

VILLAGE OF NEW MINAS
REGULAR COMMISSION MEETING
October 16, 2006
7:00 p.m.

The regular meeting of the Village Commission of New Minas was held on October 16, 2006 at 7:00 p.m. in the Civic Centre.

In Attendance: Dave Chaulk, Chair
Dale Pineo, Vice-Chair
Les Barrett, Commissioner
Dean Hatt, Commissioner
Linda Lockhart, Commissioner
Terry Silver, Clerk Treasurer

Also in Attendance: Sandra Horley, Resident
Maynard Stevens, Resident
Murray Herron, Resident
Audrey Herron, Resident
Rod MacInnis, Resident
John Mroz, Resident
Peter Pothier, Superintendent of Public Works
Stephen Schofield, Resident
Allan Milton, Resident
Don Zwicker, Resident
Mark Redmond, Resident
Sam Milne, Resident

CALL TO ORDER – Chair Chaulk

Chair Chaulk called the meeting to order. He extended a welcomed and thanked everyone for coming.

APPROVAL OF MINUTES: Regular Meeting September 11, 2006

It was moved by Commissioner Barrett, seconded by Commissioner Lockhart, that the minutes of the regular Commission meeting held September 11, 2006 be approved as circulated. MOTION CARRIED

APPROVAL OF AGENDA: October 16, 2006

It was moved by Commissioner Lockhart, seconded by Commissioner Hatt, that the Agenda for the regular Commission meeting of October 16, 2006 be approved as presented. MOTION CARRIED

BUSINESS ARISING FROM THE MINUTES:

- (a) Sidewalk Projects – Capital Borrowing – Date for Public Meeting October 26, 2006

Chair Chaulk advised that the Public Meeting for the Village to seek the approval of the electors of the Village of New Minas to borrow \$2,000,000 to construct new sidewalks in the Village is scheduled for October 26, 2006, at 7:00 p.m. in the Fire Hall New Minas

- (b) Inquiry to Minister Service Nova Scotia – Persons with lawsuits against Commission running for Commissioner – Commissioner Barrett

Commissioner Barrett stated that this was an item on the Agenda several months ago and he was wondering if there is an update since the last update. Chair Chaulk stated he had spoken with the Municipal Advisor, Bob Houlihan, who told him that there is no reason anyone with a lawsuit cannot run for public office. Chair Chaulk asked Mr. Houlihan to put his response in writing and this will be forthcoming after Mr. Houlihan has checked it out with provincial legal counsel.

- (c) Strategic Planning Process – Strike Economic Development Committee

Chair Chaulk stated that, pursuant to the Strategic Planning process, it was recommended that the Village have a committee to deal with marketing and economic development. It was the consensus of the members that this Committee would be struck when the new Recreation Director is in place.

- (d) Hiring of Recreation Director – Update

Chair Chaulk advised that ads were placed and 14 applicants responded to these ads for a Recreation Director for the Village. The Clerk Treasurer short-listed to 5 and Chair Chaulk and the Clerk interviewed these five on Friday, October 13th. He stated he and the Clerk met again today to review the applications and the Clerk is requesting authorization from the Commission to hire the Recreation Director.

Commissioner Barrett stated he wanted to refer to the report provided by the Clerk Treasurer (attached to original minutes), with regard to his discussing the possibility of contracting out recreation services. He said he had originally contacted the Clerk and advised of a conversation he had with Mr. David Harris regarding Mr. Harris doing a presentation to the Commission for them to consider contracting recreation services from Mr. Harris. He noted that he had initiated the conversation with Mr. Harris; Mr. Harris did not initiate it. He said the Clerk suggested that he (Commissioner Barrett) was in favour of changing the structure, but he was only interested in the Commission hearing Mr. Harris' proposal. He stated that going through the two or three meetings with Mr. MacDonald and the strategic planning process, he wanted to attempt to provide the best services possible for the Village. He said it was a slight on an opportunity the Commission could have acted upon. Commissioner Barrett stated that he was not necessarily in favour, but he wanted to make it clear he would be interested in hearing Mr. Harris' proposal.

It was moved by Commissioner Lockhart, seconded by Vice-Chair Pineo, that the Clerk Treasurer be authorized to hire the new Recreation Director. MOTION CARRIED

(e) Fall 2006 Debenture Funding – Update Clerk Treasurer

The Clerk Treasurer advised that she has received word from the Nova Scotia Municipal Finance Corporation that the Commission's application for Fall Debenture Funding cannot proceed because the deadline for applications was the end of August.

COMMITTEE REPORTS

(a) Water Commission - Commissioner Linda Lockhart

Commissioner Lockhart stated that there was no quorum at the September meeting, therefore no report is available.

(b) Area Advisory Committee – Commissioner Dean Hatt

Commissioner Hatt reported on an Area Advisory Committee meeting held on September 19th. He stated that County Planner, Ben Sivak presented an amendment to Bylaw 42, New Minas Sector Plan which in essence would change the bylaw to provide more flexibility and control over Development Agreements. Commissioner Hatt stated that the AAC accepted the report and recommended the amendment to the Planning Advisory Committee.

It was moved by Commissioner Hatt, seconded by Vice-Chair Pineo, to accept the report of the Area Advisory Committee as presented. MOTION CARRIED

(c) Recreation Advisory Committee – Vice-Chair Dale Pineo

Vice-Chair Pineo stated since there is no Recreation Director, there was no meeting.

(d) Transportation Advisory Committee – Commissioner Dean Hatt

Commissioner Hatt reported on the Transportation Advisory Committee (report attached to original minutes). He highlighted the following from the September 19th, 2006 TAC meeting:

- Brian Ward, Area Manager from DOTPW was in attendance
- A petition was presented on behalf of residents of Aalders Avenue North
- Mr. Ward addressed each of the questions and the petition items, and attempted to explain that DOTPW must follow certain procedures to make major changes to any of the roads they own. A study is underway and will be completed soon.

It was moved by Commissioner Hatt, seconded by Commissioner Barrett, that the report of the Transportation Advisory Committee be approved as presented.

MOTION CARRIED

NEW BUSINESS

- (a) Snow and Ice Control Policy

It was moved by Vice-Chair Pineo, seconded by Commissioner Hatt, that the Commission adopt the Snow and Ice Control Policy as presented. MOTION CARRIED

CORRESPONDENCE

- (a) Letter from New Minas Baptist Church – Parking Lot

The Commission discussed a letter from the New Minas Baptist Church (copy of letter attached to original minutes) with regard to the process to come up with an agreement for them to construct a parking lot on the Village's property adjacent to the Church on Commercial Street. The two following items were addressed in the letter:

- (1) Consideration to increase the lease term to more than 10 years as originally agreed, or a renewable lease.
- (2) Permission to replace some of the trees for aesthetic reasons

Commissioner Hatt stated he personally does not see the need to replace trees, and he is not sure if the Commission should extend the lease beyond the 10 years. Chair Chaulk stated that the Commission had agreed not to extend the term of the lease.

The Clerk was requested to contact Mr. Todd Jones to advise that the Commission is prepared to meet and continue discussions in this regard.

PUBLIC DISCUSSION PERIOD

Mr. John Mroz – Mr. Mroz asked the Commission, (1) if they have a policy with regard to Commissioners publishing and circulating information which may have legal implications, and if so what are they, and (2) is there anything in place to deal with those Commissioners who do publish and circulate information to the public which may have legal implications.

Chair Chaulk asked the Clerk if the Commission has a policy, or if there is anything in the Act to deal with Mr. Mroz's question. The Clerk stated that there is no specific policy, and there is nothing in Section 18 of the MGA to cover it. Chair Chaulk stated that it is his belief that if he has something to say, he has the right to say it. Mr. Mroz stated that he agrees with this as long as nothing with legal implications, such as

defamatory remarks, is included in that public statement, where the public statement is endorsed by an elected official. He said that simply Commissioners should exercise caution when sending anything out to the public that can be traced back to the Commission as a whole, unless the Commission has sanctioned it.

Chair Chaulk stated that just because someone signs a document as an elected official and sends it out to the public, it doesn't mean that it is the opinion of everyone in that body; as an example, he noted that the MLAs and MPs do it all the time. Mr. Mroz stated that that may or may not be the case, depending on whether there is information contained in the written circulars that could have legal implications. He stated, that is why the person should exercise caution.

Chair Chaulk asked Mr. Mroz if he is referring to something specific. Mr. Mroz stated that recently Commissioner Barrett sent a letter out to the public and once again took a swipe at the Fire Department, and the Fire Department in turn sent something back. Mr. Mroz stated that the Community does not need any more of this turmoil. He said to Commissioner Barrett that if he wished to do things like this, then do it on his own time and leave the Commission out of it, or if he wants to involve the Commission, then bring it to the Commission and get permission from them to receive approval for the content.

Commissioner Barrett stated that as a Commissioner, or as a citizen like Mr. Mroz, if anything defamatory is sent around in flyers, it's the same. He stated that whether the information was written on behalf of the Village or not, it was signed by Les Barrett. Mr. Mroz stated that it's quite all right for any person to publish and circulate information he or she is aware of, if they do it as an individual, but when that person does it as part of the Commission, because to sign it with the title gives further credibility as a person, and the information is traced back to the Commission. Mr. Mroz stated that it's just not good practice to drag the Commission into it, he said Commissioner Barrett spoke as part of a group.

Chair Chaulk stated that he understands what Mr. Mroz is saying. He stated he doesn't agree with what Commissioner Barrett said, but he defends his right to say it. Commissioners are public people. Mr. Mroz stated that he agrees: everyone has the right of free speech, but one should not give credibility by using a public title.

Commissioner Barrett stated that he earned the title of Commissioner and through this appointment as an elected official, he is privy to certain information. Mr. Mroz disagreed and stated that one should never use a title to lend credence to statements that could be deemed defamatory.

Mr. Sam Milne - Asked Chair Chaulk if this letter sent by Commissioner Barrett in May was actually discussed with the Commission, to which Chair Chaulk stated it was not.

Commissioner Barrett stated that he did not show his letter to the Commission before he sent it out in the Spring because it was produced by him, paid for by him, and distributed by him as a citizen. He said it was done by Les Barrett as a citizen, not Les Barrett as a Commissioner and not for Commission business.

Mr. Rod MacInnis – Stated that previous statements over the past number of years have cost the ratepayers of New Minas a great deal of money, and Commissioners should be very aware that the same thing could happen again.

Chair Chaulk stated that he doesn't disagree with Mr. MacInnis' statement, and shares his concerns.

ADJOURNMENT

On motion of Commissioner Lockhart, the meeting adjourned.

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer