

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

SEPTEMBER 20, 2000

MINUTES

PRESENT: Dr. Wayne Stobo, Chair
Ms. Colleen McNeil, Vice-Chair
Mr. Mack McMenemy
Mr. Frank Hope
Mr. Shalom Mandaville
Mr. Jim Holmes
Mr. Keith Manchester
Mr. Walter Regan
Mr. Ross Evans
Mr. Glen Williams
Mr. Lawrence White
Mr. Michael Guilcher

ALSO PRESENT: Ms. Susan Corser, Planner
Dr. Jack Burney (part)
Ms. Lynne Le Boutillier, Assistant Municipal Clerk
Capt. John Owens Jr., SWCSMH (guest)

REGRETS: Mr. David Dwyer, Mr. Peter Shacklock, Mr. David Haley and Mr. Kyle McKenzie

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The Chair convened the meeting at 2750 Dutch Village Road at 6:35 p.m.

1.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

Item 3.9 - 91 Cobequid Road moved up on the agenda.

Additions:

Item 4.4 - Sempra Gas

Item 4.5 - Big Sandy Lake Sewage Spill

Item 4.6 - Simmons Tractors

Item 4.7 - Request for Partnership

Item 10.4 - Additional Information Items for Distribution

The agenda was adopted, as amended.

2.0 APPROVAL OF MINUTES

The following changes were required to the August 16, 2000 minutes:

Table of Contents - Reference should be to Case #00071 (check) also Page 8.

Item 4.2 - References to "Mr. Welsh" should read "Mr. Walsh".

Page 4 - Reference to "Middle Sackville River" should read "Little Sackville River".

Page 7 - bullet 6 - Remove last line and replace with "Any grab sample should not exceed 50 mg/l."

Page 8 - Delete 5th sentence, 1st paragraph

3.0 BUSINESS ARISING FROM MINUTES

3.9 91 COBEQUID ROAD

Mr. Walsh, the proponent, was in attendance. He distributed to the members the Stormwater Management Plan for the Cobequid Place Development prepared by Jacques Whitford.

He briefly reviewed the proposal, which had been originally presented at the August meeting. Andrew Whittemore is the Planner assigned to this application. The area is approximately +/- nine acres in size bounded by Sackville Drive and Cobequid Road. Mr. Walsh reviewed

the situation with respect to the Park and Ride. Ideally Mr. Walsh would like to see drainage from this area directed to the proposed stormwater treatment unit but issues such as maintenance and an easement would have to be resolved.

A stream borders one side of the property. It is not on Mr. Walsh's land. During the presentation, it was noted that the Board's Guidelines call for a 15 meter buffer from any water course. A portion of the parking area associated with one of the apartment complexes, identified as Area 2, falls within this buffer zone. Underground parking is proposed for the other two buildings.

The location of the Stormwater Treatment Unit is in the vicinity of Sackville Drive. All stormwater from the site will be piped to this CDS unit, via catch basins and roof drains.

Mr. Walsh referred to the details of the Sediment Fence illustrated in the Erosion and Sediment Control Plan. This fence would be temporarily installed at least 10' back from the brook.

In response to queries, Mr. Walsh indicated:

- C The parking lot would be a minimum 20 feet from the brook.
- C No infilling of the site is anticipated.
- C Timing - work to commence early spring. Eighteen (18) month time frame envisaged.

Referring to the plans, it was noted that no measures for dealing with controlling sediments on truck tires leaving the site have been provided. While a silt fence is illustrated, no measure to deal with pumped water is identified. Mr. Walsh indicated that this level of detail will be provided for each phase of construction when the Building Permit application is submitted.

Later in the meeting, the Board drafted their recommendations associated with the application to enter into a Development Agreement with HRM. Recommendations pertaining to the following were discussed:

- C CDS unit - to be maintained according to the manufacturer's specifications
- C The Board and HRM would like to receive copies of inspection reports. Wording to be similar to that used for the Timberlea recommendations.
- C The wording on page 9 of the Stormwater Management Plan "Funds will be provided to the HRM to hire an independent environmental inspection company to monitor the construction with the power to stop work if any Erosion and Sediment Control measures are not working properly", be put in the Development Agreement.

The Chair noted that it should be stated how gratified the Board was that the proponent is willing to ensure environmental monitoring and funding.

Given this is within the Board's power to recommend for inclusion in Development Agreements, it should be suggested for all Development Agreements.

C Water quality sampling be done of the Brook. While it was recognized that the proponent does not own the land the brook crosses, his development will have a potential impact on the brook. The regular requirement pre, during and post development will be specified.

C Buffer of 15 meters to the brook. Whether there could be an exception in this instance, given the location of catch basins along the perimeter of the parking lot and curbing, was discussed at some length. Alternatives discussed included the use of Performance Standards. Concern was expressed that the proponent isn't being given any credit for the measures taken. They will be complemented on the quality of their proposal.

C Bag filters not be used as they are not effective for the fine clay particles associated with the area. It was noted that ponds are not effective in removing clay particles.

C Some sort of device to reduce the velocity of stormwater flow leaving the site by holding it back. Detention ponds are routinely used for this purpose. Sometimes the buildings roofs are designed for this purpose. Flow control roof drains are available. It will be recommended that they try to come up with a device.

C Beneficial that the stormwater flows from the Park and Ride be directed to the CDS Unit.

C The Board supports the 40% green space proposed.

C It will be emphasized that snow should not be directed into the brook. It should be disposed of in accordance with regulations.

C When commercial portion of the development is constructed, stormwater runoff be directed to the CDS unit. CDS be sized to accommodate.

Ms. McNeil will prepare the draft recommendations for review at the next meeting.

3.1 **BENNERY LAKE WATERSHED**

Mr. Alan Brady and Dr. Tony Blouin were present for this item. Circulated in the agenda package were the second draft of the Bennery Lake Watershed Regulations.

Mr. Brady and Dr. Blouin had made an earlier presentation to the Board in February.

During their presentation they noted:

- C The draft regulations are in large measure based on the Pockwock Watershed Regulations. Some areas have been tightened up, i.e. logging, suspended solids lowered to 25 milligrams per litre from 50 milligrams and exposure of subbase during road construction lowered to no more than 1000 sq. meters. NSDOE felt this reasonable at this point in time.
- C Final approval to purchase the two remaining lake lots has been received. The HRM Real Estate Department working with the Province to finalize.
- C The draft regulations have been reviewed by HRM Legal. Everything appears to be alright from their perspective. No response has been received from NSDOE's Legal Department.
- C A letter has been written to the Department of Natural Resources (DNR), with a copy of the draft, asking for their support, especially as it relates to the no logging ban on Crown Lands.
- C A representative of WAB is to sit on the Bennery Lake Watershed Management Committee. Mr. Brady was questioned on whether any seats on the Committee will be offered to the public. To date this option has not been considered. They had simply followed the Pockwock Model. This request may come up during the next stage, involving public sessions. The draft could still change.

A map, identifying ownership of lands and land use in the area was displayed. The watershed boundary was pointed out. Private lands in the area are of concern.

Mr. Regan questioned whether there was a Land Acquisition Policy. Mr. Brady noted that there are not sufficient funds to purchase all the lands involved. To date pieces of Crown land adjacent the lake have been acquired. It had been initially hoped they could be obtained for free, or through a land swap. Neither materialized.

It was observed that there appears to be no reference to on going water quality monitoring. Mr. Brady believed this would be covered in the Act. He noted that at present water testing is done daily. Although testing for nutrient loading is not included, he was confident that any negative impacts on the system would show up.

Mr. Regan questioned if fish passage has been taken into account. Reference was made by Mr. Brady that the long-term use of the lake will ultimately lead to the construction of a dam. If there is a requirement, water will be pumped from Grand Lake, after the second phase, construction of dam, is complete. In this case, Dr. Stobo felt a control structure on the Grand Lake side would be required to prevent the transfer of organisms and resultant change in water quality.

Whether water at surface and the watershed was the same as the groundwater was questioned. Mr. Brady agreed it would be good to do a baseline test.

The Chair questioned staff regarding what they sought from the Committee. Mr. Brady indicated a letter to DNR indicating its support of the draft Regulations would be desirable. The Chair indicated that it is the Board's practice to provide formal recommendations. Recommendations would likely make reference to:

- C size of buffer zones to streams and lakes
- C land use and the effect on water quality from logging and roads.

Drafting of the recommendations will be done at the October meeting.

3.2 GOLF COURSE - EAST PETPESWICK

When giving his regrets, Mr. Dwyer passed on the following observations. Work progressing on the golf course. Fill has been brought in to sod the fairways. Sodding has commenced. The culvert is still plugged, even more than observed in the past. A lot of water is likely to spill onto the road during fall rains.

It was noted that at every meeting the Board has been advised by staff that the owners had been told to stop work and they continue to ignore the directives. During the summer months, the Board was advised that the Legal Department is looking into the matter. It would appear that HRM is totally unable to control this situation. Members recounted other instances in their districts where HRM appears unable to deal with infractions.

Ms. Corser advised that she has spoken with Cathy Spencer the Development Officer. They have been given thirty (30) days to respond to the latest correspondence. She understood Council is well within its right to repeal their Development Agreement.

It would appear that the developers, if they so wish, can completely ignore HRM with impunity. The development gets completed, they are taken to court and leave with a 'slap on the wrist'.

Staff suggested that a letter to Mayor and Council on this subject would be in order. She has observed that development agreements are not providing any level of assurance to the

community. More work needs to be done on enforcement. With a recent realignment of the Planning and Development Services Business Unit, nine (9) Enforcement Officers, are to be engaged.

Mr. Regan was of the understanding the Municipal Government Act (MGA) specifically disallows the Municipality from placing Stop Work Orders on sub-divisions.

It was decided that two letters should be drafted. One would express the Board's concern about HRM's apparent lack of ability to deal with these issues. The second would seek information on what HRM capabilities are under the MGA legislation.

In the interim, Ms. Corser will develop a chronology of events on when the Development Agreement was approved, actions taken by HRM to date (correspondence and contents), time frames and what aspects of the Development Agreement have been ignored.

Mr. Williams related his experience in a similar situation and the complexities involved. It was felt that it might be effective to include a summary conviction process in development agreements; 'x' dollars a day charged when violations are identified.

The Chair will write the first letter to the Mayor related to the Board's concern. Mr. McMenemy will draft the second, of a fact finding nature as to the powers of HRM and the process.

3.3 CASE 00238: REZONING AND DEVELOPMENT AGREEMENT TO PERMIT A COMMERCIAL DEVELOPMENT AT EXIT 3, HIGHWAY 103 TIMBERLEA AND TO ALLOW EXTENSION OF PARKDALE SUBDIVISION

Draft recommendations pertaining to this Case were prepared by Ms. McNeil and circulated in the agenda package. The draft was reviewed and several changes made. Ms. McNeil will incorporate into a final version to be sent to the proponent and Planning Staff.

3.4 CASE # 00071 - REQUEST FROM ANNAPOLIS BASIN TO AMEND THE MPS FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE TO PERMIT TOWNHOUSE AND MULTIPLE DWELLING USES WITHIN THE GLEN ARBOUR GOLF COURSE AND RESIDENTIAL COMMUNITY

A copy of the final recommendation was circulated in the agenda package for the members' information.

3.5 PRINCE'S LODGE/BEDFORD SOUTH MASTER PLAN

Copies of the Background Report from Wallace Macdonald and Lively and MPS and Land Use By-law dated June 2000 were circulated to the members. The Chair requested the members review. This item will be on next month's agenda for discussion.

3.6 FALL RIVER PLAZA, HIGHWAY 2 - UPDATE ON HYDRO-SEEDING STATUS

Mr. Williams reported on a site meeting he had with Glen Boone last week. He indicated to Mr. Boone he was not pleased with the failure of hydro-seeding of a portion of the site done last year. Mr. Williams referred to a site map, illustrating the areas of concern. Mr. Boone indicated that they don't wish to re hydro-seed this portion of the site as they intend to remove the acid slate stored there.

Mr. Williams is currently more concerned about a bank which has slipped. He will contact Kirby Thompson on stabilizing the bank, perhaps with matting. There is nothing to keep it in place during the winter at present. There should not be a need to install semi-permanent fabric barriers if this is done.

The third area of concern identified on the map was an area of exposed acid slate. Leaks of what appears to be oxidizing iron were observed. Mr. Williams intends to take a grab sample and have it checked.

Mr. Evans suggested that the developer might put a small amount of limestone in the brook to help neutralize. This could be done very inexpensively.

3.7 GLEN ARBOUR DATA - SUMMARY REPORT

Circulated in the agenda package were the following:

- C Memo from Mr. Mandaville dated August 30, 2000 re Sandy Lake and the disturbing degradation in the water quality as measured during 1996-99. Attached was the summary of test results, a Management Model and letter from Mr. Ernst, Environment Canada dated July 19, 1996.

Mr. Mandaville's presentation dealt with:

- C Guidelines - Why you need to aim for oligotrophic lakes.
- C Natural Lake Types
- C Top Down Effects on Food Chain

He explained how upset he was with the deterioration of the lake and the fact that staff had overruled the Board's recommendations. In referring to the Model circulated, he noted it illustrates how fast the water quality declined. He suspected phosphorus to have been the

cause. He did not think septic systems could have caused such a rapid decline; fertilizers and pesticides were the more likely cause.

Reflecting on the above, Mr. Regan referred to an occasion when he picked up ten fertilizer bags in the lake and observed raw fertilizer on the shores of the lake. Mr. White had observed a fair amount of sediment and problems they had been having with a weed on the fairways.

It was decided that a letter should be sent to the Mayor on the situation and proposing a limnologist be hired to recommend action to remediate the lake.

Mr. Mandaville will prepare the first draft and will confer with the Chair. The second level draft will be circulated in the next agenda package.

Dr. Burney noted that he has suggested that this area be used for a Design Project. While the summary data is readily available, he no longer had his WAB files and canvassed the members if they had a file containing reports, etc. on Glen Arbour for his students to peruse. Mr. McMenemy provided his. He was encouraged to contact Mr. Regan and the Chair if he finds something missing.

The Chair suggested he remain for item 4.7, Request for Partnerships, which relates to the Sackville River System.

3.8 CASE #00208: REQUEST FOR AN AMENDMENT TO THE MPS AND LAND USE BY-LAW FOR PLANNING DISTRICT 4 - TERENCE BAY (FISH PLANT)

As instructed by the Board, Ms. McNeil wrote to Mr. Holland, General Manager, Coastal Communities Economic Development Co-operative Ltd. requesting additional information on the proposal. Copy of correspondence in the agenda package.

Circulated at the meeting was a letter from Trina Coxworthy. She identifies in her correspondence that children and adults routinely swim on both sides of the Fish Plant and the residents desire to keep their river clean. She encouraged the Board, when developing its recommendations, to ensure development proceeds in the safest way possible for the environment.

The members could not recall any reference to swimming in the earlier presentation. The Board discussed where the proponents proposed to locate their percolation field for effluent from the treatment plant.

Drafting of recommendations was deferred until a response is received to Ms. McNeil's correspondence. In the interim, the Secretary will write Ms. Coxworthy thanking her for her letter and indicating that once additional information is received from the proponents, the

Board will draft its recommendations, taking into account the concerns and observations she raised.

4.0 NEW BUSINESS

4.7 REQUEST FOR PARTNERSHIP

Information pertaining to a grant proposal to be administered by Saint Mary's University re a "Citizen-Supported Stream Restoration Activities in an Urban Watershed: Sackville, Nova Scotia" was provided by the Chair.

Anna McCarron had contacted Dr. Stobo regarding this initiative. Ms. McCarron wondered if the Board would be interesting in becoming a partner re the research project on the Sackville River. They wish to look at the drainage system in a comprehensive fashion. Dr. Stobo had referred Ms. McCarron to Dr. Silver, Chair, BWAC. Dr. Stobo noted that the SRA are partners. Mr. Hope noted that the Woodens River Association has also applied and been accepted as partners. Partnering could consist of providing expertise, in kind assistance or writing a letter supporting the initiative. The difficulties of the Board becoming a partner were outlined.

It was concluded that the Chair should write indicating the Board's support of the initiative which will benefit to HRM and the long term planning for the river system. Reference will be made to the involvement of a number of members of the Board, through the organizations they represent with this proposal. It will be indicated that due to the structure of the Board, it is difficult to partner.

Additional information was provided to Dr. Burney on applying.

4.1 LOCKVIEW ROAD

Mr. Manchester described infilling which took place on lots 1, 2 and 3 Lockview Road earlier this summer. Lockview Road is located between Lake Thomas and Lake Fletcher. Mr. Manchester had been concerned regarding how much area they would fill in. NSDOE permission limited their infilling by 50' to 75'.

4.2 MEETING AND RECOMMENDATIONS PROCEDURES

The Chair advised of a meeting he, Colleen McNeil, Gary Porter and Susan Corser had regarding the Board's workload. A number of options were considered:

C Refine procedures for developing recommendations, i.e. go back to original format with a Planner making a presentation first, proponent to come of next meeting and finalize recommendations at third meeting. Only presentations will be considered forwarded through the planners.

C Develop outline, checklist, as to content of presentation and provide to developers. Outline to stress environmental issues and indicate the amount of time to be given to the presentation.

Circulated in the agenda package were two examples of requests for details pertaining to a project provided by Ms. Corser. The members were asked to review these examples and develop a list of guidelines which the WAB could give to proponents prior to their presentations. The Board will endeavour to develop a first draft at the October meeting.

C Ensure all members read information in package.

C Discuss with HRM and other waters advisory groups realignment of responsibilities. Susan Corser is endeavouring to set up a meeting with the Chairs and Vice-Chairs of the three advisory groups to be held within the next ten (10) days. An update will be provided for the next meeting.

Reference was made to the contract recently issued pertaining to a request for proposals, Water Resource Management Policy. One of the items to be looked at was the watershed advisory boards' interaction. How the WABs fit into the system. Any changes in jurisdictions would only be a stop gap measure until the report is released. It is anticipated that the consultants will be contacting the boards for input. Mr. Regan recalled the specifications stating the consultants were not to comment on the WABs, but just contact them for input.

The Chair reflected that BWAC, for example, might take over responsibility for the whole Prince's Lodge/Bedford South Master Plan Area and perhaps Peninsular Halifax. This would leave the WAB with its original area. Alternatively, BWAC's jurisdiction extend to lands which drains into the Bedford Basin Waters (excluding the Dartmouth side of the Basin). Watershed maps are available from HRM. It had been previously suggested that watersheds be the basis for allotting areas of responsibility.

Whether Cow Bay, for instance, now fell under the Dartmouth Lakes Advisory Board (DLAB) was discussed. There was a feeling amongst staff that Dr. Stobo and Ms. Manzer had an agreement about the handling of such areas on the eastern boundary of the old City of Dartmouth. It was recalled that there had been exchanges of correspondence with the Harbour East Community Council and perhaps even a motion

passed to this effect, but the Assistant Municipal Clerk associated with the Community Council, can't find it. Staff will endeavour to clarify.

4.3 INFORMATION REQUIRED TO ADEQUATELY REVIEW DEVELOPMENT AGREEMENTS

See item 4.2.

4.4 SEMPRA GAS

Mr. Regan reported that Sempra Gas is preparing to cross a number of watercourses in HRM. He wondered if the Board will have an opportunity to comment.

The Chair noted that when Northeast Pipelines crossed Shubenacadie Canal in the vicinity of Highway 118, the Board did not have an opportunity to comment. Mr. Manchester noted that the Shubenacadie Canal Commission was asked to comment on two occasions regarding which of two methods should be used.

Mr. Regan was asked to draft a letter to HRM regarding the crossing of watercourses in HRM by Sempra and whether they desired the WAB to review and comment.

4.5 BIG SANDY LAKE SEWAGE SPILL

Mr. Regan withdrew the item.

4.6 SIMMONS TRACTORS

Mr. Williams outlined the circumstances of a two year battle that SWEPS had regarding the location of this business. The matter was taken through the legal system and he was pleased to report that they were finally successful in having the owner stop work and move his business elsewhere.

5.0 CONCEPT PLANS

5.1 LANDS OF DENNIS BAXTER, LOTS 1 - 14 AND ROAD LAYOUT FOR BAXTER COURT

Information had been circulated with the agenda package pertaining to this concept plan for information purposes. Although the plan indicates a stream and flood plain, it was questionable whether it would come back to the Board if it was an as-of-right development.

6.0 SUBCOMMITTEE

6.1 SUBCOMMITTEE ON PARAMETERS FOR WATER QUALITY TESTING

No response has been received to date from either BWAC or DLAB. It was noted in the BWAC minutes of August, Mr. Goucher was to coordinate setting up a meeting to draft a response. It had been deferred. The Chair will write Ms. Manzer and Dr. Silver again seeking their input.

7.0 BWAC APPROVED MINUTES

BWAC'S minutes of August 9, 2000 were provided for the members' information at the meeting.

8.0 STATUS SHEET

The Status Sheet for September was reviewed. The following items can now be removed:

- C Maritime and Northeast Pipelines
- C Tidewater Quarry (has been declared a Stage II undertaking, thus public input involved)

Referring to the HRM Snow Removal Policy item, Mr. Mandaville noted that August 12th Environment Canada completed its assessment and declared salt toxic. For the rules to be adopted, Ministerial approval is required by the end of December. Only two months are left for public comment. A copy of the document was provided to Mr. Manchester.

The Chair suggested that a letter be drafted to HRM alerting them, particularly in the context of allowing salt laden snow to be dumped into water bodies.

Mr. Manchester will draft the correspondence and perhaps it will be directed to the consultants for the Water Resources Management Policy.

9.0 MEETING SCHEDULE

An updated Meeting Schedule dated September 14th was circulated.

10.0 INFORMATION ITEMS

Due to the late hour, the following items were deferred at the request of Mr. Mandaville.

10.1 **EFFECTS OF GOLF COURSE CONSTRUCTION AND OPERATION ON THE AQUATIC ENVIRONMENT**

10.2 **COPY OF LETTER TO NSDOE DATED SEPT. 5, 2000**

10.3 **INDEPENDENT COMPARISON OF OUR 'PARTIAL' STORMWATER TREATMENT DEVICES INCLUSIVE OF THE STORMCEPTOR AND THE RECENT LOCALLY INTRODUCED CDS**

10.4 **ADDITIONAL INFORMATION ITEMS FOR DISTRIBUTION**

Mr. Mandaville distributed copies of the Technical Manual for CDS to those who had not received a copy earlier. He noted that he has copies of the CDS package for anyone who desires one.

11.0 **DATE OF NEXT MEETING**

Wednesday, October 18, 2000

12.0 **ADJOURNMENT**

Meeting adjourned at 10:35 p.m.

Dr. Wayne Stobo
Chair

Lynne Le Boutillier
Assistant Municipal Clerk

