

## Request for North West Community Council Consideration

- Included on Agenda**  
(Submitted to Municipal Clerk's Office by Noon Thursday)
- Added Item**  
(Submitted to Municipal Clerk's Office by Noon Monday)
- Request from the Floor**

**Date of Council Meeting: February 23, 2015**

**Subject: Allocation of Funds from the Community of Sackville Landfill Compensation Fund**

**Motion for North West Community Council to consider:**

**That the North West Community Council provide a transfer of \$120,000 from the Community of Sackville Landfill Compensation Fund to the Sackville Lakes Park and Trails Association.**

**Reason:**

**To build a parking lot on First Lake Drive for safe access to the Glen Slaunwhite First Lake Trail and the Sackville Lakes Provincial Park. Cars currently park on First Lake Drive creating an unsafe situation for those using the park and trails, and the First Lake Drive walkers, runners and local vehicular traffic.**

**Through 1993 PNS legislation, the province established the "Community of Sackville Landfill Compensation Act" which provided \$5,000,000 to the municipality and held in trust by the Community Council responsible for Sackville (now Lower Sackville, Middle Sackville, and Upper Sackville). The Act states "The Municipality shall expend the Fund for the benefit of the Community of Sackville" Most of this money has been disbursed since then for various Sackville community purposes. The last approved disbursements by North West Community Council was on March 29, 2012.**

**Finance confirmed the January 31, 2015 total fund balance of \$1,327,699.24. The restricted bursary fund balance is \$556,750.63. The balance available for distribution is \$770,948.61 which would leave a balance of \$650,948.61 if this request is approved.**

**Outcome Sought:**

**North West Community Council support for the distribution of funds.**

*Councillor Steve Craig* Original signed

*District 15, Lower Sackville*

# BILL NO. 43

*Local Bill*

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*1st Session, 56th General Assembly  
Nova Scotia  
42 Elizabeth II, 1993*

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**An Act Respecting Compensation to  
the Community of Sackville for Hosting  
the Landfill Site of the Metropolitan Authority**

CHAPTER 71  
ACTS OF 1993

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William T. MacDonald  
Sackville-Beaverbank

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AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
25TH NOVEMBER, 1993

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*Halifax  
Printed by Queen's Printer for Nova Scotia*

**An Act Respecting Compensation to  
the Community of Sackville for Hosting  
the Landfill Site of the Metropolitan Authority**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Community of Sackville Landfill Compensation Act*.

2 In this Act,

(a) "Authority" means the Metropolitan Authority continued as a body corporate by the *Metropolitan Authority Act*;

(b) "Community Council" means the community council established by the *Halifax County Charter* for the Community of Sackville;

(c) "Community of Sackville" means that area of the Municipality that, on the first day of January, 1991, was included in polling districts 16, 19, 20, 21, and 22;

(d) "Fund" means the Community of Sackville Landfill Compensation Fund established by this Act;

(e) "Landfill Site" means the landfill site located in the Community of Sackville and operated by the Authority;

(f) "Municipality" means Halifax County Municipality;

(g) "participating bodies" means the City of Halifax, the City of Dartmouth, the Town of Bedford and the Municipality;

(h) "solid waste" means garbage, refuse or other solid waste.

3 (1) There is hereby established a Fund to be known as the Community of Sackville Landfill Compensation Fund.

(2) The purpose of the Fund is to provide compensation to the Community of Sackville for acting as host community to the Landfill Site.

(3) The Fund shall be held in trust and administered by the Municipality for the Community of Sackville.

(4) The Municipality shall expend the Fund for the benefit of the Community of Sackville in accordance with directions given to the Municipality by the Community Council and in accordance with the *Halifax County Charter*.

4 (1) Upon the coming into force of this Act, the Authority shall, subject to the *Municipal Affairs Act* and the *Metropolitan Authority Act*, borrow the sum of five million dollars and pay that sum to the Municipality which shall deposit the payment to the credit of the Fund.

(2) The sum borrowed pursuant to subsection (1) is and is deemed to be a sum required for the purposes of the Authority within the meaning of the *Metropolitan Authority Act*.

(3) Each of the participating bodies shall pay to the Authority that proportion of the amount required to retire the indebtedness arising from the borrowing required by subsection (1) that is the same as that proportion of the expenditure of the Authority that the participating body is required to pay to the Authority pursuant to the *Metropolitan Authority Act* in respect of the management of solid waste.

5 (1) Immediately after the thirtieth day of June, 1994, the Authority and the Community Council shall determine the product of ten dollars and the number of tonnes of solid waste deposited at the Landfill Site from the first day of July, 1992, until the thirtieth day of June, 1994, inclusive.

(2) If the product determined pursuant to subsection (1) is less than five million dollars, the Municipality shall pay the difference from the Fund to the Authority.

(3) If the product determined pursuant to subsection (1) is more than five million dollars, the Authority shall pay the difference to the Municipality which shall deposit the payment to the credit of the Fund, and subsection (3) of Section 4 applies *mutatis mutandis*.

6 (1) Any dispute arising concerning the amount of the payment by any of the participating bodies pursuant to subsection (3) of Section 4 or concerning the determination of the product pursuant to subsection (1) of Section 5 shall be referred to binding arbitration pursuant to the *Arbitration Act*.

(2) For greater certainty, an arbitration award made pursuant to subsection (1) is binding on the parties thereto.

7 The payment by the Authority of the amounts required by this Act to the Municipality for deposit to the Fund operates as a complete discharge of any liability of the Authority to the Municipality, the Community Council or the Community of Sackville on account of damages arising out of the operation of the Landfill Site but, for greater certainty, nothing in this Section prejudices any rights that an individual resident may have at law.

8 (1) Upon receipt of a claim documented to its satisfaction, the Authority may pay an amount to a person who is a resident of the Community of Sackville or an owner or occupier of real or personal property located in the Community of Sackville on account of damages suffered by that person arising out of the operation of the Landfill Site.

(2) If the Authority pays any amount to a person pursuant to subsection (1), the Authority shall obtain from that person a complete release of the Authority from all liability for such damages.

(3) Any claim pursuant to this Section shall be made to the Authority within one year of this Act coming into force.

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