

**VILLAGE OF NEW MINAS COMMISSION**  
**REGULAR MEETING**  
**JUNE 14, 2004**  
**7:00 p.m.**

**In Attendance**

Chair Dave Chaulk  
 Vice-Chair Linda Lockhart  
 Commissioner Marvin Messom  
 Commissioner Sherry Swanburg  
 Commissioner Ted Nicholson  
 Solicitor Heidi Kimball-Brogan  
 Clerk Treasurer Terry Silver

**Also In Attendance**

Rebecca Crouse  
 Mike Smith  
 Dean Hatt  
 Ron Turner  
 Glenda Bishop  
 Anna Bishop  
 Robert Dodwell  
 Les Barrett  
 Jack Hersey  
 Eric Brewster  
 Cecil Lockhart  
 Lynn Spencer

Chair Chaulk recognized former Commissioner Les Barrett, and welcomed all.

**CALL TO ORDER**

Chair Chaulk called the meeting to order

**Approval of Minutes-Regular Meeting May 18, 2004**

**On motion of Commissioners Messom and Nicholson, the minutes of the Regular Commission meeting of May 18, 2004 were approved as circulated. MOTION CARRIED**

**Approval of Minutes-Special Meeting May 25, 2004**

**On motion of Commissioners Swanburg and Messom, the minutes of the Special Meeting of May 25, 2004 were approved as circulated. MOTION CARRIED**

**Approval of Minutes-Special Meeting of June 1, 2004**

**On motion of Commissioners Messom and Swanburg, the minutes of the Special Meeting of June 1, 2004 were approved as circulated. MOTION CARRIED**

**Approval of Agenda**

**On motion of Commissioners Messom and Nicholson, the Agenda was approved with the following additions:**  
**“Other” – Clarification by Mr. Barrett of point**  
**“Other” – Salvation Army**  
**“Other” – Painting of Crosswalks**  
**MOTION CARRIED**

**Presentation: Paul Swanburg –  
Founding Fathers' Park**

Commissioner Swanburg advised that Mr. Swanburg was not informed that he was to be doing a presentation at this meeting, and requested that this item be deferred to the July meeting.

**BUSINESS ARISING FROM THE MINUTES**

(a) **Insurance Adjusters -  
Update**

The Clerk Treasurer advised that three quotes were received for the services of Insurance Adjusting, pursuant to the Purchasing and Tendering Policy, and the successful bidders will be notified.

(b) **Expansion of Village of  
Boundaries**

Commissioner Swanburg recommended that the Commission move towards an application to expand the boundaries. After discussion, Commissioner Swanburg offered to check into the extent of the boundary changes which she is proposing.

(c) **Legal Services Tender**

Commissioner Swanburg reiterated the Commission's direction to the Clerk at the May, 2004 meeting to ascertain whether there is a contract with the current Village solicitors to provide legal services until all pending legal issues are resolved. The Clerk referred to a letter in the Commission meeting package from Mr. John Cameron, which stated that the Commission does have a contract with Kimball-Brogan.

Commissioner Swanburg is concerned that the Commission is not following its own Purchasing and Tendering Policy. She asked Heidi Foshay-Kimball for her legal interpretation of acting against Commission Policy. Ms. Foshay-Kimball advised that policies are made by the Commission and serve as guidelines. The Commission has the authority to make a motion to void any policy or portion of a policy if it deems necessary.

**It was moved by Commissioners Swanburg and Vice-Chair Lockhart, to rescind a motion passed at the March 8, 2004 Commission meeting to postpone calling for tenders for legal services until all pending legal issues are removed, and further make a motion to follow the current Tendering Policy of the Commission. MOTION LOST 2 for, 3 against.**

**It was moved by Commissioners Swanburg and Vice-Chair Lockhart that the Clerk be instructed to contact Mr. John Cameron to ascertain if rescinding the motion of March 8, 2004 with regard to legal services will put the Commission in breach of contract. MOTION CARRIED**

(d) **Pot Holes in Village Streets  
– Commissioner Swanburg**

Commissioner Swanburg advised that after she had requested to have this item placed on the Commission Agenda, the Department of Transportation had begun their street patching. She noted that patching actually started earlier this year, and that Village staff had made numerous phone calls to the local DOT office urging them to

begin the patching.

## **COMMITTEE REPORTS**

### **(a) Recreation Advisory Committee – Commissioner Nicholson**

Commissioner Nicholson gave the Recreation Advisory Committee Report for May. He highlighted the following items:

- The New Minas float won 2<sup>nd</sup> prize in the Historic category in the Apple Blossom Festival Parade. Thanks was extended to Jenn Coolen and the New Minas Fire Department.
- Summer staff hired and staff training has commenced
- Celebration Day flyers will soon be out

**On motion of Commissioners Nicholson and Messom, the Report of the Recreation Advisory Committee was adopted as presented. MOTION CARRIED**

### **(b) Water Commission – Commissioner Messom**

Commissioner Messom highlighted the following items from the Water Commission for the past month:

- Discussions with the County of Kings are on-going with regard to the Commission's request to them to write off property taxes in the amount of \$160,000 for two years.
- Hydrant testing is being carried out, with 100 currently tested. Testing is on-going and the remainder will be tested in the near future.

**On motion of Commissioners Messom and Nicholson, the report of the New Minas Water Commission was adopted as presented. MOTION CARRIED**

### **(c) Area Advisory Committee – Commissioner Swanburg**

Commissioner Swanburg highlighted the following items from the Area Advisory Committee for May:

- A public consultation meeting was held with regard to the Wellfield protection project; a strategy has been sent to the Kings County PAC, and a follow up Public participation meeting will be held.
- Commissioner Swanburg will be meeting with Bill Butler and Mile MacIntyre to discuss with them the importance of sending applicants for any planning-related issues to the Commission's Area Advisory Committee prior to anything taking place at the County level. The AAC should be the first point of contact.
- A public participation meeting with regard to Highway and Gateway Commercial zoning.

**On motion of Commissioner Swanburg and Vice-Chair Lockhart, the Area Advisory Committee report was adopted as presented. MOTION CARRIED**

Chair Chaulk commended Commissioner Swanburg's efforts in

dealing with the first point of contact issue.

(d) **Wellness Facility  
Committee – Commissioner  
Swanburg**

Commissioner Swanburg highlighted the following items from the Wellness Facility Committee for May:

- She attended the Kings County Committee of the Whole session in June, where they passed the Commission's request, in principle, to act as the Municipal partner with the School Board in the application to construct a Wellness Facility.
- The next step is to get in touch with Consultant Rick Ramsay, and she offered to meet with Mr. Ramsay to continue the process. The Clerk will set up this meeting.
- Chair Chaulk advised that he received a follow-up call from the Deputy Minister of Education and was advised that the Village will have the authority to negotiate with the School Board on its own, but the County of Kings would have to be the signing authority.

**NEW BUSINESS**

(a) **Reconvened AGM – Notice  
of Date June 28, 2004**

The Clerk Treasurer advised that the Reconvened Annual General Meeting has been called by the Chair for June 28, 2004 at 7:00 p.m..

(b) **Doug Barry – Litter  
Commercial Street – Vice-Chair  
Lockhart**

Vice Chair Lockhart spoke about concerns she and other citizens have with the litter along Commercial Street.

**It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg that the Commission purchase extra waste receptacles and launch a Village-wide clean up, which would include Commercial Street. MOTION CARRIED**

Vice-Chair Lockhart volunteered to co-ordinate this project.

(c) **Toulan Development – Vice-  
Chair Lockhart**

Vice-Chair Lockhart spoke of the disgraceful condition of the back side of the Toulan Development property on Commercial Street.

**It was moved by Vice-Chair Lockhart, seconded by Commissioner Messom, that a letter be forwarded to Toulan Development requesting them to clean up the property behind the mall. MOTION CARRIED**

(d) **Petty Traders' Bylaw**

The Clerk Treasurer provided background information with regard to the Petty Traders' Bylaw.

**It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg that the Village revise the Petty Traders' Bylaw to conform with the Land Use Bylaw. MOTION CARRIED**

The Clerk Treasurer will contact Mr. Bill Butler and/or Mr. John Warden to initiate the process.

(e) Notice of Motion – Election Procedures changes – Vice-Chair Lockhart

Notice of Motion from Vice-Chair Lockhart:

*“Please be advised that I intend to make a motion at the next regularly scheduled meeting that the Clerk be instructed to inquire into the possible change from a staggered election process to a general four-year term for all Commissioners, keeping in mind that the present MGA relating to Villages is for a 3 year term and that this notice shall be deemed as the required notice of motion to this Commission.”*

(f) George Cuff’s Guide for Municipal Leaders – Commissioner Swanburg

It was moved by Commissioner Swanburg, seconded by Commissioner Messom, that all Commissioners will have read “George Cuff’s Guide for Municipal Leaders” in the next six months, and that the Commissioners take the information and apply it to the Commission. **MOTION CARRIED**

(g) Proclamation – Child Care Awareness Days, June 2004

It was moved by Commissioner Messom, seconded by Vice-Chair Lockhart, that the Village of New Minas Proclaim June, 2004 as “Child Care Awareness Days”. **MOTION CARRIED**

(h) Legal Representation at Commission Meetings – Commissioner Swanburg

Commissioner Swanburg questioned the need to require the Village solicitor’s attendance at regular Commission meetings. Commissioner Messom stated that, under regular circumstances, there may be no need; however, there were so many legal issues facing the Commission that it seems there is a need at every meeting to request legal advice on the spot.

**It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart that the Village Commission assess the need for legal representation at every meeting, and the Commissioners will discuss this need prior to the next Commission meeting. MOTION CARRIED 4 votes for, 1 vote against**

(i) Edwin Ditmars – Letter re Civic Numbering, Meadow Terrace Subdivision

A letter was perused from Mr. Edwin Ditmars, who is requesting the Village’s input into re-numbering his area.

**It was moved by Commissioner Nicholson, seconded by Commissioner Messom, that this item be deferred to the next meeting. MOTION CARRIED**

Vice-Chair Lockhart noted that this issue was brought to the Commission’s attention several years ago; the residents in the area were polled and the outcome of that poll was that there was no desire to change the civic numbering in the area.

(j) Commissioner of Oaths Designation Clerk Treasurer –

**It was moved by Vice-Chair Lockhart, seconded by Commissioner Messom, that the Clerk Treasurer apply for**

**Vice-Chair Lockhart****Commissioner of Oaths designation. MOTION CARRIED****(k) Commissioner Orientation – September 18, 2004**

The Clerk Treasurer referred to a notice from the Province of Nova Scotia advising of an orientation session on September 18<sup>th</sup>, 2004 for Commissioners. More information will be forthcoming as it becomes available.

**(l) AMA Spring Workshop – Clerk Treasurer**

The Clerk Treasurer advised that the AMA Spring Workshop will be taking place at Cornwallis Park from June 16<sup>th</sup>, through 18<sup>th</sup>, and she will be attending.

**OTHER****(a) Salvation Army**

Chair Chaulk informed the Commission that he was approached by the Salvation Army with regard to revising an Action Plan for the area. They requested input from the Village with regard to projects.

The Chair called a meeting for June 29<sup>th</sup> at the Village Office at 9:00 a.m.. Everyone was invited to attend, and if not able, all were encouraged to provide suggestions prior to the meeting.

**(b) Crosswalks – Vice-Chair Lockhart**

Vice-Chair Lockhart advised she is concerned about the delay in the painting of crosswalks in the Village. Commissioner Messom stated that the Village is in need of Crosswalk Signs and recommended this expenditure be placed on the Budget for 2005.

Chair Chaulk offered to contact Hon. David Morse to inquire as to why the crosswalk painting was so late this year.

**PUBLIC DISCUSSION PERIOD****Mr. Dean Hatt**

Inquired as to whether the Commission has made any decision with regard to the Minas Vale Subdivision sign.

Commissioner Messom questioned whether the Commission would have the responsibility of repairing signs. Vice-Chair Lockhart stated that this would not be a Commission responsibility.

Mr. Hatt questioned the Commission's stand with regard to pot holes. Specific complaints from citizens should be referred to the Department of Transportation. The Commission has complained numerous times in the past.

**Mr. Eric Brewster**

Complained about sidewalks near the Zellers Mall. He also reiterated Mr. Hatt's concerns with regard to pot holes, and wanted it noted that pot holes are particularly dangerous for cyclists. He noted also that there is a need for crosswalk signs at the Zellers, Bowling Alley and Burger King Crosswalks.

**Mr. Les Barrett**

1. Asked if the Village has adopted “Rules of Order”. He was advised by Commissioner Nicholson that the Commission follows the Roberts Rules of Order as a guide. Mr. Barrett feels that if recognized Rules of Order were followed relative to the Tendering process for legal services, the motion to retain legal services was contrary to the past motion to adopt the Tendering Policy, and could only be handled as a “Notice of Motion”. He stated in his opinion, the Commission should have rescinded the motion to adopt the Tendering Policy. Chair Chaulk advised that the legal tender issue is up for legal interpretation, as stated earlier in this meeting.
2. Mr. Barrett stated that his statements on March 8, 2004, which were referred to by Commissioner Messom at the May 18, 2004 Commission meeting were mis-interpreted. Commissioner Messom stated that at that meeting, Mr. Barrett had agreed that the Commission should not employ two law firms for legal advice. Mr. Barrett stated he meant that hiring two law firms, one to be retained for pending legal issues and, if the tender so dictated, one to take on other legal issues, would not contravene the Tendering Policy.

**Jack Hersey**

1. Mr. Hersey has some concerns as well about the condition of the crosswalks and asked if the Commission could request of the Department of Transportation to stripe-paint the crosswalks. Superintendent of Public Works Peter Pothier will be requested to investigate.
2. He mentioned that the crossings by Zellers are in need of painting.

**Rebecca Crouse**

1. Ms. Crouse offered to help Linda organize the Village-wide clean up.

**ADJOURNMENT**

On motion of Commissioner Messom, the meeting adjourned.

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Dave Chaulk, Chair

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Terry Silver, Clerk Treasurer