

Meeting Minutes

LMWAB

lake major
watershed
advisory board



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Lake Major Watershed Advisory Board

Date: October 21, 2021

Location: Virtually via Microsoft Teams

Meeting Time:

2:00 pm

Adjourned:

4:00 pm

Member name and position		Agency/Representation
Attendees:	Mike Allen (DM), Watershed Planner	NS Environment and Climate Change (NSECC)
	Sherry Bernard (SB), Community Representative	Lake Loon/Cherry Brook Development Association (LLCBDA)
	Spencer Colley (SC), (<i>Chair</i>), Community Representative	East Preston Ratepayers Association (EPRA)
	Julie Ernst (JE), Community Representative	Lake Major Community
	Andrew Faulkner (AF), Development Officer/Principal Planner	Halifax Regional Municipality (HRM)
	Barry Geddes (BG), (<i>Secretary</i>), Watershed Manager	Halifax Water
	Anna McCarron (AM), (<i>Vice Chair</i>), Source Water Planner	Halifax Water
	Neil Morehouse (NM) (for DM), Manager Protected Areas & Ecosystems	NS Environment and Climate Change (NSECC)
	Mark Shaw (MS), Forest Technician (Waverley)	Nova Scotia Department of Natural Resources and Renewables
	Colin Waddell (CW), Senior Manager Water Services	Halifax Water
Regrets:	Bernie Matlock (BM), P. Eng.	Nova Scotia Environment and Climate Change
	Rev. Wayne Desmond (WD), Community Representative	North Preston Ratepayers Association (NPRA)
	Dawn MacNeill (DM), Protected Areas Coordinator	Nova Scotia Environment and Climate Change

1. Attendance / Introductions

Meeting called to order by Chair, Spencer Colley	
Notes	Regrets conveyed (see above). Quorum noted. Minutes recorded electronically.

2. Review and Approval

a. October 21, 2021 Meeting Agenda

Discussion:	Illegal Long Lake Boat Launch / Lake Major Water Supply Infrastructure Protection was added to New Business.
Decision:	Agenda proceeded.

b. October 8, 2020 Meeting Minutes

Discussion:	October 8, 2020 DRAFT Meeting Minutes were reviewed at March 4, 2021 meeting, but were not approved then, pending quorum. Minutes approved at October 21, 2021 meeting.
Decision:	Approve October 8, 2020 Meeting Minutes with corrections (per March 4, 2021 Minutes)

Motion to approve October 8, 2020 Meeting Minutes with corrections (per March 4, 2021 Minutes):	Moved by BG, seconded by JE. All in favour.
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c. March 4, 2021 Meeting Minutes

Discussion:	March 4 DRAFT Minutes were reviewed. Changes were as follows: remove 4 th Action Item under Agenda Item 3.b. because it is premature; and remove redundancies under Agenda Item 3.e. discussion – both requested by BG. The wording of the Motion was adjusted and finalized (see Item 3.e. below).
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Motion to approve October 8, 2020 Meeting Minutes with corrections described under discussion above:	Moved by BG, seconded by JE. All in favour.
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3. Old Business

a. Dam Updates:

i. Lake Major Dam:

Discussion:	BG reported that the dam is functioning as expected with no problems. Follow-up sampling was completed recently as per the permit requirements for wetland monitoring throughout the system and was conducted by a consultant as part of the approval process. BG also reported that compensation work on the six (6) properties that were impacted by water level changes resulting from the new dam installation is still ongoing. There
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	<p>were issues getting the permits in place and the contracts together to do the work on these properties due to Covid-19 restrictions. The required permits are now in place to do the work on the properties in 2022.</p> <p>Three (3) properties had impacts to their current access. There are old docks that will be removed and new ones installed at Halifax Water’s expense. Two (2) properties require minimal shoreline work that does not require a permit. One (1) floating dock that was impacted will be replaced.</p> <p>CW reported that there was a successful migration season for the species of fish that migrate up and down stream into and from Lake Major. A final report was submitted to the regulator.</p> <p>CW also reported that Halifax Water is about to host the Department of Fisheries and Oceans (DFO) who are going to trial a remote camera system to count fish at remote locations. The location of the Lake Major dam is the perfect candidate to refine that process before applying it to more remote dam structures such as those operated by Nova Scotia Power.</p> <p>BG asked for an update on the water capacity levels since the new dam was installed. CW responded that there was ample precipitation this year, so there was no impact on the water supply. We are going to run a model based on the 2016 drought, and run it against the model that was designed for the Lake Major dam construction to see how accurate it is and whether it needs updating, to better project water issues in future.</p>		
Decision	Information item only.		
Action Items		Person Responsible	Deadline
Information item only.			
<i>ii. East Lake Dam</i>			
Discussion:	The status of this item remains the same.		
Decision:	No decision required.		
Action Items		Person Responsible	Deadline
None.			
b. Lake Major Regulations:			
<i>i. Swimming/Boating in Long Lake</i>			
Discussion:	<p>BG provided the following account of an event last summer; which is indirectly related to the efforts by the North Preston Ratepayers Association’s (NPRA) request to review the <i>LMWPWA Regulations</i>:</p> <p>Members of the public accessed Long Lake for swimming and boating purposes, in contravention of the Lake Major Watershed Protected Water Area (LMWPPWA) Regulations. Neither Halifax Water nor other enforcement agencies determined who the perpetrators were and therefore, no fines or charges were laid. It is possible there was some confusion about which <i>LMWPWA Regulations</i> apply to Long Lake, since the</p>		

	<p>swimming and boating regulations that apply to it are more stringent than for Lake Major, though they both fall within the same protected water area (<i>PWA</i>).</p> <p>Aside from that event, following receipt of the NPRA submission via letter to the Lake Major Watershed Advisory Board (LMWAB or Board) requesting a review of the regulations regarding swimming and boating in Long Lake, Halifax Water circulated the NPRA letter to and received comments from the Board via email, which determined that the LMWAB was in favour of opening the <i>LMWPWA Regulations</i> to address its inconsistencies. Instances that demonstrate the inconsistencies within the <i>LMWPWA Regulations</i> are as follows: 1. swimming and boating in Long Lake are prohibited, while these activities are permitted, with restrictions, on Lake Major; and 2. since Long Lake is no longer the direct water supply for North Preston, there is reason to consider upgrading them for recreational purposes.</p> <p>In response to the NPRA’s request to change the regulations, the Chair of the LMWAB, SC, signed a response letter from the LMWAB affirming its support for the NPRA’s request to change the <i>LMWPWA regulations</i> with respect to Long Lake. Halifax Water directed the letter of support to the NPRA and additionally advised the NPRA that Halifax Water, as the Water Utility, would request that the Minister open up the <i>LMWPWA Regulations</i> for public review.</p> <p>In preparation for the public review, the latest issue of the Lake Major Newsletter, distributed in August 2021, focussed on the existing protected water area regulations, with respect to recreation, for each of the protected water areas, i.e., Bennery, Lake Major and Pockwock. The Newsletter outlined the development history of the <i>LMWPWA Regulations</i>, generally, and included a table that compared the different recreational regulations between each protected watershed area.</p> <p>A letter has been drafted, which formally requests that the Minister of Nova Scotia Environment and Climate Change (NSECC) open the <i>LMWPWA Regulations</i> for public review and asks for direction as to who will lead that process – Halifax Water or NSECC. The letter currently requires the signature of the Halifax Water General Manager.</p>	
Decision:	No further comments were made.	
Action Items	Person Responsible	Deadline
<p>All action items regarding this Agenda item, which were generated at the last meeting have been completed.</p> <p>The Board will be kept apprised of the stages of this process.</p>	BG/AM	Ongoing
c. Municipal (sewer) service extension in Lake Loon/Cherry Brook:		
i. Potential for Lake Loon/Cherry Brook municipal sewage		
Discussion:	<p>SB explained that as stated in previous meetings, the community is not opposed to having a sewer system installed in the community. However, they are concerned that they will be on the hook for paying for this expensive system. And unless the regulatory agencies can demonstrate that such agencies can provide funding for sewer infrastructure so the community is not having to pay for the entire thing, the community is not interested in getting municipal sewer infrastructure.</p>	

	<p>BG wanted to clarify the reasoning behind tabling this agenda item. He recalls that there were concerns over new on-site sewage disposal systems (OSSDS) and the potential for these systems failing and leaking into the watershed system. Further, the Board wanted to provide support (referring to item <i>ii</i> below) for the concept of a municipally maintained wastewater system, as it would help to better protect the water supply from aging or malfunctioning OSSDS now and in the future. However, if the community is not interested, then it is moot. SB agreed.</p> <p>SB added that to move this concept forward, the community needs to approach the local HRM Councillor, Trish Purdy, who would then bring it forward to HRM’s agenda because they have a role to play in this. It is currently an HRM/community discussion at this point, so it does not need to be on the LMWAB agenda, at least not until HRM and the community come to some sort of agreement. Once that happens then it could come to the Board if necessary. First a study would need to be done and then discussions between HRM and the community would go from there.</p> <p>SB added that this item was initially raised because someone was building a home where there was no sewer line to where that home was going.</p> <p>SB recommended taking it off the agenda until the community and HRM come to a decision and it is determined that support is needed from the Board.</p>	
Decision:	The Board members agreed to remove this item from the agenda until HRM and the Community come to an agreement regarding this item and when it is deemed necessary that it come to the Board.	
Action Items	Person Responsible	Deadline
Remove from agenda	AM	Complete
<i>ii.</i> LMWAB letter to HRM supporting municipal sewer system by request of CBDA		
Discussion:	For the same reason as above, remove from agenda.	
Decision:	Remove from agenda.	
Action Items	Person Responsible	Deadline
Remove from Agenda	AM	Complete
d. Nova Scotia Lands Montague Mines Remediation		
Discussion:	BG advised the Board that since the last meeting, the consultants did some extra sampling using a drill rig at sites accessible off Montague Mines Road, which Halifax Water helped to provide access to. There has not yet been a final report submission. Once we get the final report from Nova Scotia Lands, BG will update the Board.	
Decision	No decision required. Ongoing item.	
Action Items	Person Responsible	Deadline
Keep on agenda.	AM	Ongoing
e. Terms of Reference – Waverley Membership		

<p>Discussion:</p>	<p>The Motion regarding the Waverley membership request was adjusted again during review of the March 4, 2021 Minutes, whereby the following concluding sentence was added: <i>Therefore, the Lake Major Watershed Advisory Board (LMWAB) will not be expanding its membership to include the Waverley community at this time.</i></p> <p>AF asked what generated this Motion. BG explained that the request to have Waverley representation on the LMWAB came from the community who use/create Spider Lake’s trails for recreational purposes. Spider Lake is accessed though the community of Waverley. A member from the recreational community felt that there should be an opportunity for the Waverley community to sit on the board to represent the recreational community’s interests. In reviewing the Terms of Reference (ToR) it was established that while memberships were originally open to representative communities that lie within the Lake Major Watershed Area (LMWA), the LMWAB has determined since and through thoughtful LMWAB discussions at the two previous LMWAB meetings that Waverley community residents do not have a stake in the LMWA due to a lack of community landownership within the LMWA; and therefore, neither does the recreational community. Hence, membership of the Waverley community on the LMWAB is not warranted at this time.</p>		
<p>Decision</p>	<p>Through the following Motion: <i>The Lake Major Watershed Advisory Board (Board) acknowledges that there are other community interests within the watershed boundary; however, regarding these interests, the Board feels that its current Terms of Reference sufficiently depict the required representation of the watershed community. Further, most of the watershed lands that other communities are interested in using are currently owned by Halifax Water and the province and are subject to regulation. Moreover, the Board feels that any land-uses that impact the watershed are adequately addressed through the current Lake Major Watershed Advisory Board structure. Therefore, the LMWAB will not be expanding its membership to include areas or activities that do not meet the LMWAB Terms of Reference.</i></p>		
<p>Action Items</p>		<p>Person Responsible</p>	<p>Deadline</p>
<p>The Action item to <i>Reach out to the Waverley community in search of representation on the Board</i>, originally called for at October 8, 2020 meeting was rescinded at the March 4, 2021 meeting per the Motion expressed above.</p>		<p>All</p>	<p>Rescinded at March 4, 2021 meeting.</p>
<p>f. Lake Loon/Cherry Brook development association queries:</p>			
<p>i. WSP land acquisition history</p>			
<p>Discussion:</p>	<p>SB made some inquires about who owned the land and how they acquired it. Considering the Land Titles Initiative (LTI) process that is ongoing, SB is interested in providing the LTI with the information that they need to help determine what the people who are currently on the land can do on the land.</p> <p>BG added that he contacted Halifax Water’s legal team; Halifax Water can only go as far back as when Halifax Water acquired the land from HRM through the amalgamation process in 1996. To gain more information on that front, SB would need to contact HRM to find out what happened when those lands were transferred pre-amalgamation.</p> <p>SB will pass that along to the contacts for the LTI.</p>		

	<p>AM asked whether JE had anything to add to this agenda item in consideration of the Action Item, which references her in the previous minutes.</p> <p>JE added that she discussed this topic with BG, who added that he looked online and could only go so far back as 1934 that way. Neither have more information to add but JE would provide any information that she may find out about it in the future.</p>		
Decision:	<p>Nothing more to add at this time. JE will provide information as/if it becomes available. SB will pass along this information to the LTI.</p>		
Action Items		Person Responsible	Deadline
<p>The previous action item to search the property files on PID 00653584 was fulfilled as far as possible.</p>		BG/JE	Complete
<p><i>ii. Maps of the Lake Major Watershed Area vis-à-vis Loon Lake/Cherry</i></p>			
Discussion:	<p>This item was deferred.</p>		
Decision:	<p>Deferred</p>		
Action Items		Person Responsible	Deadline
<p>Show map of Loon Lake/Cherry Brook within PWA. Can people build there?</p>		AM	Next meeting

4. New Business	
a. Illegal Long Lake Boat Launch/Lake Major Water Supply Infrastructure Protection	
Discussion:	<p>BG added this item to the agenda, which is in regard to an illegal boat launch built on HRM land at the bottom of North Preston Hill that has allowed boat access to Long Lake. To build the launch, heavy equipment was placed right on top of the North Preston water line. This launch not only provided an access point for boats to access Long Lake, which is against the <i>LMWPWA Regulations</i>, but also put Halifax Water infrastructure at risk. No one has taken responsibility for this infraction.</p> <p>Cement blocks were immediately placed at the launch area to deter access. Because the launch is in the water, NSECC was contacted to investigate, since it falls under their jurisdiction. HRM is putting a guardrail in place there to protect their property and to deter people from continued access to the boat launch.</p> <p>Halifax Water hopes that the opening of the <i>LMWPWA Regulations</i> (discussed under item 3.b.i.) will provide an opportunity for the public to become more aware about the regulations and to become engaged in the process of updating the regulations, which could theoretically allow some boats into Long Lake. If activities are eventually allowed in Long Lake, we want to demonstrate that we are trying to deter illegal activity that has the potential to damage critical infrastructure in the future.</p> <p>SC asked whether the boat launch is still there.</p> <p>CW replied that it is. NSECC directed Halifax Water to leave it undisturbed because removal could further impact the environmental integrity of the area. HRM is working with Halifax Water to put in a guardrail at the site.</p>

Decision:	There is no other follow-up on behalf of the Board other than to report on the guardrail.
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5. Landowner Questions/Updates

a. Halifax Water

i. Land Access

Discussion:	BG advised the Board that the only land access that Halifax Water provides for is along the lines of research and work-related activities. There are no formalized policies to provide public access to Halifax Water lands.
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Decision:	Information item.
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ii. Preston Area Trail

Discussion:	<p>BG updated the Board about a renewed initiative to connect the remaining portion of the Preston Area Trail, where it stops just short of North Preston, through to North Preston. Halifax Water is working with HRM on this new trail development initiative.</p> <p>CW added that work is scheduled for 2022 on the Halifax Water side of this HRM/Halifax Water partnership project, when Phase 1 of the work will begin in the North Preston community and then proceed to work backwards from there toward the existing trail through 2023, which will be carried out by HRM.</p> <p>BG added that this project will include building new sidewalks, which are being built in conjunction with a new stormwater system in North Preston and will coincide with the development of the trail extension.</p>
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Decision:	Information item.
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b. Crown

Discussion:	<p>BG asked MS about the surveying being conducted on the Crown land around the Lake Major water supply plant. Does this have to do with the LTI? It is not clear where the property lines are that are being surveyed. BG observed that the surveying is being conducted outside the PWA (on the left hand side before you enter the PWA) and needs to know if any of this work is being planned for inside the watershed area.</p> <p>MS replied that he could ask his colleague about that and get back to BG.</p>
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Decision:	MS will investigate what the surveying around the WSP is about and get back to BG.
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Action Items	Person Responsible	Deadline
Investigate the surveying being conducted around the Lake Major water supply plant and report back to BG.	MS	By next meeting

c. Private:

Discussion:	Nothing to report.
Decision:	

6. Education Updates		
a. Arnold D. Johnson Sr. Water Resources Award Update		
Discussion:	<p>AM reported that no one, to her knowledge, had applied for the Arnold D. Johnson Sr. Award this year. Outreach continues. This year, the Award’s availability was among a list of Halifax Water awards that was celebrated in their internal newsletter, the Pipeline Post.</p> <p>AM also reminded the members that CW had suggested about a year and a half ago that Halifax Water and/or perhaps Board members could go into schools to promote the award there; but Covid – 19 restrictions have interfered with that plan. We could pick up on that plan once restrictions are lifted, however.</p> <p>SB suggested that in various schools there are student support workers who help guide students with their future aspirations. SB advised that there is a coordinator, Sean Gross, who is the coordinator of all the provincial student support workers. He may be reached through the Department of Education’s administration branch. We could filter the information about the Arnold D. Johnson Sr. Award through Sean Gross who could filter the information to all the student support workers. Each support worker has a junior or high school that they work within.</p> <p>One student, Travis Fraser, has taken advantage of this award and who helped us promote it the following year. Perhaps we could find Travis Fraser, and ask him again to help us promote it through the schools.</p>	
Decision:	AM to investigate the option that SB suggested.	
Action Items	Person Responsible	Deadline
Investigate filtering the information about the Award through Sean Gross.	AM	When the award is next offered.
b. Tour of Lake Major Water Supply Plant		
Discussion:	<p>AM reported that the tour is on hold due to Covid-19. AM asked CW if this is something we can start to plan or whether we need to continue to wait.</p> <p>CW reported that Halifax Water is undertaking a major infrastructure upgrade at the plant. Also, our vaccination policy still needs to be determined. The whole province is still living in a Covid-restricted state. As soon as we have answers to Covid policy we can plan a tour.</p> <p>AM took a poll of the members in attendance regarding who already had a tour. The last tour was a joint one where all committee/board members were invited to attend.</p>	
Decision:	Keep on agenda and on hold until more details concerning Covid – 19 are determined.	
Action Items	Person Responsible	Deadline
Keep on agenda until there is more certainty around Covid.	AM	Pending Covid restrictions
c. Logo Update:		

Discussion:	AM showed the members the logo, at the top of the Agenda and Minutes. The logo is actually letterhead. AM asked whether the members were satisfied with it and wanted to keep it as is. The members indicated that it was fine as is.		
Decision:	Keep the logo as is and remove this item from the agenda.		
Action Items		Person Responsible	Deadline
Remove this item from the agenda.		AM	Complete
d. Lake Major Newsletter Update			
Discussion:	<p>AM displayed the latest version of the newsletter to the members. It was a special 4-page issue depicting what was discussed in Item 3.b.i above.</p> <p>AM said she would like to create another newsletter sooner than later that is in keeping with original 2 page format and content.</p> <p>AM asked what people thought of the newsletter. The members were pleased with it and had no suggestions for improvement.</p> <p>SB indicated that she does not recall receiving the newsletter. AM to check her address against the distribution zone.</p>		
Decision:	Print the next newsletter ASAP and check SB's mailing address.		
Action Items		Person Responsible	Deadline
Create the next newsletter ASAP. Check SB's address.		AM/all	ASAP

7. Municipal Updates

a. Land Development at Ernie Lane

Discussion:	<p>AF reported that 3 lots were approved at Ernie lane. The land behind 3 Ernie Lane was cleared down to the water, which is against the bylaws. It is an active open case. There is no progress on the case.</p> <p>AF sent a reminder to HRM's planning staff asking that planners circulate developments to the advisory boards. However, planners associate Halifax Water as the agency that goes through the engineering team and often overlook the source water protection aspect of development applications in favour of the engineering aspect. AF reminds them that developments also have the potential to impact the source water drinking water supply aspect, which garners a second referral but more often than not these referrals slip through the cracks because they are not top of mind for planners.</p> <p>AF continued to explain HRM's process when a setback requirement has been contravened, that is, the owner must restore it through a landscaper or qualified arborist whereby native species must be used and planted in a similar manner as that found on the abutting properties, and to ensure that the 20-metre setback is stabilized. It hasn't reached that stage of rehabilitation yet but that is the requirement.</p> <p>BG advised that the Lake Major watercourse setback in both the Cole Harbour / Westphal Land Use Bylaw (LUB) and the Lake Major/North Preston LUB is actually 76[.2] metres from the Lake Major waterline.</p>
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	<p>AM asked if AF had asked about applying a GIS application as a trigger to planners to be alerted when a development is inside the PWA.</p> <p>AF responded that he and his colleagues spoke with the operations manager about that yesterday. HRM is trying to get the GIS group to map and zone boundaries into our systems to flag a file indicating and alerting the reviewer when a property is in a PWA. Despite frequent reminders to planners new and old, there are over 5000 applications and over 9000 inquiries, meaning that keeping PWAs top of mind is an unrealistic expectation. Having an automatic flag is needed desperately. Kurt Pyle is the contact for this effort. Someone will contact AM or BG about accessing those GIS file.</p> <p>BG added that this issue has been heightened again because of a development on Cain Street in North Preston that triggered a conversation about erosion and sedimentation control plans. BG discussed with Anne Sherwood at Public Works at HRM what the triggers should be. There is also a disconnect between HRM Public Works and Planning (AF interjected). The suggestion was that BG meet with all the middle managers to discuss PWA triggers to HRM staff. With all the advisory board comments coming into HRM and all the new development lately, it is causing a slow down in development, which they want to unclog. So they want to put this into the process as part of the implementation plan. BG and CW will be discussing creating a meeting with HRM middle managers to explore solutions. Anne Sherwood gave BG a list of the managers. AF commented that the relative managers are at the “M4” level.</p> <p>AF raised another issue that authority influences the direction of development. BG argued that there are clauses in the by-laws which state what should be done and need to be adhered to. AF argued that that doesn’t necessarily translate to what can happen. For instance, an advisory group recommendation does not carry the same weight as a by-law or a regulator. BG disagreed saying that provincial regulations trump any municipal by-law in a PWA. AF countered that that may be so, but the problem lies in that HRM has no way to administer the regulations that belong to another agency. HRM is powerless in that it has to come from the regulatory agency.</p> <p>All agreed that the authority is very confusing when it comes to environmental issues.</p> <p>AF reiterated that HRM is hopeful that creating a system that flags properties and calls up the PID you have on the zoning or heritage or designated property is the best way forward. We need the flag so we don’t have to remember to look for these special cases because there are so many other things that are more top of mind.</p> <p>BG wanted to point out that the advisory committee/board member activities are nevertheless becoming more influential despite their advisory status.</p>
<p>Decision:</p>	<p>AF will keep the Board informed about the Ernie Lane development activities.</p>

8. Election of Officers – Fall 2022

9. Next Meeting: 2:00 – 4:00 pm - March 3, 2022. Prefer to follow provincial guidelines and meet virtually and in-person.

10. Adjournment: SB moved to adjourn at 4:00 p.m.