

**UNAPPROVED MINUTES**  
**VILLAGE COMMISSION OF NEW MINAS**  
**REGULAR MEETING**  
**MAY 18, 2004**  
**7:00 p.m.**

The Regular Meeting of the Village Commission of New Minas was held in the Civic Centre on Tuesday, May 18, 2004 at 7:00 p.m..

**In Attendance**

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

Members of Acadian Sites Committee  
 Members of Commission Staff  
 Members of New Minas Fire Department  
 Members of General Public

Chair Chaulk recognized past Commissioner Les Barrett.

Chair Chaulk welcomed newly elected Commissioner and Vice-Chair Linda Lockhart. He also expressed a thank you to Commissioner Ted Nicholson for his many years of dedicated service to the Commission and as Chair.

**Approval of Minutes:**  
**April 19/04 Regular**  
**May 3/04 Special**  
**May 10/04 Special**

**It was moved by Commissioner Messom, seconded by Commissioner Nicholson, that the minutes of the Regular Meeting of April 19, 2004, Special Meeting of May 3, 2004 and Special Meeting of May 10, 2004 be approved as circulated. MOTION CARRIED**

**Approval of Agenda**

**It was moved by Commissioner Nicholson, seconded by Commissioner Swanburg that the Agenda of the May 18, 2004 meeting be approved as presented, with the addition of a special item under New Business: "Dan Watters". MOTION CARRIED**

**Presentation: Acadian Sites Committee**

A very interesting and informative presentation was given by representatives from the Acadian Sites Committee. Chair Maynard Stevens, Co-Chair Ken Belfountain, Glenda Bishop, and Ted Coleman offered interesting background information and updates on the process to designate sites in New Minas as Acadian sites. There were several hand-outs available for those present.

**It was moved by Commissioner Messom, seconded by Commissioner Swanburg that the Village of New Minas make application to the Municipality of the County of Kings to have the Village-owned properties, as identified by the Acadian Sites Committee, designated as Historic Sites. MOTION CARRIED**

Jonathan Fowler offered to do a test dig and provide a report to the Commission. Discussion took place with regard to signage, as well as precautions against illegal digs. Mr. Kim Troop, who manages Group of Young Offenders, has offered to organize clean up projects on the sites.

The Committee members were thanked for their informative presentation and invited to stay to the meeting.

**Business Arising from the Minutes:**

**1. Insurance Adjuster – Commissioner Messom**

Commissioner Messom reported that he felt there was some misunderstanding with regard to the proposal from the Water Commission to hire an Insurance Adjuster to deal with insurance claims against the Village for such things as water damage. He stated that the adjuster's charge would only come into play if there was a claim, and would be an hourly charge. He explained that the staff does not have the expertise to determine whether a claim is valid, and the Insurance deductible is now \$10,000.

Commissioner Messom advised that the Water Commission will seek two more bids, pursuant to the Purchasing and Tendering Policy of the Village.

**2. Expansion of Village Boundaries- Commissioner Swanburg**

Commissioner Swanburg advised that Page 290 of the MGA allows Villages to make application to expand their boundaries. She feels that since the Village continues to offer to extend its water services beyond its own boundaries, there may be a need to pursue this option.

**It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart, that the Village of New Minas make application to the Nova Scotia Board of Public Utilities to extend its boundaries, details to be determined by the Village Commission of New Minas. MOTION LOST 2 votes for, three votes against.**

Discussion took place with regard to the public acceptance of this. Heidi Foshay-Kimball explained the process to those present. She agreed with Commissioner Swanburg that there is provision within the MGA to make application, and it is very lengthy process. She also reiterated Commissioner Messom's comments that the process requires the agreement of a certain percentage of the affected ratepayers in the area.

**It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart that the Village Commission will meet to investigate the opportunities which exist within the Section 447 of Municipal Government Act for extension of the Village boundaries. MOTION CARRIED**

**3. Legal Tender**

Commissioner Swanburg reminded those present of the decision made by the Village Commission in March, 2004 with regard to the Legal Tender. She suggested reconsideration should be given to tender for legal services for those issues not currently pending, and that the current Purchasing and Tendering Policy for the Village should be adhered to.

**It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart that the Commission adhere to the current Purchasing and Tendering Policy and tender for legal services for those issues other than those currently pending. MOTION LOST 2 for, 3 against.**

The Clerk advised that a letter had been written to Kimball-Brogan, pursuant to the motion at the March, 2004 Commission meeting, requesting an extension of their firm's legal services until such time as all pending legal issues were resolved. Heidi Foshay-Kimball regarded this request as an extension of their contract.

Commissioner Messom reiterated Mr. Barrett's comments at a previous meeting where Mr. Barrett felt it was not good practice to retain two solicitors for the Village business.

Commissioner Swanburg requested that the Commission place this item on the Agenda for the June Commission meeting. At that time, information should be available with regard to the current status of the contract with Kimball-Brogan.

**COMMITTEE**  
**REPORTS**

**Recreation Advisory**  
**Committee – Chair**  
**Chaulk**

Chair Chaulk gave a report from the Recreation Advisory Committee for the past month. The Parks clean up is well underway. The Recreation Budget was distributed to the members for information. The Volunteer Luncheon was well attended, and the summer programs are being organized.

**It was moved by Commissioner Nicholson, seconded by Commissioner Swanburg that the report of the Recreation Advisory Committee be approved as presented by Chair Chaulk. MOTION CARRIED**

Chair Chaulk reported that a question was posed at the Recreation Advisory Committee with regard to the necessity of the hiring of a summer student as an Events Co-Coordinator. Jennifer Coolen gave the history of the summer programs and this position. Jennifer noted she has applied for grants to support the position, but in the event that the grants were not approved, she was willing to make other adjustments in her summer staff because this position was very important to the efficient operation of the summer program. Commissioner Swanburg stated that once a corporate planning strategy report was in place, a decision could be made. Jennifer provided a list of duties for the position. Commissioner Nicholson stated that when the Village had an events coordinator in the past, excellent support was received from businesses through the Economic Development Commission, and stated he sees this position is an important part of the summer program.

**It was moved by Commissioner Messom, seconded by Commissioner Nicholson to accept the recommendation of the Recreation Director to have an Events Coordinator on its summer student staff. MOTION CARRIED 2 against 3 for**

**Water Commission –**  
**Commissioner Messom**

Commissioner Messom gave a verbal report on the meeting of the New Minas Water Commission. He stated that the Commission had met with Mr. Bill Butler and Mr. Arnold Dempsey from the County of Kings regarding questions on Building and Planning procedures. He advised the Woodvale Water Tank has been repaired, cleaned out and is up and running.

**It was moved by Commissioner Messom, seconded by Commissioner Nicholson that the report of the Water Commission be approved as reported. MOTION**

**CARRIED**

Heidi Foshay-Kimball advised that at the upcoming Small Claims Court session she will be representing the Commission, but would require someone from the Village to give instructions if the need should arise.

**It was moved by Commissioner Messom, seconded by Commissioner Nicholson that the Clerk Treasurer be given authority on behalf of the Village of New Minas to instruct legal counsel if necessary at the upcoming Small Claims Court session. MOTION CARRIED**

**Area Advisory  
Committee –  
Commissioner  
Swanburg**

Commissioner Swanburg read her report which she presented at the Annual General Meeting. Report attached to original minutes. In this report, she highlighted the Wellfield Protection Policy process and revisions to the New Minas Land Use ByLaw with regard to areas within the Commercial Gateway and Highway Commercial zones.

**It was moved by Commissioner Swanburg, seconded by Commissioner Messom to accept Commissioner Swanburg's report for the Area Advisory Committee as read. MOTION CARRIED**

Carolyn Meister Lloyd – Commissioner Swanburg advised that Ms. Meister-Lloyd is the owner of Lantern Hill Seniors' Residence. An application was made by the Village to amend the Municipal Planning Strategy and Land Use Bylaw, which affects Ms. Meister-Lloyd's business.

**It was moved by Commissioner Swanburg, seconded by Commissioner Nicholson to support the application to amend the MPS/LUB and that the application fee be paid for by the Village of New Minas. MOTION CARRIED**

**Wellness Facility  
Committee Update –  
Commissioner  
Swanburg**

Commissioner Swanburg gave an update on the status of the Wellness Facility project. She advised that she had read the letter from the Commission to the Kings County Committee of the Whole meeting held May 18<sup>th</sup>, in which the request was made to Kings County to act on behalf of the Village in an application to the School Board to develop the facility. The Council requested a staff report, and the Clerk Treasurer and Consultant Rick Ramsay will provide information to the County as required.

Chair Chaulk advised that he had received information

pursuant to the Commission's request to the Province to initiate a Private Members' Bill to allow the Village to act on its own behalf. He was advised by Minister Morse that the Private Members' Bill is not an option, and that an amendment to the Education Act, a public act, must be initiated by the Minister. This is a very length process. Chair Chaulk was assured verbally that the Province will provide assistance to the Village to allow them to negotiatiate with the School Board for this project.

**Michelle Morgan-Coole**

Ms. Morgan-Coole advised that there is a serious problem with regard to golf balls coming from the golf course. She stated they are landing on her property, on that of a neighbour who owns a day care, and are hitting vehicles on the highway. Commissioner Nicholson explained that the golf course has made changes pursuant to complaints some time ago; however, it seems the problem still exists.

Heidi Foshay-Kimball was asked for input. She advised that the Village has no authority to bring ramifications against the golf course, but a letter of concern could be written.

**It was moved by Commissioner Swanburg, seconded by Commissioner Messom that a letter go to the golf course outlining the concerns of Ms. Morgan-Coole with regard to flying golf balls. A copy of the letter will be sent to the Department of Transportation as well. MOTION CARRIED**

**NEW BUSINESS**

**In Camera Sessions-  
Commissioner  
Swanburg**

Commissioner Swanburg stated she feels there is a problem with procedure and wanted to know the nature of In Camera Sessions within meetings prior to going into the sessions. The Chair advised that where possible, all Commissioners will be advised of the nature of In Camera Sessions in advance.

**Oil Spill – Commissioner  
Swanburg**

Commissioner Swanburg advised that this item was taken care of with the Chair's Annual Report at the May 10, 2004 Annual meeting.

**Connors Diesel Limited  
– Request for “Release  
for Right of Way”**

Heidi Foshay-Kimball gave the background with regard to the Commission's sewer line on Jones Road, and Connors Diesel Limited application to construct an addition to their property.

**It was moved by Commissioner Messom, seconded by Commissioner Nicholson that a letter be forwarded to Mr. John Warden, Municipality of the County of**

**Kings, approving of the construction proposed by Conners Diesel Limited in a letter dated May 5, 2004, which is above the Village of New Minas' sewer line as shown in the plans, in consultation with the Superintendent of Public Works for the Village of New Minas, and the Village's Engineer. Further, if any damages should occur to the Village's system during or after construction as a result of the construction, the Village of New Minas will have authority to repair the damages and Conners Diesel Limited will be required to cover the costs do so."**

### **Change of Date-AGM**

Discussion took place with regard to the time line in conducting the AGM and providing the Financial Statements. Vice-Chair Lockhart advised that the MGA gives Villages until July 1<sup>st</sup> to provide the statements to the public. This will be considered for 2005

### **Horton High School Safe Grad 2004-Dave Chaulk**

A letter requesting support from Horton High School Safe Grad Committee was discussed. In past years, the students have offered to clean up certain areas of the Village. Safety issues were discussed, and Supt of Public Works Peter Pothier advised that there were safe areas within the community which could be cleaned up.

**It was moved by Commissioner Messom, seconded by Vice-Chair Lockhart that \$200 be donated to the Horton High School Safe Grad 2004 Committee. MOTION CARRIED**

### **Tenure – Clerk Treasurer**

Chair Chaulk advised that the Clerk Treasurer's tenure is now up for discussion. Commissioner Swanburg provided a copy of a report by Mr. Rick Ramsay to the Chair, and after perusal, the Commission agreed to table this item to a later date.

### **Dan Watters – Commissioner Nicholson**

Commissioner Nicholson advised that a special ceremony is planned at Golfview Subdivision to honour the late Dan Watters. He stated the Committee is requesting \$200 towards this event.

**It was moved by Commissioner Nicholson, seconded by Commissioner Messom that the Village of New Minas donate \$200 towards Golfview Subdivision ceremony to honour the late Dan Watters. MOTION CARRIED**

### **CORRESPONDENCE**

#### **Michelle Raymond, MLA, SNSMR**

A letter from Ms. Michelle Raymond, MLA, was perused by the Commissioners for information.

### **PUBLIC DISCUSSION PERIOD**

Mr. Les Barrett

1. Mr. Barrett commented on the discussion with regard to the

Insurance Adjuster and referred to it as redundant. He asked if the adjusters would make recommendations to the Commission. He suggested that the Insurance Companies have adjusters – would there be a need for an independent adjuster.

2. Mr. Barrett reiterated Commissioner Swanburg's discussion on the advantages of acquiring land outside the Village boundaries. He suggested that a questionnaire could be sent with the Water Bills.
3. Mr. Barrett commented on Commissioner Swanburg's concerns with regard to legal representation. He asked if the Village is currently involved in any litigation. Chair Chaulk stated that the Commission must determine if they currently have a contract. Mr. Barrett agreed that a contract is a contract, and asked if the Commission is currently a litigant or defendant in any legal proceedings, other than the Small Claims issue discussed earlier. He offered a recommendation that if this is the case, it would be wise to maintain the status quo.

Ms. Glenda Bishop

Ms. Bishop asked the date of the regular Commission meetings, and was advised they are held the second Monday of each month. She suggested that the Village utilize the Lion's Club sign as an advertising tool. The Clerk Treasurer advised that when possible, the meetings are advertised on the sign; however, it is at the discretion of the Lion's Club, who own the sign.

Mr. Peter Pothier, Supt of Public Works

Mr. Pothier clarified the role of the Insurance Adjuster by stating that the only involvement the Adjuster would have is in the event of a claim. The Insurance Company does have adjusters, but the minute the Commission advises the Insurance Company of a possible claim, whether the claim is awarded or denied, the Village's Insurance rates are affected. The Village's own Adjuster would settle with a claimant only with the Commission's permission, and they also have the expertise to determine whether a claim should be negotiated, denied or awarded.

**ADJOURNMENT**

**On motion of Commissioner Messom, the meeting adjourned.**