

VILLAGE COMMISSION OF NEW MINAS
SPECIAL COMMISSION MEETING
July 14, 2005

A Special Meeting of the Village Commission of New Minas was held in the Conference Room at the Village office on July 14, 2005 at 6:00 p.m..

In Attendance: Chair Dave Chaulk
Vice-Chair Linda Lockhart
Commissioner Les Barrett
Commissioner Dale Pineo
Commissioner Sherry Swanburg
Clerk Treasurer Terry Silver

CALL TO ORDER

Chair Chaulk called the meeting to order.

CONFLICT OF INTEREST ISSUE

Chair Chaulk stated that he had called the meeting to give Vice-Chair Lockhart and Commissioner Swanburg an opportunity to consider declaring a conflict of issue on the legal tender item from the July 11, 2005 Commission meeting.

He stated that, contrary to Commissioner Barrett's statement in his email to the Clerk Treasurer, he has no other reasons for bringing this up one more time, except to make the point that he feels a mistake has been made and to give Vice-Chair Lockhart and Commissioner Swanburg the opportunity to correct this mistake by at the very least getting a legal opinion as to whether they are in conflict. He said there is absolutely no benefit to him, and this legal opinion can only serve to resolve the skepticism felt by him, and by some of the people present at the meeting. He stated if they declare a conflict and let the remainder of the Commission deal with the issues where it is perceived that they have a conflict, then that is the end of it; however, he felt that if they do not declare a conflict, then it could be very bad for them.

Chair Chaulk referred to the "Municipal Conflict Act" and the section of the *Local Government Resource Handbook* Section 4.3, as provided by the Clerk Treasurer. He went on to say that if they would seek a legal opinion and it is determined that they do not have a conflict, then that's all there is to it. He stated that it certainly appears to him that paragraph 2 on Section 4.3 defines their interest, pertinent to the motion they made at the July 11th meeting. He stated he has spoken with the Municipal Advisor, and was told that if anyone has any inkling that they may have a conflict, the proper procedure is to remove themselves from the discussions, for their own protection. Chair Chaulk went on to say that unless something has changed since Vice-Chair Lockhart and Commissioner first declared a conflict, he cannot understand why they felt it appropriate to withdraw

that conflict claim. He emphasized that the integrity of the commission is truly being compromised, and he asked them to reconsider their decisions.

Commissioner Barrett stated that it appears that the conflict of interest issue has been directed at two Commissioners, who probably have conflicts of interest, but he suggested that the Commission itself would have a conflict of interest to consider Waterbury Newton as a legal representative. He stated that if two outside parties (not Commissioners) were suing the Commission, and they were both sharing the same law firm, neither of the parties could rely on that law firm and both would have to declare a conflict. He stated he has obtained legal advice from David Proudfoot in this regard, and he was advised that maybe there is a conflict for the two members, but there is definitely a conflict for Waterbury Newton. Commissioner Barrett asked why the Commissioners would even consider employing a law firm who is representing someone who has actions against the Commission. He stated that before it even gets to the point where the Commissioners have to declare or not declare a conflict of interest, it would be prudent for the Commission itself to not even consider a firm which clearly has a conflict.

Commissioner Barrett reiterated the statement in the Waterbury Newton proposal which stated that when the law suits of two Commissioners against the Commission requires legal representation, their firm would handle this by removing their services from all parties involved. He said the Commission would therefore be required to seek outside representation.

Chair Chaulk stated he felt that the issue of the Commission's considering Waterbury Newton should be dealt with separately by those Commissioners eligible to even discuss it. At the present time, his concern is with the conflicts that Vice-Chair Lockhart and Commissioner Swanburg have in taking part in any discussion whatsoever. He stated that, in fact, Commissioner Swanburg and Vice-Chair Lockhart DID declare a conflict, and then withdrew this declaration. He felt that when and if Waterbury Newton's proposal was no longer being considered, then it would seem appropriate for Vice-Chair Lockhart and Commissioner Swanburg to return to the discussion; in the meantime, he feels they are in a conflict.

Commissioner Barrett argued that the firm's proposal should not even be on the table, and Chair Chaulk stated that nothing with this issue can change until Vice-Chair Lockhart and Commissioner Swanburg declare a conflict. Commissioner Barrett stated that the Commission should receive a legal interpretation on whether the Commission has a conflict in considering Waterbury Newton as its solicitor.

Chair Chaulk asked Vice-Chair Lockhart what she felt about this. She stated that the Commission needs a legal opinion of whether the Village is in conflict in even considering Waterbury Newton, and whether she and Commissioner Swanburg have conflicts as well. Chair Chaulk stated the Village would not be able to request an interpretation of whether she and Commissioner Swanburg have a conflict, but the Commission can discuss the Commission's position on the proposal at another time.

Commissioner Barrett stated that it's the Commission, not Commissioner Swanburg and Vice-Chair Lockhart who requires the opinion.

Chair Chaulk asked Commissioner Swanburg what her feelings were. She stated she is not prepared to make a decision at this meeting. She stated she has more of a concern about the article on AVR and who was responsible. Chair Chaulk stated that he did not write the article, nor did he broadcast it. He stated that he was interviewed by one of the reporters and answered questions pertaining to the meeting, which was open to the public and attended by some twenty or so people from the public. He stated that he had made it clear to his employer when he was asked to run for Commissioner that he would not write articles and would not report on issues pertaining to the Commission.

Vice-Chair Lockhart stated she was shocked to hear that she was suing the Village on the radio, and is concerned that many people out there didn't know about the lawsuit, and now they are aware of it. Commissioner Swanburg stated that she is also concerned, because she was advised that the law firms involved were not even notified when it was on the radio. She stated also that it sounded like they had actually filed lawsuits while they were employees of the Village, and this is not true. Several times after this, Chair Chaulk reiterated his statement that he did not write or read the article and they would have to discuss their concerns with the reporter.

Commissioner Barrett asked what was being considered about the Village's conflict in considering Waterbury Newton's proposal. He went on to say that if anyone has a problem with the perceived conflict of Commissioner Swanburg and Vice-Chair Lockhart, they can apply through the Attorney General's office and go through the Supreme Court of Nova Scotia, as stated in the Act, but the Village Commission needs to deal with the other issue; they made a mistake.

Commissioner Pineo stated that he believes Commissioner Barrett's point is valid: the Commission made an error in judgement, and they need to know if there is a conflict. Commissioner Barrett stated he believes the Commission erred and should find out. Chair Chaulk asked for clarification of the Commission's conflict and Commissioner Barrett stated that if that firm was hired, the Commission would have to find another law firm to deal with the lawsuits – it would cost more. Commissioner Barrett again explained the right and the process for anyone to challenge the Commissioners' conflict of issues.

Chair Chaulk asked if anyone wished to make a motion to request a legal opinion as to whether the Commission is in a conflict to even consider the second law firm.

Chair Chaulk asked Vice-Chair Lockhart and Commissioner Swanburg if they would have an answer to his question about declaring a conflict. They stated they would advise him by Monday next.

Discussion continued with regard to AVR's reporting on the July 11th Commission meeting. Commissioner Barrett stated he has little respect for the media, and if anyone is

going to talk to the media they should make sure the full story is published. Chair Chaulk explained that he was asked questions and answered them; he did not state anything which was not spoken in public at the meeting. He stated that AVR has a list on their calendar of all the Council and Commission meetings throughout the Valley and routinely call Mayors and Wardens for highlights of the meetings. He stated the questions he was asked were specific to the public meeting and his answers were truthful and unbiased.

Commissioner Barrett quoted several selected items from "*Cuff's Guide for Municipal Leaders*". He read excerpts which outlined the Chair's role insofar as his/her obligation to relay the messages from the majority of the Commissioners to the public, and not to voice his/her own opinion on issues. He stated that the Chair is the spokesperson for the Commission and if Chair Chaulk does not work with the majority of the Commissioners, then he will personally challenge his position/role as Chair and move for a non-confidence vote. Commissioner Barrett stated, and it was agreed by Chair Chaulk, that all the Commissioners have an obligation to the residents of New Minas, and Commissioner Barrett stated they have to put aside their dislike for each other and get things done for the Village.

Commissioner Barrett stated he has in the past and will again make public statements in the form of a newsletter, if he is forced, to make the public aware that the Chair is not performing his duties appropriately. He stated he does not want to do this, and won't if he gets the respect he deserves.

Chair Chaulk stated he feels it is not only his right, but his obligation as a Commissioner to voice his opinion about anything that causes him concern within the Commission, and stated he will not be "muzzled". He stated he has always tried to make sound decisions based on solid facts which would benefit the community as a whole. He said that Commissioner Barrett has stated that he has formed an alliance with Commissioner Swanburg and Vice-Chair Lockhart, and it appears that decisions are made by the three of them, which constitutes a majority vote in the Commission, before the Commission as a whole ever gets a chance to discuss them in a meeting. He said when he spoke up about the Fire Fighters' Honoraria, he did so for moral reasons, and as a representative of the people of New Minas. He stated he had received many, many comments about that cut in the budget, and not one comment he received was in favor of the cut. He stated as long as he is an elected official, he will convey the thoughts of the electors to the Commission.

Commissioner Swanburg stated several residents of New Minas had asked her if the Commission is "ever going to work together". She stated these comments came because Chair Chaulk is "fractioning" the business of the Commission.

Commissioner Swanburg commented on articles which occurred several years ago, and at that time Chair Chaulk called her in to discuss a letter which was circulated in the community. Chair Chaulk stated that his problem was in reference to a misleading implication that she was the only one who voted against the motion to set a rate, when

actually she voted “no” because she wanted the rate increased. He stated his point at that time was that the public was being misled.

At this point, Commissioners Pineo and Barrett stated that this kind of slamming of Chair Chaulk’s job was inappropriate.

Commissioner Swanburg stated that they have all been elected to represent the residents of New Minas. She said that Commissioner Pineo had been asked by Brent Fox about the dissention among the Commissioners, and had given a comment that the Commission was fractured in an article in the Advertiser. Commissioner Pineo stated that this is very inaccurate; the Advertiser reporter did not ask him this, nor did he say this. He said he simply stated that it was his goal, as much as he can, to work with the Commissioners in the spirit which the public expects him to work, and that the Commission continues to be congenial.

Chair Chaulk stated that he will work hard in his job as Chair and as a Commissioner to ensure that things flow along properly and smoothly. He will carry out his role as Chair to the best of his ability and will continually work on improving this. He stated he dislikes confrontation; it has no value to the Commission and he is anxious to ensure the Village Commission learns to work as a team. He stated that when it comes to moral and improper issues, such as what happened with the Fire Department, he cannot and will not stand by and not say anything, because it is his moral obligation to at least voice his concerns and opinions. He stated that if the media asks questions, he will answer them to the best of his ability.

Commissioner Barrett stated he knows the Fire Department is near and dear to Dave’s heart. He stated in his opinion members of the media are vultures and asked the Commissioners to hear a letter which he composed and which he would like to send out to the community. There were three objections to this at the time, the letter was not read.

ADJOURNMENT

On motion of Vice-Chair Lockhart, the meeting adjourned.

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer