

VILLAGE OF NEW MINAS
REGULAR COMMISSION MEETING
June 12, 2006
7:00 p.m.

The Regular meeting of the Village Commission of New Minas was held on June 12, 2006, immediately following the Annual General Meeting.

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: Linda Hudson, Resident
David Hudson, Resident
Irene Woodin, Resident
Hector Woodin, Resident
Murray Herron, Resident
Erin Beaudin, Kings CED
Byron MacDonald, Kings CED
Marvin Messom, Resident
Barb Messom, Resident
Peter Pothier, Superintendent of Public Works
Don Zwicker, Resident
Travis Tibbitts, Resident
Andrew Mitton, Resident
Brad Milton, Resident
Stephen Schofield, Resident
Sam Milne, Resident
Linda Hancock, Resident
Audrey Herron, Resident
Jane Morse, Resident
Rebecca Crouse, Resident
John Mroz, Resident
Rod MacInnis, Resident
Blair Coldwell, Resident

CALL TO ORDER – Chair Chaulk

Chair Dave Chaulk called the meeting to order.

APPROVAL OF MINUTES: Regular Meeting May 8, 2006

It was moved by Commissioner Lockhart, seconded by Commissioner Hatt, that the minutes of the Regular Commission meeting held May 8, 2006 be approved with the following amendment: Page 5, second to last para, second line, remove the word “and”. Same paragraph last line, remove the words “however, only several people showed up”, and add the words, “however, only one person responded to the ad placed in the paper”. MOTION CARRIED

APPROVAL OF MINUTES: Special Meeting June 6, 2006

It was moved by Commissioner Lockhart, seconded by Commissioner Pineo, that the minutes of the Special Commission Meeting held June 6, 2006, be approved as circulated. MOTION CARRIED

APPROVAL OF AGENDA: June 12, 2006

It was moved by Commissioner Lockhart, seconded by Commissioner Hatt, that the Agenda for the Regular Commission meeting be approved as presented. MOTION CARRIED

BUSINESS ARISING FROM THE MINUTES:

(a) Parking – New Minas Baptist Church – Commissioner Lockhart

Commissioner Lockhart stated that the Clerk had forwarded an email asking the Commissioners’ opinion as to whether they would consider moving the northern boundary of the proposed parking lot to the back tree line, as requested by the Baptist Church representatives.

It was moved by Vice-Chair Pineo, seconded by Commissioner Lockhart, that the Commission proceed with the parking lot project on Village land adjacent to the Baptist Church, with the back tree line being the northern boundary. MOTION CARRIED.

It was agreed that the Commission and staff will work with the Church representatives to come up with an agreement which is suitable to all parties.

(b) Strategic Planning – Update

Chair Chaulk stated that the Clerk and Kings CED office will organize meetings to continue with the Strategic Planning process.

PRESENTATION – Erin Beaudin – Kings CED

Chair Chaulk welcomed Ms. Erin Beaudin and Mr. Byron MacDonald from Kings CED.

Ms. Beaudin gave a very comprehensive presentation on the role and activities of Kings CED.

Chair Chaulk asked Ms. Beaudin to explain the fiber network, which she explained. Chair Chaulk asked if this project was initiated by businesses, and she stated that it was initiated mostly by municipalities.

Ms. Beaudin was thanked for the presentation, and she and Mr. MacDonald were thanked for coming to the meeting.

COMMITTEE REPORTS

(c) Water Commission - Commissioner Linda Lockhart

Commissioner Lockhart gave the highlights from the May 24th meeting of the Water Commission:

- Linda Lockhart elected Chair
- Dave Chaulk elected Vice-Chair
- The Clerk Treasurer presented the 2006/2007 Operating and Capital Budgets, and both were approved.
- The Water and Sewer Services Policy was reviewed and adopted. The policy was recommended to the Village Commission for the Sewer services portion
- The Clerk updated the Commission on the ATV activity along the northern boundary of the Village. Hon. David Morse is to initiate meetings; to date these have not taken place.
- The Superintendent's report was presented by the Water Systems Operator Gerard Hamilton

It was moved by Commissioner Lockhart, seconded by Commissioner Barrett, that the Water Commission Report be adopted as presented. MOTION CARRIED

(d) Area Advisory Committee – Commissioner Dean Hatt

Commissioner Hatt presented the report of the Area Advisory Committee on behalf of the Committee Chair, Miriam Coldwell. The highlights were as follows:

- Miriam Coldwell was elected Chair
- Dean Hatt was elected Vice Chair
- Mr. Bill Young from MIR II gave a presentation on his development on the old Horton School property
- Ben Sivak, County Planner presented options for the proposed development agreement by Jerry's RV. Option 1, a site-specific development agreement, was recommended and Mr. Sivak will draft an agreement taking this into account.

It was moved by Commissioner Hatt, seconded by Commissioner Lockhart, that the report of the Area Advisory Committee be adopted as presented. MOTION CARRIED

(e) Recreation Advisory Committee

Chair Chaulk stated that the Recreation Advisory Committee meeting was cancelled, therefore, there is no report at this time.

(f) Transportation Advisory Committee – Commissioner Dean Hatt

Commissioner Hatt gave the report of the Transportation Advisory Committee. He highlighted the following items:

- Dean Hatt elected Chair
- Dale Pineo elected Vice-Chair
- Discussion took place on the Transportation Study. The process is currently underway with traffic counts taking place by the Village and Department of Transportation.
- Discussion continued on the flooding problems caused by water run-off from Highway 101, onto Cloverleaf Drive and continuing to properties on Milne Avenue and Marina Drive.
- Letter from Brian Ward regarding sidewalk installation at the connector road lights, and repairs to the Village's sidewalk in front of the Bank of Nova Scotia was read and discussed.
- Mr. Ward will be invited to a meeting of this Committee

It was moved by Commissioner Hatt, seconded by Vice-Chair Pineo, that a letter be written to the Department of Transportation and Public Works requesting them to place an amount of money in their budget to correct the drainage problems on Cloverleaf Drive (per Engineer's recommendation) in 2007/2008 and that the report of the Transportation Advisory Committee be adopted as presented. MOTION CARRIED

NEW BUSINESS

(a) Resolution for Signing Authority

It was moved by Commissioner Lockhart, seconded by Commissioner Barrett, that it be resolved that the Village of New Minas Commission Chair, or the Village of New Minas Commission Vice-Chair, together with Clerk Treasurer, will have authority to sign all cheques and documents for the Village of New Minas and the New Minas Water Commission from this time forward. MOTION CARRIED

(b) Bylaw Change – Adding Advance Poll to Election Bylaw – Chair Dave Chaulk

Chair Chaulk stated that it was requested of the Commission at the May, 2006 meeting that consideration be given to requesting a Bylaw change to the Elections Bylaw to enable the Village to hold Advance Polls. He stated that, although Proxy voting is available, certain problems could be eliminated if Advance Polls were available.

It was moved by Vice-Chair Pineo, seconded by Commissioner Lockhart, that a request be forwarded to Service Nova Scotia and Municipal Relations requesting an amendment to the Elections Bylaw of New Minas to permit Advance Polls. MOTION CARRIED

(c) Prohibiting Commission Candidates with Legal Actions Against Village Chair Chaulk

Chair Chaulk stated he would like to step down as Chair for this item, and Vice-Chair Pineo took the Chair.

Commissioner Chaulk was granted permission to read a written statement (original attached to original minutes). This statement read as follows:

Because of how I feel personally, but more importantly because of the feedback I've had from residents, I feel the time has come to get some sort of resolution on the issue of people running for Village Commission while they are at the same time suing the Village.

This has happened in three of the last four elections and in two cases, the people suing the Village were elected.

I feel the whole situation has been detrimental to the Village, not only from a cost perspective, but because of the time and effort that's gone into dealing with these lawsuits. It has been a major distraction.

I have a tremendous amount of difficulty with a person suing the Village and costing taxpayers tens of thousands of dollars while at the same time taking an oath of office saying they will act in the best interests of the Village and its residents.

I think the time has come to deal with this issue once and for all by getting an independent ruling of whether this is acceptable.

I don't know what we'll be told, but could be that what has happened is acceptable, or it could be decided that it is not.

Either way I think it's important for it to be decided so we can put it behind us once and for all and get on with the business of making New Minas a better community for us all.

I do want to say I am not on a witch-hunt because like I said it might be proven that I am wrong and that nothing morally or ethically wrong has been done.

I just want it dealt with and I believe the Municipal Affairs Department is the place to go.

Therefore I want to make the following motion:

It was moved by Commissioner Chaulk, seconded by Commissioner Hatt, that the New Minas Village Commission inform the Municipal Affairs Minister of what has happened in the Village with respect to people suing the Village while at the same time running for election to the Village Commission and ask that the Minister investigate to determine if this is acceptable and in the event it's deemed not to be that changes be made to the Municipal Government Act to prevent it from happening again in New Minas or any Municipality within Nova Scotia. MOTION CARRIED

Commissioner Chaulk resumed the Chair at this time.

(d) Sidewalk Projects – Capital Borrowing

Chair Chaulk stated that during the Budget discussions, it was agreed by the Commission that the Commission's commitment several years ago to place \$50,000 a year in the capital budget for sidewalk construction just was not adequate to do any kind of construction, and that consideration be given for major new sidewalk construction. He stated that the Superintendent of Public Works, together with the Village's Engineer were asked to tour the Village and create a "wish list" of new sidewalks. This list was presented to the Commission, and accepted by them. Sidewalks on the south side of Commercial Street would not be considered until the Traffic Study was complete.

Commissioner Lockhart stated she felt that the Commission should borrow the entire \$2M, and do all the sidewalks as stated on the "wish list", (including Commercial Street south), because there are safety issues that must be dealt with.

Commissioner Hatt stated that he feels the current sidewalks are in dire need of repairs – they are a mess in places, and too narrow. He feels that new sidewalks must also be constructed.

Vice-Chair Pineo stated that whenever there is a safety issue, the Village must look at all possibilities. He said that Lockhart Drive and Cornwallis Avenue are two areas in need of sidewalks.

Chair Chaulk referred to the information provided by Nova Scotia Municipal Finance Corporation for the Village to borrow the entire \$2M over 10 years (maximum term for sidewalks). He stated the Village would pay back \$2.5M if they borrowed \$2M, and the yearly payment would start at \$287,000.

It was moved by Commissioner Lockhart, seconded by Vice-Chair Pineo that the Commission proceed with the process to borrow \$2M as presented. MOTION CARRIED.

Chair Chaulk asked if several options should be presented at the public meetings, which are necessary to approve borrowing. Commissioner Lockhart stated that the Commission is only permitted to present one list.

(e) Attendance at Meetings – Chair Dave Chaulk

Chair Chaulk stated he has noticed that some Commissioners over the past number of months have not been attending Committee meetings and special meetings. He said that the regular Commission meetings have not been an issue, but referred to Gas Tax meetings in particular. He said he feels Commissioners need to attend these important meetings so that they can be accountable. He asked if a policy should be developed, or an existing one amended to ensure maximum attendance of the Village's Commissioners, and asked the Commission for input.

Commissioner Lockhart stated that she had attended one Gas Tax meeting, and has attended almost every other meeting of the Commission. As well, as the Vice-Chair, she has attended many, many functions as the Commission's representative.

Chair Chaulk stated that he was not trying to single out anyone, which is why he did not mention any names. He stated he would like to see Commissioners not currently attending meetings to please do so.

Commissioner Hatt stated he feels that if there are meetings to attend, it is their obligation to attend, unless there is a very good reason to not do so.

Vice-Chair Pineo stated that he agrees. He stated that Commissioners are elected to represent the electors, and can only make informed decisions if they attend meetings to become informed.

(f) Policies:

Code of Ethics Policy
Employee Service Recognition Policy
Water and Sewer Services Policy
Meetings Procedure Policy - Revision

It was moved by Commissioner Lockhart, seconded by Commissioner Hatt, that the Code of Ethics Policy, Employee Service Recognition Policy and Water and Sewer Services Policy be approved, and that the revisions to the Meetings Procedure Policy be approved. MOTION CARRIED

PUBLIC DISCUSSION PERIOD

Ms. Rebecca Crouse

Ms. Rebecca Crouse stated that on June 19, 2006, a public meeting will be held at the Council Chambers of the Municipality of the County of Kings at 7:00 to discuss options for electoral boundary changes. She said she is representing the New Minas area, and she stated that it is being proposed to split New Minas into two different electoral districts,. She continued that it is important that the Commission, as well as the public, attend this very important meeting. There could be implications for New Minas South.

Ms. Crouse stated also that the second item being discussed is whether the County should maintain the Warden/Council structure, or go to the Mayor/Council structure.

Ms. Crouse was thanked for her information.

Mr. John Mroz

Mr. Mroz stated he has learned that there may have been some movement on the outstanding legal issues, and felt it would be useful if the public could be provided with a total cost to the Village in this regard, other than the increase in the Village's liability insurance premiums from \$50,000/year to \$81,000/year. He asked the following questions:

1. What is the direct cost to the Village of any settlement which has recently taken place?
2. There must have been an extensive amount of time spent by the Commission and staff in dealing with these lawsuits. How many man-hours would have been involved?
3. What are the estimated costs of legal services to the Village's solicitor to finalize these settlements?
4. What are the estimated costs of legal services by its own solicitor?
5. Any settlement agreement must be published in the newspaper.

Chair Chaulk stated that the Commission has not been informed of any settlement. He said he could state there have not been any settlements reached on the Lockhart and Swanburg cases. Chair Chaulk answered Mr. Mroz's questions in sequence.

1. Number of man-hours spent by Commission and staff on those lawsuits – 0
2. Estimated cost for the Village's solicitor on the lawsuits referred to - 0
3. Estimated cost of legal services – there is no estimate available. Chair Chaulk went on to say that the insurance premiums have gone up to \$81,000 this year, and the Village paid the \$5,000 deductible for all three insurance-covered suits.
4. As far as anything regarding settlements with the Village's former solicitor, we have not been informed of anything, but anyone could ask her.

Mr. Sam Milne

Mr. Milne asked where the Fire Fighters' honorarium is listed in the budget. Chair Chaulk stated that it was taken out of the Fire Department expenses and placed in the "Grants to Organization" category.

Mr. Hector Woodin

Mr. Woodin noted that sidewalks on the south side of Commercial are critical, and asked if the Commission had any idea when the streets would be done. Chair Chaulk stated that there is currently a Transportation Study being carried out, and once that is complete, there would be more information available to go forward to Department of Transportation. He stated that the Village is at their mercy in this regard. He added that it would be very expensive for the Village to install sidewalks on Commercial Street and then have street changes occur.

Mr. Blair Coldwell

Mr. Coldwell asked if he understood correctly that there were no solicitor charges for the lawsuits that were recently settled. Chair Chaulk stated that the insurance company paid for all legal fees to this point, except the \$5,000 deductible.

Mr. Coldwell asked how long the Village would be required to pay increased premiums. Chair Chaulk stated that at this point, there is no way of knowing.

ADJOURNMENT

On motion of Commissioner Lockhart, the meeting adjourned.

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer