from Beaver Bank - Kinsac Soccer Association re fees levied on outdoor athletic facilities

Councillor Barnet: Landfill Funds - Millwood High School
Letter in response to Proposed Seniors Complex - First Lake

Councillor Mitchell: Traffic signalization - Highway #3 and #333
Community Council meetings - once per month instead of twice

It was agreed to deal with the letter dated March 14, 1997 from Sackville Rivers Association from Information Items.

MOVED by Councillors Barnet and Kelly to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **Case 7418 - Application by Chris Johnson, on behalf of Best Beef Steakhouse, for a Development Agreement to permit a Lounge in Tantallon Plaza**

A Staff Report dated January 20, 1997 was before Community Council. Marcus Garnet, Planner advised that this was an application by 3005642 Nova Scotia Limited, also known on an interim basis as Best Beef Steakhouse. As well as this Public Hearing which is limited to land use considerations, there will be a hearing held by the Liquor Licence Board where more general considerations can be raised should Community Council approve the application. The proposed lounge would be associated with the restaurant to be developed in several phases up to a maximum seating area of about 320 seats of which 240 would be devoted to the lounge. The owner could seek permission from the Liquor Licence Board to use all the seats for lounge purposes after 9:00 p.m. and could also obtain permission from the Gaming Control Commission to install video lottery terminals (VLTs). Depending on lounge seats and the VLTs, the lounge could accommodate between four and nine VLTs. The zoning does not permit as of right commercial entertainment uses, which includes lounges, but Community Council can consider such uses by Development Agreement. After going through Policy MU-6 as to appropriateness with regard to land use impact, staff was of the opinion that the proposed lounge satisfies all the criteria because it will be located within an existing large commercial structure, because there is a large parking area with exit and entrance points and because the building is widely separated from other uses by parking areas, service roads and undeveloped land at the back. Staff was, therefore, recommending that Community Council enter into a Development Agreement to permit one lounge occupying up to 4,000 sq. ft. of seating area within the existing main building at Tantallon Plaza subject to the terms and conditions set forth in Appendix "B" of the Staff Report. North West Planning Advisory Committee concurred with the staff recommendation.

Speakers in Favour - None

Speakers in Opposition

Ms. Jennifer Swinemar, noting that a letter faxed to the Clerks Office was not part of the handouts, read the letter she referred to which was undated from Lloyd Swinemar, Big Reds Family Restaurant, Tantallon in opposition.

Personally, she stated that it was difficult to change what has become tolerated by society in terms of alcohol and gambling but there was an opportunity to limit and control it. She asked that Community Council seriously consider the effects the proposal would have on families, local business, the community and society.

Councillor Mitchell asked the location of the Big Reds Family Restaurant. In reply, Ms. Swinemar advised it was in the same plaza with a 70 seat dining room.

Councillor Kelly asked if the issue at hand was the VLTs or the purpose of the lounge. In reply, Ms. Swinemar stated that the primary concern of Lloyd Swinemar was the VLTs.

Councillor Kelly then asked if the Municipality had the right to restrict the areas where VLTs could be used or was it someone else's jurisdiction. In reply, Mr. Allen, the solicitor, stated that the answer was not definitive. The Municipality has certain rights to regulate the use of land but cannot regulate VLTs because the province already regulates in that area. The Municipality can, however, to some extent regulate amusement machines generally and places where they can be located.

Councillor Kelly went on to clarify that because the application was before Community Council, it meant it did not fully meet the zoning criteria. Mr. Allen, in reply, stated it did not meet the as-of-right zoning criteria for a Development Agreement. There would have to be a policy in the Plan that would direct your attention to how much you can regulate.

Ms. Jane Earle stated she owned property zoned R-1 on Map 3 by Stillwater Lake of approximately 12 acres which bordered the shopping centre. As there was already a lounge at the junction of Peggys Cove Road and No. 3 Highway about three miles away, there was no need for an additional lounge. In the area in question, there was a small lane going into 12 properties which was a dangerous turn area and there had been a number of accidents. The proposed lounge would increase traffic. Also, when Mr. Hubley was developing the property, he was clear that there would be no lounge located in the facility.

Councillor Rankin asked if there were any easements or documentation existing relative to a condition on the Deed. In reply, Mr. Garnet advised that someone had mentioned this to him but he could not take this into consideration when looking at the land use merits of the application. It would have to be a matter of civil law.

Councillor Rankin asked, pursuant to the policy, if consideration had been given to traffic volume. In reply, Mr. Garnet advised that staff was satisfied with regard to traffic implications because it would be going into an existing building. If no lounge went in there, someone could still put in a restaurant; therefore, the issue of whether or not the lounge is allowed is an issue related to the as-of-right capability. The building, premises, parking and entrances and exits were designed to accommodate all potential traffic.

Ms. Aileen McCormick asked for clarification as to who was making the application - Longhorn Restaurant, the Wrangler, Best Beef Steakhouse or the numbered company. In reply, Mr. Garnet advised that the official name of the application was 3005642 Nova Scotia Limited.

Ms. Aileen McCormick stated that last year there was a hearing for Two Gulls Restaurant for such things as doubling the size of seating and constructing an outside deck. She referred to hours of operation and asked if once the restaurant closed, would there just be drinking allowed. She asked for consideration of social and economic impacts such as addiction to gambling and alcoholism.

Councillor Rankin asked if it was the view of staff that such matters as VLTs and liquor licences were exclusively under the domain of the province and the Liquor Licence Board and not an appropriate consideration under a Development Agreement. In reply, Mr. Garnet replied it may be regrettable but that was correct.

Mr. Gordon Earle asked at what level these types of concerns could be aired. In reply, Mr. Garnet replied it would be at the point where the applicant has applied for a liquor licence and the Liquor Licence Board would hold a Public Hearing to consider the application. The social and moral issues could be raised at that time.

Rebuttal by Applicant

Mr. Bernie Driscoll, speaking on behalf of Mr. Johnson, advised that Mr. Johnson entered into an agreement and followed all the regulations required. Recommendations came back from staff that the application be approved. This is a matter of free enterprise and competition. As far as the VLTs are concerned, they are within the power of the provincial government. Mr. Johnson has conducted himself as a good businessman in the community and has created jobs. With respect to liquor on the old Hubley property, there was minor hockey going into the arena and there was a lounge in the arena as well.

Mr. Chris Johnson advised that his restaurant had a liquor licence right now and he could stay open as long as he wants. There would be limitations to a lounge licence. He felt that people were getting the wrong impression. There was a big screen TV, mostly for minor hockey tournaments. It was a family restaurant but there were people who came in and did not want to have a meal. In this case, he had to give them free food and that was why he was applying for a lounge licence. There would be no live entertainment. The lounge licence was to serve a beverage without getting a meal. As far as the lounge three miles away, people did not want to drive that far. The house nearest to him was three quarters of a mile away. He pointed out this was the 90's and free enterprise. He was employing 23 people from the local area.

Decision by Council

MOVED by Councillors Rankin and Mitchell that:

- 1. North West Community Council enter into a Development Agreement with Sobey's Leased Properties Limited and 3005642 Nova Scotia Limited, to permit one lounge occupying up to 4000 sq. ft. of seating area (including associated restaurant seating but not including kitchen, washroom and circulation areas) within the existing main building of Tantallon Plaza, subject to the terms and conditions set forth in Appendix B; and**

2. **Require that the agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Rankin stated that the evidence and conclusions brought forward in the Staff Report indicate that the application conforms to the policies and planning and it was important to follow the rules. While there might be private opinions about moral and social issues, it has no place in the consideration of a Development Agreement. This is for another jurisdiction and it would be unfair to penalize this particular applicant in a selective way.

Councillor Mitchell advised that he did not receive any negative comments regarding the application and agreed with Councillor Rankin.

The Chair indicated that the letter from Lloyd Swinemar would form part of the record of the Public Hearing. There was no other correspondence regarding this application.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Application No. ZA-BED-006-96-CR - Application to amend the Bedford Land Use By-law to recognize enviro-depots licenced under the Nova Scotia Environment Act

A Staff Report dated February 25, 1997 was before Community Council. Jacqueline Hamilton, Planner advised that the application has been initiated by the Municipality after inquiries were made from several recycling operators in response to regulations introduced in April, 1996 which required licencing of enviro-depots coinciding with a ban on certain material from the landfill. With the aid of an overhead, she explained what an enviro-depot involves and provided an overview of the proposed changes to the Bedford Land Use By-law. She indicated the site of Eric Burgess who was interested in establishing an enviro-depot which was currently designated commercial which did not permit an enviro-depot. A Public Information Session was held on November 13, 1996 and Planning Advisory Committee had put forward a recommendation to approve the proposed amendments. Staff was recommending approval of the amendments proposed.

Questions from Council

Councillor Harvey pointed out that on Page 14 of the Public Information meeting Minutes, there had been reference made to a Sackville Drive facility which did not seem to be in very good condition. There were two facilities in Sackville and as the one on Sackville Drive was not in poor condition, he did not think this was the one referred to.

Speakers in Favour - None

Speakers in Opposition

Ms. Shirley Towill, Union Street advised she lived right behind Bedford Place Mall where the first recycling depot had been located. She was opposed to the amendments because of noise generated by this type of operation. She had experienced a nightmare when the first depot was behind her home and she did not wish to experience it again. There was never any peace and quiet except on Sundays. She was not able to open her windows or doors in the spring or summer because of the noise or sit on the patio. People dropped off their materials when the depot was closed and also dropped off other materials that were not acceptable which ended up outside the depot which ended up being a mini garbage dump. It was important to note that the former recycling depot was less than one quarter the size of the proposed depot. She had concerns that the Resource Recovery Fund would only be monitoring recyclables coming under its jurisdiction. She could not see how the proposed type of operation could be compatible with R-1 zoned lands and, in her opinion, the location should be an industrial park. Property owners were entitled to the enjoyment of their property and she did not want to see the same situation occur again.

There were no questions from Community Council members.

Mr. Gerard Dugas, owner of a bottle exchange and enviro-depot in Atlantic Acres Industrial Park - Bedford's only enviro-depot - advised that he had looked at a number of properties in Bedford and had to conform with the By-law. His was a new business operating since July, 1996. They were not in the phone book yet and it took a lot of marketing to get the word out. The depots were designed to operate on a population of 10,000 people and were not profitable under that. To allow another depot in Bedford would require approval from Resource Recovery Fund and if another opens, then one would probably close. His location was not really convenient for the central part of Bedford. He did not see any need to change the By-law but might be interested in setting up a sub-depot; however, Bedford was already congested enough in the mall area. He pointed out that land in Bedford was very expensive.

There were no questions from Community Council members.

Ms. Theresa Scratch advised that after Planning Advisory Committee made a recommendation, she contacted Resource Recovery Fund and found that the Fund only

regulates those materials they deal with. If there is a problem with outdoor storage, the licence for an enviro-depot would not restrict it; it would be something that the Municipality would have to deal with through its By-law. She suggested that Bedford have enviro-depots through Development Agreement only.

Councillor Kelly advised that he had expressed concern to staff in this regard and he expected there would be information forthcoming shortly.

Decision by Council

Councillor Kelly advised that he had been approached to consider a particular request and he initially understood it would be site specific and not a general application across the entire District 21. He apologized to the proponent, the community, staff and Community Council for the time put in on the application as there had been a misunderstanding. He stated he did not intend to put an enviro-depot in any area as an as-of-right application. It was important that enviro-depots were placed in the right location, particularly in view of past experiences in the community and important that the residents who may be involved with these operations have the right to be heard.

MOVED by Councillors Kelly and Mitchell to defeat the application at this time and sent it back to staff for further review with respect to Development Agreement only and not as of right across the board in any area of District 21 but in selected areas. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

A letter dated February 26, 1997 from Angela Power Poirier together with a reply to that letter from Mayor Fitzgerald dated March 4, 1997 was before Community Council regarding the Myra's Beach, Blind Bay park issue. It was agreed to receive the correspondence at this time as a Staff Report has not been received as yet.

9.2 Delegations

9.2.1 Water and Sewer Committee - Beaver Bank

Mr. Alan Smith, Chairman of the Water and Sewer Committee, provided information on the Ad Hoc Committee formed under the auspices of the Beaver Bank Community Awareness Association to address the major issue of water and sewer in the Beaver Bank community. He provided historical information on the problems with well and septic dating back as far as 1979, advised the findings from studies that had been carried out which led

to a decision in 1993 to expand the serviceable boundary to Tucker Lake Road. Presently, a cost estimate has been prepared to extend water and sewer to the serviceable boundary and that the trunk will be extended from Majestic to Tucker Lake Road. He was asking for support in obtaining funds to extend the trunk from Majestic to Tucker Lake Road this year followed shortly thereafter by extending services into the subdivisions to solve the pollution and health concerns of Beaver Bank residents. He provided further information on the quality of drinking water in Beaver Bank and septic system problems as well.

Councillor Harvey advised that Mr. Smith's presentation was timely as the capital and operating budgets would be presented to Regional Council on April 8.

With regard to overall costs, Councillor Barnet advised that the entire project would be in the vicinity of \$20 million; however, the next phase was about \$3 million for Majestic Drive to Tucker Lake Road. Cost sharing has not been completely resolved at this time and neither was possible infrastructure funding confirmed. He provided information on the studies, the problems being experienced by individual residents and what initiatives he had undertaken to move the project forward to provide relief. There was no way that the complete project could be undertaken all at once but it could be moved forward in phases but, in his opinion, a year could not be missed in implementing the phases. He requested support from Community Council when budget time arises in order to resolve a large, outstanding health problem.

Councillor Mitchell, on behalf of Community Council, indicated support for the project.

10. **REPORTS**

10.1 **Additional Membership - North West Transit Advisory Committee**

MOVED by Councillors Mitchell and Rankin to appoint Robin West as a representative for District 20 and Gary McAvoy as a representative for District 23 for North West Transit Advisory Committee. MOTION PUT AND PASSED.

Councillor Barnet, because there was still a vacancy on the Transit Advisory Committee for District 19, requested that an advertisement be placed seeking another member when time permits. As well, there is a vacancy for District 22.

10.2 **Appointment of an Area Advisory Committee for the Plan Review Program for Planning Districts 15, 18 and 19 (Beaver Bank, Hammonds Plains and Upper Sackville).**

MOVED by Councillors Barnet and Mitchell to defer this matter to the next Agenda. MOTION PUT AND PASSED.

The Chair pointed out that in the Staff Report dated March 20, 1997, recommendation (c) should be for Electoral District 19 rather than 21.

11. **MOTIONS**

11.1 **Naming of Children's Section - New Sackville Library**

MOVED by Councillors Barnet and Mitchell that a letter be sent to the Library Board requesting that they consider naming the Children's Section of the new Sackville Library after Dustin Eisan. MOTION PUT AND PASSED.

Councillor Barnet added he would be prepared to attend a Library Board meeting to make a presentation and provide background information as well.

12. **ADDED ITEMS**

12.1 **Landfill Funds**

A copy of a Memorandum dated March 27, 1997 from Councillor Barnet re expenditures from Landfill Funds was before Community Council.

MOVED by Councillors Barnet and Kelly to receive the report and ratify the expenditure of a final \$5000 grant to Millwood High School for the completion of their band program from the unexpended interest of the original funds. MOTION PUT AND PASSED.

12.2 **Denial of Seniors Extended Care Facility Licence for Sackville**

Councillor Barnet advised he understood that Department of Health has refused to approve a licence for an extended care facility for Sackville. He requested that a letter be sent to the Minister of Health indicating Community Council's displeasure with the refusal of the licence, asking for reconsideration but without being site specific and requesting that consideration be given to the reallocation of beds considering the demographics in the Sackville area.

MOVED by Councillors Barnet and Rankin that a letter be written to the Minister of Health in this regard. MOTION PUT AND PASSED.

It was agreed that copies of the letter should be sent to the Minister of Housing and the three area MLAs.

12.3 Intersection of Routes 3 and 333

Councillor Mitchell advised that he had spoken to a resident who expressed concern re an accident at the above intersection and wanted to know when the lights would be installed. Having followed up with Department of Transportation about five months ago, he requested that a letter be sent to Department of Transportation requesting information on the status of the installation of the lights.

MOVED by Councillors Mitchell and Kelly that a letter be written to Department of Transportation in this regard. MOTION PUT AND PASSED.

It was agreed that a copy of the letter would be sent to the MLA for the area, Hon. Jim Barkhouse. Councillor Mitchell himself would contact the resident.

12.4 Correspondence - Beaver Bank - Kinsac Soccer Association

A letter dated March 18, 1997 from Beaver Bank - Kinsac Soccer Association was before Community Council regarding the implementation of a \$50.00 per team charge for outdoor athletic facilities usage levied on all Soccer Associations in Halifax Regional Municipality effective with the 1997 soccer season.

It was agreed to reply to the letter, acknowledging receipt and to include a copy of the Information Report dated February 25, 1997 re Booking Administration Fees for Outdoor Athletic Facilities.

12.5 Correspondence - Sackville Rivers Association re Walkway and Trail Development

A letter dated March 14, 1997 from Sackville Rivers Association was before Community Council which is a follow up from a previous request which is now the subject of a Staff Report. It was agreed to send this additional correspondence to Recreation and Policy and Planning.

13. NOTICES OF MOTION

Councillor Mitchell gave Notice of Motion that at the April 10, 1997 meeting he intended to introduce a motion to amend the Terms of Reference for North West Community Council - Section 3.1 - to change the number of regular meetings per year from 24 to 12.

14. **PUBLIC PARTICIPATION**

Ms. Barbara Verge referred to the proposed composting facility for Hammonds Plains and asked for clarification on the difference of 15 cents per ton between the first place and third place finisher. She asked who would pick up the extra cost for transport out to Hammonds Plains which was approximately 20 km. further out. In reply, Councillor Barnet advised that this was something that staff would have to answer. The question would be forwarded on to appropriate staff.

Ms. Barbara Verge requested that Community Council bring forward a motion to Regional Council to send a letter to the Minister of Environment requesting that the composting facility application be sent for an environmental assessment and public hearing. In reply, Councillor Harvey stated that Community Council took the position that this would be dealt with at Regional Council in early April.

Mr. Eric Fraser, 64 Union Street, Bedford referred to the storm water system between the houses on Union Street and Bedford Place Mall. Part of the system was enclosed last year; however, part was still an open ditch on Bedford Place Mall property. He suggested that HRM should establish ownership of the ditch or failing that, there should be some kind of written working agreement so that when residents call to have someone do something with the ditch, it can be done without the Mall indicating they could do what they want because it was their property. In reply, Councillor Kelly advised he has brought this matter to staff's attention and was waiting for a report to be prepared.

Ms. Aileen McCormick asked if HRM could do something about the surface of Highway 103 as potholes were making the road dangerous. She cited an incident where damages had occurred to a car. In reply, Councillor Mitchell advised that he has been following up with Department of Transportation in this regard. The Chair pointed out to Ms. McCormick, however, that if Department of Transportation has a record of a complaint about a specific pothole and further damage occurs because they have not fixed it in between, then there was an opportunity for recourse.

Ms. Dale Gladwin, Millwood Ratepayers Association asked if concept plans have been received as yet re Commons as it was important to speed up the process. In reply, Councillor Barnet advised that he understood they have been sent.

Mr. Bryce Reid referred to the Upper Sackville Complex and asked when the public would see the design drawings. In reply, Councillor Barnet advised they were being circulated through the original committee and should be received shortly, after staff interviews with proponents.

Ms. Dale Gladwin referred to renovations to Sackville Heights Junior High School and asked for support from Community Council to ensure that the renovations are done right and adequately. She expressed concern because of unsatisfactory renovations done to Hammonds Plains Elementary School. In reply, Councillor Kelly advised that this was the jurisdiction of the provincial government and agreed that Ms. Gladwin should continue to follow up with her MLA to ensure that everything is done right.

It was agreed to send a letter to the Minister of Education asking for details on the renovation of Sackville Heights Junior High and if they are relevant to the current needs of the area served by the school.

Mr. Wayne MacPhee raised the following points:

- He referred to the \$50 flat fee being levied and the fact that some fields are being lined by HRM. He asked if the \$50 fee was the right way to go and explained the current situation. The Chair referred to the Information Report referred to previously in the meeting and advised that the question of inequality of service should be brought up during budget deliberations.
- He asked if there was some confusion on the Mayor's part as the Mayor was shocked with the amount of debt being carried by HRM yet he was travelling to Israel to attend a Mayor's Convention and presumably his way was being paid. He could not see a relation between how Israel runs their municipalities and how HRM was run. He asked what would be the cost for the Mayor to attend the convention; he had made a number of inquiries but no one would tell him. In reply, the Chair advised that HRM was a world-class city and does business around the world - the Mayor was doing some international networking. He pointed out that HRM could not live in isolation and it was a chance to make contacts in the interests of the taxpayers.

Although Mr. MacPhee appreciated Councillor Harvey's comments, he requested that when the Mayor returns, he could be requested to advise what benefits the Mayor has reaped from his trip and the costs involved, including his own personal expenses and time. It was agreed to bring Mr. MacPhee's comments to the attention of the Mayor's Office.

Ms. Theresa Scratch referred to the corner property at the intersection of Lucasville Road and Sackville Drive where signs had been erected and it appeared that lots were going to be sold. She expressed concern that of the 34 lots, about 50% of them would have additional driveways emptying out onto the corner when Sackville Drive and Lucasville Road were major routes. She also expressed concern re ditching and the service boundary in this regard. She had contacted HRM and Department of Transportation who

indicated the development met requirements and would probably get final endorsement. In reply, Councillor Barnet advised he had serious concerns with a number of subdivision plans in that area and had indicated his concerns to Engineering Department. He was waiting for a response from staff at this time.

Mr. Terry Reid suggested that a set of lights at Millwood would at least make people slow down a little at the intersection.

Mr. Bryce Reid expressed concern with soccer fees being levied on younger players. He suggested that fees should be levied on older players.

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- Sackville Rivers Association was opposed to the composting project in Hammonds Plains until a full environmental impact study is carried out and would be sending in a formal letter.
- He did not agree with holding only one meeting of Community Council a month as Community Council allowed for Public Participation.
- He asked the status of servicing in the Second Lake area. In reply, the Chair advised that the consultants report was expected in April; however, Second Lake was considered not to be a candidate area.
- He asked for an update on a Topsoil By-law Enforcement Officer as construction season was beginning again. In reply, the Chair advised that complaints should be sent immediately to Environmental Services, HRM - John Sheppard who would follow up.

15. **NEXT MEETING**

Thursday, April 10, 1997 at 7:00 p.m. at Brookside Junior High School, Prospect Road.

16. **ADJOURNMENT**

Meeting adjourned at 8:20 p.m. with Easter Greetings from the Chair.

Sandra M. Shute
Assistant Municipal Clerk

