

VILLAGE OF NEW MINAS
REGULAR COMMISSION MEETING
JULY 11, 2005
7:00 p.m.

The regular monthly meeting of the Village Commission of New Minas was held on July 11, 2005 in the Civic Centre, New Minas, at 7:00 p.m..

In Attendance

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

Also In Attendance

Mr. Rod MacInnis, Resident
 Mr. John Mroz, Resident
 Mrs. Barbara Messom, Resident
 Mrs. Audrey Herron, Resident
 Mr. Don Zwicker, Resident
 Mr. Robbie MacDonald, Resident
 Mr. Allan Milton, Resident
 Mr. Stephen Schofield, Resident
 Mr. Sam Milne, Resident
 Mr. Anthony Bezanson, Resident
 Mr. Murray Herron, Resident
 Mr. Maynard Stevens, Resident
 Mr. Marvin Messom, Resident
 Mr. Blake Curry, Resident
 Mr. Blair Coldwell, Resident
 Mr. Brad Milton, Resident
 Mr. Les Millett, Resident
 Mr. Gordon Silver, Resident
 Mrs. Lynn Spencer, Administrative Assistant
 Mr. Peter Pothier, Superintendent of Public Works

CALL TO ORDER

Chair Chaulk called the meeting to order. He welcomed everyone to the meeting. He recognized former Commissioners Mr. Rod MacInnis and Mr. Marvin Messom in the audience.

APPROVAL OF MINUTES: Regular Meeting June 13, 2005

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the regular Commission minutes of June 13, 2005 be approved as circulated. MOTION CARRIED unanimously.

APPROVAL OF AGENDA: July 11, 2005

It was moved by Commissioner Barrett, seconded by Commissioner Swanburg, that the regular Commission meeting agenda for July 11, 2005 be approved as set. MOTION CARRIED unanimously.

BUSINESS ARISING FROM THE MINUTES:

(a) Parking Agreement, Baptist Church – recommendation from COTW

It was moved by Vice-Chair Lockhart, seconded by Commissioner Pineo to accept the recommendation from the Committee of the Whole to work in conjunction with the New Minas Baptist Church to develop a parking area on Village-owned land west of the church property. MOTION CARRIED unanimously

COMMITTEE REPORTS

(a) Water Commission – Vice Chair Linda Lockhart

Vice Chair Lockhart gave the report of the Water Commission (attached to original minutes). The following items were highlighted:

- Update on producing water and sewer billings in-house
- Discussion with regard to remuneration for Water Commission members
- Application to Canada/Nova Scotia Infrastructure Program for possible extension of water and sewer services on Prospect Road
- Migration of Water-Commission-owned properties has been initiated

It was moved By Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the report of the Water Commission be accepted as reported. MOTION CARRIED unanimously

(b) Area Advisory Committee

The Area Advisory Committee has not met in the last month; therefore, there was no report. The AAC will be meeting on July 12, 2005, 7:00 p.m. at the Village Office.

NEW BUSINESS

(a) Recreation Director's Report

The members present perused the Recreation Director's Report (attached to original minutes). The question was asked about the status of the Skatepark. Jennifer Coolen's

report states that a firm has been secured for the geo-tech study and the study will begin next week. It was felt that the project is on schedule.

(b) Tender – Insurance Coverage

The Clerk Treasurer advised that she has received one tender for Insurance Coverage; however the fees increased exorbitantly, and the Village’s broker is currently investigating to determine why there is an increase of this magnitude. She will advise when this process is complete.

(c) Tender – Solicitor

Chair Chaulk reported that the Commission had placed a request for proposals for legal services and received two. Two Commissioners had declared a Conflict of Interest, and with a reduced quorum, the Commission found they were not able to agree on which firm to hire.

Vice-Chair Lockhart, and Commissioner Swanburg stated at this point they were withdrawing their Conflicts of Interest in this matter.

Chair Chaulk addressed Vice-Chair Lockhart and Commissioner Swanburg and stated that there was a legal opinion that there was in fact a conflict of interest if they participated in this matter, and asked if anything had changed to make them change their minds. Commissioner Swanburg stated that conflict means a “pecuniary interest”, and she feels she has nothing to gain financially by voting in this matter. Vice-Chair Lockhart stated that she does not feel that she has a pecuniary interest in the law firm Burchell MacDougall, because this is not the law firm that is involved in her lawsuit against the Village.

Chair Chaulk asked that Vice-Chair Lockhart and Commissioner Swanburg seek a legal opinion, in the best interest of everyone, particularly themselves. He stated that he understands it is entirely up to them to declare a conflict, but he personally has a strong feeling they may be in conflict. Both stated they did not wish to seek a legal opinion.

It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart that the proposal of Burchell MacDougall be accepted, as the Village’s Solicitors. MOTION CARRIED, 3 yea Commissioners Barrett and Swanburg, and Vice-Chair Lockhart, and 2 nay Commissioner Pineo and Chair Chaulk.

Discussion on the Question: Chair Chaulk stated that he felt Commissioner Swanburg’s and Vice-Chair Lockhart’s participation in this motion is inappropriate due to conflict issues. Commissioner Swanburg stated that the clear definition of conflict states that there has to be a monetary gain and they do not have this. Chair Chaulk questioned that in the proposal of the other law firm, was it not confirmed that there is a conflict and that Commissioner Swanburg and Vice-Chair Lockhart AND the Village would have to seek other legal counsel in the lawsuits they have against the Village, and would this not have a direct monetary impact on them? He stated this is the conflict issue.

Chair Chaulk further stated that the Commission painstakingly went through the budget items and cut a number of items; some received unanimous agreement, and some did not. He stated it was made clear by the Commission when the honoraria to the Fire Fighters was slashed that this was done for financial reasons. He stated that the same Commissioners who slashed the Fire Fighters' honoraria now wish to choose the law firm that did not submit the lowest quote. Commissioner Pineo stated that it is morally wrong to pick and choose where to cut costs and increase costs.

Commissioner Barrett stated that historically, the Commission chose a solicitor which was of a higher tender price, rather than choose the lowest bid. He further stated that the fee charged by the former solicitors was higher than either of the bidders. Further discussion took place with regard to price comparisons.

Commissioner Barrett stated that Commissioner Swanburg and Vice-Chair Lockhart would have conflicts if they were voting for the firm which is representing them, but they do not have conflicts with the firm whose proposal they have made a motion to accept.

(d) Transportation Committee

It was moved by Commissioner Barrett, seconded by Vice-Chair Lockhart, that the Village of New Minas create a “*Transportation Advisory Committee*” to address the transportation needs in the Village. This Committee should consist of three Commissioners and two citizen members. MOTION CARRIED unanimously

(e) Recreation Advisory Committee

It was moved by Commissioner Barrett, seconded by Commissioner Swanburg, that the Village of New Minas create a new “*Recreation Advisory Committee*”, and that this Committee consist of three Commissioners and two citizen members. MOTION CARRIED unanimously.

It is understood that the Village of New Minas is not permitted to pay remuneration to any members of Advisory Committees.

(f) Closed Sessions

Chair Chaulk advised that the Clerk Treasurer has been advised that Villages are not permitted to hold closed or “in camera” sessions during their meetings.

The Clerk Treasurer further stated that the MGA does not include Villages when permitting certain things to be discussed at closed session. She stated in the information provided to the Commissioners that Section 408 (4) of the MGA (Villages section) simply states that, “*All meetings of the Village commission are open to the public*”. She stated that during conversations with the Village's municipal advisor, she was advised that the Village Commission must cease holding “in camera” sessions immediately.

Commissioner Swanburg asked how sensitive issues could possibly be discussed by the Commission in public session. Everyone agreed that this is very inappropriate and the felt a letter should be written to the minister in protest of this, asking for a resolution. Furthermore, the minister will be requested to add this to the discussion paper for an amendment to the Villages section of the Municipal Government Act.

Commissioner Pineo stated that an amendment to the Act could take some time, and it was his feeling that a more immediate measure should be taken in the meantime.

Commissioner Barrett commented on sections of the MGA as quoted in Bulletin #7. He stated that there are provisions in other sections of the MGA which state that in camera or closed sessions can be held, and the Act does not disallow Villages to hold closed meetings. The Clerk clarified that the Section 408(4) does not leave any other thing open for Villages; it clearly states that ALL meetings of village commissions are open to the public.

It was moved by Commissioner Pineo, seconded by Commissioner Barrett that the Village Solicitor, when appointed, will be requested to attend meetings when it is felt that legal representation on pertinent sensitive issues will be on the Agenda. MOTION CARRIED unanimously.

It was moved by Commissioner Barrett, seconded by Vice-Chair Lockhart, to write to the Minister for Service Nova Scotia and Municipal Relations protesting the fact that Villages are not permitted to hold in camera sessions, asking for a resolution, and requesting that this item be dealt with in the Discussion Paper on the amendments to the Villages section of the MGA. MOTION CARRIED unanimously.

OTHER BUSINESS

(a) Sidewalk Projects

Chair Chaulk asked for an update on the sidewalk projects scheduled for the year. Peter Pothier advised that the engineers have developed the tenders. The Clerk Treasurer advised that she misunderstood that the Commission wanted sidewalks installed only on Aalders Avenue this year. She and Mr. Pothier will advise the engineers immediately of this change, and advise the Commission.

PUBLIC DISCUSSION PERIOD

Don Zwicker

Mr. Zwicker expressed his disappointment that some Commissioners would take away some of the honorarium from the Fire Fighters and at the same time insist that the ratepayers of New Minas pay more money an hour for legal services, when they can get the same service for less money.

Mr. Maynard Stevens

Mr. Stevens read a letter of complaint on behalf of the Lions Club of New Minas (written copy attached to original minutes). The letter complained about the poor condition of the Civic Centre's furnace insofar as there was no hot water for their Lions' breakfasts two times in a row. Mr. Peter Pothier was questioned about this, and he stated that staff had placed a new furnace in the 2005/2006 budget, but the Commission removed it from the budget. Vice-Chair Lockhart stated that even though the repairs to the Civic Centre (including a new furnace) were all cut, it was understood that if an emergency arose, approval would be forthcoming.

It was moved by Vice-Chair Lockhart, seconded by Commissioner Pineo that staff be authorized to purchase a new furnace for the civic centre. MOTION CARRIED unanimously.

Mr. John Mroz

Mr. Mroz stated he had heard the discussion about two Commissioners having legal issues with the Village Commission and wanted to know if there was money set aside for this reason. Chair Chaulk stated that the Commission has retained legal representation to deal with the lawsuits against the Commission.

Mr. Sam Milne

Mr. Milne that Commissioner Swanburg implied at the last meeting that the Commissioners want an "open door" between the New Minas Fire Department and the Village Commission. He stated that the New Minas Fire Department is registered under the Societies Act, and has provided fire and other emergency services to the Village and surrounding areas for 45 years. He stated that three Commissioners had placed a deadbolt on the door to communication with the Fire Department, and now they say the door is suddenly open; however, he felt that unless the decision to cut the Fire Fighters' honoraria is reversed, the deadbolt still exists. Commissioner Swanburg asked why Fire Chief Redmond has not responded to the letter, and was advised he had just received the letter last Friday. Mr. Milne stated that it is up to Chief Redmond whether he wants to meet with the Commission.

Mr. Blake Curry

Mr. Curry asked if he heard properly that two Commissioners were asked whether they should declare a conflict of interest regarding legal tender. He stated he has a background in conflict of interest training and it appears to him that there most definitely is a conflict of interest issue here. He stated that if anyone even remotely suspects they may have a conflict, they should declare it to cover themselves and the Commission. He asked Commissioner Swanburg and Vice-Chair Swanburg: if this conflict of interest issue was

investigated and it was determined that they do in fact have a conflict, would they be prepared to either drop their lawsuits or step down as Commissioners.

Vice-Chair Lockhart stated that she absolutely has no conflict in this issue, and asked Mr. Curry what his point was. Mr. Curry stated that his point is that it is definitely felt by some that they do have a conflict in the legal tender issue, and they should seek legal advice to confirm or deny this feeling.

Mr. Marvin Messom

Mr. Messom stated that it is too bad that Vice-Chair Lockhart and Commissioner Swanburg did not attend the session for Commissioners on Conflict of Issue held in Bible Hill last fall. Vice-Chair Lockhart asked him to recap that information. Mr. Messom stated that a report had been issued to all the Commissioners by the Clerk at that time. Vice-Chair Lockhart stated that she has absolutely no involvement with Burchell MacDougall; therefore, she has no conflict.

Blair Coldwell

Mr. Coldwell asked how the skateboard park is progressing. The Chair stated that everything is on schedule so far.

Mr. John Mroz

Mr. Mroz asked for clarification of the legal tender process, and asked if the lowest bid should not be the consideration of the Commission, everything else being equal. He stated that it would seem reasonable for the Commission to go with the lowest price, if there is no conflict of interest issue.

Mr. Sam Milne

Mr. Milne stated that it was his understanding that no one is declaring a conflict.

ADJOURNMENT

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

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer