

Lands, Former C N Rail

Councillor Randall expressed concern respecting the lengthy period of time in having the former CN Lands issue resolved. He advised problems are experienced with respect to dumping garbage on these lands. He stated he had requested some access areas be blocked off but that was not done.

It was moved by Councillor Randall, seconded by Bayers

"THAT a letter be forwarded to the Minister of the Lands & Forests requesting the present status of the negotiations respecting the transfer of the abandoned C N Rail lands to the Province."

MOTION CARRIED.

SERVICING - MILLBROOK RESERVE

Deputy Warden Ball advised that Mr. Peter Garrow and Chief Lawrence Paul were present to speak with respect to this matter.

Deputy Warden Ball read into the record a letter received from Mr. Brant, Regional Director, General Indian and Inuit Affairs in Amherst, Nova Scotia. He asked that copies of this letter be distributed to Council.

It was moved by Councillor Sutherland, seconded by Councillor Richards

"THAT the letter be received."

MOTION CARRIED.

Mr. Garrow advised that this had been going on for approximately 1.5 years. He stated that they were trying to establish an arrangement or agreement with respect to providing water and sewer services to Cole Harbour. He advised the Department was underway with a new relationship with Indian people with the Band's First Nations. He stated they were under the impression that the way things were handled before, the Department took the lead. That was not the case. In this case with Cole Harbour, we entered into an agreement for the Band to deliver all services for their Band Members which includes water and sewer, operation and maintenance, housing, Social Development Education, etc. They have been doing that for a approximately twenty - twenty-five years. We will continue with our involvement with the Band. We transfer those dollars to them, they carry on. The agreement that they are trying to enter into with delivery of those services to Cole Harbour is something that people will have to wrestle with to come to some type of compromise. We are here to advise the Chief on what we can

do. Funding goes out to all First Nations and the Maritimes as of April 2, 1991. First Nations provide to us capital plans and we fund them accordingly. The Band will receive very shortly their capital dollars as much as what they had received last year.

Councillor McInroy referred to full services mentioned by Mr. Garrow. He asked if this included storm sewers and paving of streets.

Mr. Garrow responded the services were comparable to the surrounding communities.

Councillor McInroy stated he was the Councillor of the area where the Cole Harbour reserve lands were located. He said he was to the understanding that whatever the local standards were in terms of services and streets, etc. that the residents of any territorial lands developed within that area would be developed under the same standards. He advised of a letter received from the Minister with respect to this matter. He stated Halifax County were given to understand prior to that letter, there was not sufficient funding available from the Federal Government to permit the Mill Brook Band to totally service these lands. The letter indicated that funding was available for central water and central sanitary sewer, but was not available for servicing the lands to standards required. He expressed concern with respect to the storm sewer.

Councillor McInroy stated to his understanding, eventually, the entire lands would become serviced for a residential, some mixed residential and some commercial use for the entire reserve lands. He advised they were dealing with the initial stages (first phase) of development. He advised it the normal, minimal urban servicing standards were required to every developer in that area.

Mr. Garrow stated this was for Cole Harbour, the Millbrook Reserve in Truro and the reserve in Sheet Harbour. He stated based on the funding they presently have, if they feel it is a priority to put those type of services expanded for potential development, then what would be their return later on from the other developers. Would they be providing money back into Cole Harbour to offset the cost. The money that we provide from the Federal Department goes to the Band and provides services. He stated Councillor McInroy was referring to potential development.

Councillor McInroy stated the total 40 acre land was ultimately what was addressed in the tentative agreement. He stated the urgent requirement was to get central water and sanitary sewer to those homes that were on the reserve lands at present and to some others that may be able to be placed on those same streets. He stated the difficulty was with respect to the outset. He thought as the services went in, the abutting developments would have

central water, central sewer, storm sewer and paved roads.

Mr. Garrow asked if he meant for everybody in the area.

Mr. McInroy stated just for the reserve. He reiterated that it was to his understanding that the funds were not available for this. He stated individuals could receive water and sewer if the street was not paved.

Councillor McInroy asked if there was any room for moving in terms of having the servicing take place at the same level of standards as the abutting lands which, in his view, would be a departure from what he would like to see, for a territorial subdivision in fairness to the people living in the subdivision as well as abutting lands. If there was to be a departure from that, he asked if there could be a commitment from the Federal Government to acknowledge or be party to a phase-in arrangement that Halifax County provide the funds and not make any commitment that they would provide funding for storm sewer and paving within the next few years. Whether it is used in Sheet Harbour or Cole Harbour would be strictly a decision of the Band.

Mr. Garrow stated he wished they could make a commitment over a number of years with the Band in looking into further development. He stated they did have some type of view transactions in place called the ultimate funding arrangements where they could enter into a multi-year agreement with the Bands. He stated that the Chief, however, was not in favor of a multi-year agreement. He stated the Band should not get involved with extravagant costs for purpose of water and sewer hookups. He did not think the Mill Brook Band could afford something at present unless there would be a commitment of a re pay-back. He did not know how the other territorial lands could be hooked up going through Cole Harbour.

Councillor McInroy stated they were all hooked up to the main trunk lines that were in place, lands developed by the Band.

Mr. Garrow stated this would be cutting through and hooking onto both ends of the territorial lands.

Councillor McInroy stated that their lands would be developed service internally. He stated that trunk lines were there at present in which they could connect.

Mr. Garrow asked if it was just a matter of hooking them up from both ends of the reserve.

Councillor McInroy responded probably one end subject to clarification from Ms. Valerie Spencer. He felt the area could be serviced in one direction..

Mr. Garrow asked if they required a commitment from the Band that could be phased in over a number of years.

Councillor McInroy stated the Chief already indicated that he would accept phase in over a few years but he wondered, unless the Chief had some commitment that the monies would be particularly earmarked to bring up to standard the development. He questioned the commitments of the Band.

Mr. Garrow advised the Chief would have to speak with his Councillors and they would have to look at what commitments they have already made for the other reserves.

Councillor McInroy asked if Halifax County approved the funding, would this change.

Mr. Garrow responded this procedure would not change.

Councillor McInroy stated if the Board made the commitment, they could allocate their funds accordingly.

Mr. Garrow advised this was true.

Mr. Garrow stated he had an annual budget which just received approval for March 15, 1991. He stated this was for the normal amount of capital dollars for thirty bands in the Atlantic. He advised they had a needs list for projects that they have to pursue within this year. He stated that \$10,000,000 each year for 30 Bands for capital projects was the amount they had to deal with. This included housing, water and sewer, roads, acquisition of fire trucks, police cars, community buildings, etc. He stated they try to provide these dollars on an equitable basis looking at what has been accomplished in past years. He stated they then allocate to the Bands a per capita share. He advised they allow the flexibility for Bands to make their own decisions based on what their budgets are. He stated the letter sent to the Minister, he felt, was talking about the green plan and they had not received any allocation as yet towards the green plan. He stated \$275,000,000 would be provided over 6 years to Bands Nationally. He stated that priorities had to be met for all 30 Bands.

Councillor McInroy asked if something came available to the Bands of Nova Scotia, was this earmarked for subdivision roads and services as opposed to general.

Mr. Garrow stated its projects were specifically for water and sewer. He referred to the emergency situation. He stated this would be the arsenic poison in the wells in Cole Harbour. He stated that some dollars would be applied here to do some other

type of water lines or what have you. He stated this was an emergency situation that they would have to deal with. He stated his advise to the Chief and Council would be to work out the best deal they can.

Chief Paul stated discussions took place before with respect to this particular subject. He stated he was present to make it clear to County Council that they have a major health hazard in the Cole Harbour area. He stated they tried drilling wells there where they have run into arsenic. He stated there were two wells at present hooked up being used by two families. He stated that they have tried to dig wells in this area but the water is full of coliform. He stated they were trucking water into some of the wells and the rest of the residents were getting water from Sparkling Springs.

He referred back to the 1970's. He stated that Halifax County needed to cross their territory in Cole Harbour for a trunk line. He stated the reserve could have flatly refused and said "No" or require Halifax County to install this to their standards. He stated he was a Member of Council at that time. He stated he was adamant that the trunk line would not go through their territory unless they got a commitment from County Council that water and sewer would go up through Caldwell Road. We decided to give the County the right to put this line through our territory. He referred to major developments such as Clayton. He stated they receive per capita dollars based on a per capita basis. He stated their budget this year was \$588,000. He stated this includes infrastructure, water and sewer, railway crossing, warning signals, etc. He stated they already have \$150,000 committed to put water and sewer up Caldwell Road. He stated this did not include the laterals. He stated they were also committed to \$100,000 for warning signals for a major safety factor in this area. He stated that Engineering Associates have to also be paid from this money. He stated they also have to upkeep Millbrook in the community. He stated they have a Municipality agreement with the Town of Truro. He stated the Town of Truro extended water and sewer lines down through the #2 Highway. He stated from there, laterals were put in. He stated the Town of Truro did not say they had to have their community up to standards. He stated they still do not have storm sewage in the main Indian Community in Millbrook. He stated hopefully as funds becomes available, they will be able to do so. He advised of another Indian Community in Beaver Dam approximately 11 miles from Sheet Harbour. He stated, at present, there were septic fields and drilled wells there. He advised of Indian Communities on each side of Sheet Harbour which they also have to maintain. He advised he explained the situation to the Warden of Halifax County, as well as Ms. Valerie Spencer. He advised that the Band had enough money this year to install their share of the sewer line on Caldwell Road and to install laterals. He stated they have no money for storm sewage and they do not have the money to pave the roads, install sidewalks or curbs. He advised that

unemployment in the community hovered around 80-85%. He stated the only work the native people have is through Job Strategy. He stated they have 3 people working for the Town of Truro. They have an Indian Constable and they pay salary. He stated if they had the dollars, he would comply with Councillor McInroy and County Council's request to put the native community up to standards. His major concern at present was the water in Cole Harbour. He advised of the difficulties individuals were experiencing in this area with respect to the water. He stated he asked County Council's permission to be able to extend water and sewer to the community in Cole Harbour. He stated they were willing to enter in an agreement on a five year basis to put their native community in Cole Harbour up to the standards of the surrounding communities. He stated money for the Green Plan would be up to the Regional Office. He stated they were awaiting a report from Mr. Garrow. He advised of the alternatives, this would be to install a water treatment plant and pump water from Meagher's Lake or the agreement with County Council, to fix the trunk line on the upper end of Cole Harbour. He stated they were willing to comply with County Council to place their homes on the North side. He stated if this situation was reversed, he would not refuse Halifax County. He stated there was no way they could put the community of Cole Harbour up to standards immediately. He stated they could do it over a period of time but not immediately. He reiterated the water was the main concern at present.

Councillor Deveaux asked if the Band at the present time had enough money to provide services to the 13 homes mentioned.

Chief Paul stated they had enough money at the present time. He stated it would cost approximately \$150,000 to install this service just on Caldwell Road.

Chief Paul stated they had the money this year to put the laterals in and hookups to the homes. He stated they could not pave the roads this year. He stated Mr. David Nantes was quite concerned with respect to a high hill on Ander's Avenue and the traffic concern involved. He stated they are going to spend \$35,000 on this project to cut the hill down to eliminate the safety factor. He stated they were also going to install a cul-de-sac on the end of Ander's Avenue so plows could turn there. He stated projects mentioned altogether would cost approximately \$350,000.

Councillor Deveaux referred to the first mobile homes put in place roughly 6 years ago. Prior to Members of the Band setting up in that area, he asked if there was any tests on the water system to determine if the water system, did indeed contain arsenic.

Chief Paul stated that up to approximately 1973, three mobile homes were placed in this area. He advised of the Ms. Margaret Phillips,

for example, vacating the property due to the problems experienced as well as several other residents. He stated the other mobiles were placed there last year.

Councillor Deveaux asked when the request came, was it to provide service to the existing homes subject to Federal Grants in the future.

Mr. Meech stated there was some indication that action was needed immediately to respond to the problem situations with regard to existing housing. He stated it was under the understanding that it would be done up to existing standards at that particular time in terms of the infrastructure. Due to the lack of financial resources, it was then requested that we continue to do this over a period of time.

Councillor Deveaux asked how much this would cost if they had enough money to provide services to those existing homes at the present time.

Mr. Meech stated he did not think it was a problem with regard to the situation creating any problems. He stated it was the matter of whether the Band was prepared to accommodate the request and not require the requirements of the present subdivision standards in that particular area on the short term.

Councillor Sutherland asked if there was any such agreement available or in existence anywhere in the Municipality of the County of Halifax with respect to this matter.

Mr. Meech asked if this was with respect to an agreement to phased in services.

Councillor Sutherland advised this would be with respect to phased in services over a given period of time not in accordance with the subdivision by-laws. He asked if there was any such an agreement.

Mr. Meech stated he could not think of any. He stated obviously, there were subdivisions that were being developed outside of the urbanized or serviceable boundary areas that did not require paving of the street because the policy did not comply within the serviceable areas or the urban communities.

Councillor Bates asked if the adjacent residents would be affected if Halifax County agreed to the water and sewer installation.

Mr. Meech stated the upgraded standards do not exist today with respect to storm drainage or street paving. That would be the same situation that would still prevail if the infrastructure is allowed to go. The only thing Halifax County should be keeping in mind is

that the idea is to achieve a certain standard with respect to development standards even though on the short term, there would not really be a difference in terms of service levels.

Councillor Bates referred to the arsenic problems. He stated that the Band did not have the money to install the storm sewer, curbs and paving, but they did have the money to place in the sewer. He stated he did not understand what the problem was. He felt they should go ahead and let him do what he wanted to do.

Mr. Meech stated if Council agreed to the request from Chief Paul to enter into an agreement over a period of 5 years as an example, in which Halifax County could expect those areas where the infrastructure has been put in be brought up to existing standards, it would be the power of Council to decide.

Councillor McInroy stated that concern did not apply to health hazard. He advised Halifax County was looking for a special allocation so that when the servicing went in, it would go in to urban standards. The next thing we were looking for was a commitment from the Minister that funding would be made available over the phase-in period. He stated the Band is at the mercy of the Federal Government with respect to the amount of funding it receives. He felt it was the Band's intention to install a storm sewer when community was up to standards.

Councillor Cooper expressed concern with respect to the length of time it takes to achieve those standards and the effect on the lakes and land in the area. He asked if Chief Paul would consider limiting the development as the Band try to achieve the standards for road and storm sewers, etc.

Chief Paul stated as far as the other side of the road was concerned, they had no intention at the present time to develop a residential/commercial area unless they had the money to install storm drainage, paved roads, etc. that Halifax County requires. He advised of the problems with regard to Meagher's Lake. He felt this area should also be repaired.

Chief Paul made mention of the former Honourable David Nante's impression of the situation when negotiations took place with Halifax County Officials and the Indian Band.

Councillor Cooper referred to the development agreement with the Municipality and the Band. He stated it was to his understanding that this agreement was not signed yet.

Chief Paul indicated they had not signed the agreement with Halifax County as yet. He stated they were trying to weed out the obstacles of concern to Halifax County Council. He stated they

would be willing to have the Band Solicitor as well as Halifax County Council's Solicitor to draft up an agreement that would commit the Band over a five year period to put native community up to standards of surrounding communities.

Councillor Cooper asked if it was possible for the Band to limit the development to the South side of the road and proceed in that fashion, bringing everything up to standards before they commenced development on the North side.

Chief Paul responded this was what they intended to do. He stated they had no intention of developing on the North side. He stated if funding was available in the future, they also planned to replace the five mobiles located out there. He stated they were going to put a by-law into effect that would not allow development in that area.

Councillor Cooper felt this was a good idea. He felt Halifax County should address the problem experienced in this area. He stated the Band were indicating that they were prepared to look at the one side of the road.

Councillor Eisenhauer asked if something could be put in place to avoid infiltration of water coming from sump pumps, etc.

Chief Paul stated they were not allowed to pump anything into the sewer system in Millbrook.

Mr. Meech stated they would still have to abide by the other regulations with respect to the fact that they could not have floor drains for example emptying into the sanitary sewer or sump pump. There has to be some thought put into the drainage. It would probably have to be done from a ditching system in the early stages of the development.

Councillor Morgan asked if particular sewer connection requested at present by the Band was going to be serviced from Caldwell Road and that the prior commitment that the Municipality made in allowing another sewer system to cross the reserve lands is at such great distance that it cannot be achieved by a forest pumping main. He asked if commitment was made with respect to these lands.

Mr. Meech responded that Halifax County did make a commitment with respect to these lands..

Councillor Morgan asked if this was on the same road as the development or on the opposite side of the road from the development.

Mr. Meech stated the easement of the right of ways would be on the

north side or the opposite side of where the existing homes were situated.

Councillor Morgan asked why the Band would not go and utilize without any further agreements from Halifax County or full utilization by putting a force main into that sewer right away.

Mr. Meech did not think this was feasible or practical at this time because it was in a different location.

Councillor Morgan referred to a figure of 40 acres. He asked what kind of distance they were talking about.

Councillor McInroy stated the majority of the lands were on the north or east side of Caldwell Road.

Councillor Morgan asked if it was a question of economics.

Councillor McInroy responded it was economics and also that there were no families living there. He stated that the problems were where the families were living.

Councillor Morgan asked if it was a requirement of Halifax County that in an existing subdivision where health hazards exist and can be demonstrated, that the Municipality by agreement is going to require paving of streets, the inclusion of a storm sewer, and the installation of curbs.

Mr. Meech stated at the present time under the subdivision by-law regulations, if you want to develop a subdivision within the serviceable areas, then you do require it.

Councillor Morgan stated he was referring to existing subdivisions where an existing health problem was being serviced. He asked if it was the requirement of the subdivision by-law and would it be the requirement of this Council that before services are extended, that there would be a requirement to put in paving, storm sewer, and curbs.

Deputy Warden Ball asked if he was referring to a serviced area or unserved area. He stated if you have a specific area that is under subdivision requirements in an urbanized area, than there are certain requirements within that urbanized area. This particular land fits into an urbanized area. He referred to Councillor Reid's area as a rural area. He stated the same subdivision requirements would not apply to both.

Councillor Morgan asked what the definition of urban was. He asked if it was 60 foot lots, 100 foot lots, etc. He asked if this was considered urban because it consisted of 40 acres in total and 13

lots were located on it.

Deputy Warden Ball stated it was considered urban because it was in the planning area of Cole Harbour/Westphal which is recognized as an urban area in Halifax County.

It was moved by Councillor McInroy, seconded by Councillor Bates

"THAT services to the south portion of the reserve land be undertaken phased in over a five year period,

AND FURTHER THAT the Solicitors for the Mill Brook Band and Halifax County, as well as appropriate resource people meet and prepare an appropriate document for execution."

Councillor Boutilier expressed concern with respect to monies available year to year. He stated as priority lists become established, money may change from time to time. He asked if that happened, did that mean that the commitment to this agreement may be broken. He asked if there was any commitment from the Federal Government with respect to guarantee for funding over a period of five years.

Mr. Meech stated this was no different from any other situation of not fulfilling obligations.

Councillor Boutilier stated he would not like to see Chief Paul come back two years from now because of shifting priorities and lack of funding. He stated he mentioned this as a word of caution.

MOTION CARRIED.

EMERGENCY ITEMS

1. Arm Forces Returning from the Persian Gulf

Councillor Boutilier advised of areas such as Shearwater, as well as the Sackville area expressing thanks for efforts made by the Armed Forces with respect to the conflict in the Persian Gulf. He asked if the Municipality was involved in these things.

Deputy Warden Ball advised there was a proclamation that would be coming to the Municipality specifically with regards to the Persian Gulf.

Mr. Meech advised that the Municipality would be placing a message in the Arm Forces Newspaper "Warrior" expressing Halifax County's thanks and appreciation. As well, the Warden has asked that yellow ribbons be placed on trees in front of the Administration Centre