

VILLAGE COMMISSION OF NEW MINAS
REGULAR MEETING
NOVEMBER 14, 2005
7:00 p.m.
CIVIC CENTRE, NEW MINAS

The Regular meeting of the Village Commission of New Minas was held on November 14, 2005 at 7:00 p.m. in the Civic Centre.

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

Also in Attendance: Allan Milton, Resident
Stephen Schofield, Resident
Daryl Corey, Resident
Roxanne Blair, Resident
Melinda Vingvist-Tymchuk, Scouting Parent
Bruce Tymchuk, Scouting Parent
Tabatha Ward, Scouting
Dorion MacMillan, Scouting
Mary Deveau, Scouting
Dean Hatt, Resident
Doug Kaizer, Resident
John Mroz, Resident
Rod MacInnis, Resident
Mark Redmond, Resident
Brenda Redmond, Resident
Don Zwicker, Resident
Peter Pothier, Superintendent of Public Works
Gerard Hamilton, Water Operator
Bruce Welton, Scouting
Barbara Messom, Resident
Marvin Messom, Resident
Edward Patton, Resident
Sharon Boyd, Resident
Gordon Silver, Resident

CALL TO ORDER

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

APPROVAL OF MINUTES :

1. Regular Meeting October 17, 2005

It was moved by Commissioner Barrett, seconded by Vice-Chair Lockhart, that the minutes of the Regular meeting of October 17, 2005 be approved as circulated. MOTION CARRIED unanimously.

2. Special Meeting October 4, 2005

Chair Chaulk stated that the Special Meeting of October 4, 2005 was dealing with the lawsuits currently before the courts, and Vice-Chair Lockhart and Commissioner Swanburg had declared Conflicts of Interest and did not attend this meeting. Commissioner Swanburg and Vice-Chair Lockhart declared a Conflict and withdrew from discussion on this item.

It was moved by Commissioner Barrett, seconded by Commissioner Pineo, that the minutes of the Special meeting held October 4, 2005 be approved as circulated. MOTION CARRIED.

3. Special Meeting November 08, 2005

Chair Chaulk stated that the Special Meeting of November 8, 2005 was dealing with the lawsuits currently before the courts, and Vice-Chair Lockhart, Commissioner Swanburg had declared Conflicts of Interest, and Commissioner Barrett had withdrawn from discussions on the legal matters. Therefore, Vice-Chair Lockhart, and Commissioners Swanburg and Barrett withdrew from discussion on this item.

It was moved by Commissioner Pineo, seconded by Commissioner Chaulk, that the minutes of the Special Meeting of November 8, 2005 be approved as circulated. MOTION CARRIED

APPROVAL OF AGENDA: November 14, 2005

It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart, that the Agenda for the Regular Commission meeting of November 14, 2005 be approved as presented, with the following addition: “OTHER – Update on Esso Property – Commissioner Swanburg”. MOTION CARRIED

**PRESENTATION – Parents of Scouts: Melinda Vingvist-Tymchuk
Bruce Tymchuk**

Ms. Melinda Vingvist-Tymchuk gave a presentation to the Commission on behalf of the parents of 3rd Kentville (presentation read by Ms. Vingvist-Tymchuk and attached to original minutes).

The presentation requested the Commission to provide space in the gymnasium of the Civic Centre for 3rd Kentville to hold their meetings, citing problems with the current arrangement in Kentville. She also stated that as parents, their main objective is to accommodate the children of the area and move forward in the scouting program. She stated that there are definitely some problems with 3rd Kentville only being allowed to use the Church for one night; one is that several of the leaders are not available on that particular night. Also, she stated that older youth are mentors for younger youth, and if they are all having their regular meetings on the same night, the opportunity for mentoring is eliminated.

Mr. Bruce Tymchuk reiterated Ms. Vingvist-Tymchuk's comments, and gave additional background on the problems encountered by 1st New Minas in getting re-organized and some possibilities in overcoming these problems in the fall of 2006. He stated that he is one of the leaders unavailable for Tuesday nights this year in Kentville. He stated that he and other leaders from 3rd Kentville would be available to volunteer for 1st New Minas once the problems are resolved. At this point this is not permitted.

Chair Chaulk thanked Ms. Vingvist-Tymchuk and Mr. Tymchuk, and they thanked the Commission for the opportunity to do their presentation. Further discussion took place during the next item on this Agenda.

BUSINESS ARISING FROM THE MINUTES:

1. Request to use Scouts Hall – Civic Centre

Chair Dave Chaulk read a letter to the Commission from Mr. Maynard Stevens on behalf of the New Minas Lions Club, sponsors of the 1st New Minas Scouts Pack (copy of Mr. Stevens' email attached to original minutes). In the letter, the Lions Club encouraged the Commission to grant permission for 3rd Kentville to use the basement gymnasium to hold their meetings, and to urge all parties involved to do everything in their power to get the 1st New Minas Scouts back.

Commissioner Pineo asked if he understood correctly that once the Group Committee is organized, the group meeting here would be the 1st New Minas group. Mr. Tymchuk stated that this would be the case and he would do everything in his power to assure the 1st New Minas is formed. It was made clear that youth are not restricted to the club they

join, but there are certainly territorial stipulations and regulations with regard to the leadership.

Mr. Bruce Welton stated that he was the Treasurer a year ago for 3rd Kentville, and due to circumstances was relieved of this duty, thus dismissed from being a leader. He stated that the Provincial Area Commissioners went strictly by the rules and regulations of scouting, and this caused some problems.

Commissioner Barrett stated it was his position that the Commission should not get involved in the difficulties currently facing the provincial/local leaders and parents; however, the Civic Centre is owned by the Village, and he feels that we should make it available to our youth as much as possible.

Commissioner Swanburg asked if 3rd Kentville comes to our facility, would they register as 1st New Minas or 3rd Kentville. Ms. Vingvist-Tymchuk stated they would have to register as 3rd Kentville this year.

Commissioner Pineo asked if 3rd Kentville is allowed, or not allowed to use St. Joseph's Church in Kentville for their meeting place. Mr. Tymchuk stated that they are permitted to use the facility for one night a week, and currently they have a temporary site at Kingstec. The problem is that the meeting night is not convenient for some of the leaders, and the fact that all the groups must meet on that one night precludes older youth mentoring the younger youth.

Chair Chaulk stated that he was a former scout leader for many years, and he is well aware of the problems facing the scouting movement. He stated there were problems when he was a leader and there are still problems – possibly even more problems now. He stated he has had many phone calls lately with regard to the current issues, and is very disappointed to report that he has been out and out lied to by someone – he cannot say by whom, because the parties contradicted each other and he is not sure who actually is telling the truth. He stated these are the very people who are molding the youth, and they seem to want to achieve their personal goals by bickering and, even worse, lying to reach their goals. He said this is a wonderful movement for youth, and it is really a shame that there have to constantly be squabbling.

Chair Chaulk went on to say that his first priority is to the 1st New Minas group and encouraged the parties to get this resolved for the sake of the children. He stated that he cannot see any reason to prohibit 3rd Kentville from using the facility in the interim until 1st New Minas is re-established.

It was moved by Commissioner Barrett, seconded by Commissioner Swanburg that 3rd Kentville Scouts be permitted to use the gymnasium in the basement of the Civic Centre, and that this option be reviewed on a yearly basis. MOTION CARRIED unanimously

COMMITTEE REPORTS

1. Water Commission – Vice Chair Linda Lockhart

Vice-Chair Lockhart gave a report of the Water Commission. She highlighted the following:

- Meeting took place October 26, 2005
- Clerk reported on the Water/Sewer billings being generated by Village staff – process going well
- Bill 32 – Bylaw to establish Water Commission, has been amended and request to MLA to present as Private Member's Bill.
- Superintendent's Report discussed
- Inquiry from Mr. S. Robinson regarding Kings County's taking over Bonavista pumping station. Clerk responded and no further action required.

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

2. Area Advisory Committee – Commissioner Pineo

Commissioner Pineo gave the report of the Area Advisory Committee (copy attached to original minutes). He highlighted the following from the regular AAC meeting of October 18, 2005:

- AAC recommended to County PAC approval of application for rezoning of 9594 Commercial from Residential R2, to Residential R2-B.
- AAC recommended to County PAC approval of application for rezoning 9517 Commercial Street from R2 to R2-B.
- AAC recommended to County PAC approval of application by owners of property 9517 Commercial Street to amend the Land Use Bylaw Signage Regulations.
- AAC rejected the application to amend the Land Use Bylaw to permit an Additions Recovery Centre at 113 Cornwallis Avenue.

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

3. Recreation Advisory Committee – Chair Chaulk

Chair Chaulk advised that the Recreation Advisory Committee has not appointed its Chair and Vice-Chair, and he has chaired the meetings. The decision was made to not

appoint the executive until a vacancy has been filled, this vacancy occurring with the unfortunate passing of member Jack Hersey. He stated Mr. Hersey was a former employee of the Village of New Minas Parks Department, and was a long standing member of the previous Recreation Advisory Committee, and recently the newly formed Recreation Advisory Committee. He passed along condolences on behalf of the Commission and stated Jack will be missed by all.

Chair Chaulk stated that the Recreation Director was requested at the last meeting to draft guidelines for the Committee and these will be discussed at the next meeting.

It was moved by Chair Chaulk, seconded by Commissioner Swanburg, that the Recreation Advisory Committee report be adopted as presented. MOTION CARRIED unanimously

4. Transportation Advisory Committee – Commissioner Barrett

Commissioner Barrett gave the report of the Transportation Advisory Committee. He highlighted the following items (report attached to original minutes):

- Monitoring of traffic on Aalders Avenue has taken place, and will be carried out one more time to determine the extent of traffic issues from the Committee's perspective. They will then be discussed with Department of Transportation
- Water run-off on Cloverleaf Avenue from Highway 101 is causing some concerns. The Superintendent of Public Works and Vice-Chair Lockhart met with Mr. Brian Ward of New Minas Base DOT to discuss these problems.
- The Chair spoke with Mr. Roger Larkin, Superintendent of the Western Region regarding communication problems with DOT. Mr. Larkin spoke with the Clerk Treasurer today about this, and a report will be forthcoming from the next Transportation Advisory Committee.
- At the October Commission meeting, Mr. Marvin Messom made a suggestion that the Transportation Advisory Committee contact DOT and request that all traffic lights on Commercial Street be flashing between 11:00 p.m. and 6:00 a.m.. A motion was made to this effect (excluding the lights at the connector road), and the Clerk has forwarded the request.

It was moved by Commissioner Barrett, seconded by Vice-Chair Lockhart to adopt the report of the Transportation Advisory Committee as presented. MOTION CARRIED unanimously

NEW BUSINESS

1. County Councillor representation at Commission meetings – Commissioner Swanburg

Commissioner Swanburg stated that over the past three or four months, the County Councillor for the Village has not been attending the Commission meetings, and she is concerned that the Village's issues are not being properly represented at the Council meetings. She suggested that alternative arrangements could be made to meet with Councillor Smith to ensure that he has information to relay to the County.

Chair Chaulk advised that Mr. Smith had phoned him to state that he had to attend a mandatory County workshop this evening, which is why he is not here.

Chair Chaulk offered to speak with Councillor Smith and explore all options available to meet with him.

2. Conflict of Interest Policy

Commissioner Barrett stated that it would be against Provincial Regulations to have this Policy, because there is already a Conflict of Interest Act, and it would be intended that the Village's Policy would supersede the Act.

The Clerk stated that nothing supersedes Provincial Acts, and this policy is meant as a tool for procedural purposes. She stated that it has been recommended by the Village's solicitors that a Conflict of Interest Policy be in place so that there can be clear guidelines for the Commission and staff to follow. She brought the Commissioners' attention to the fact that the Provincial Conflict of Interest Act is actually quoted in this Policy, and this Act will most definitely be the catalyst in the development of this Policy; indeed, the Policy was taken from the model as outlined in the province's resource handbook.

The Commissioners discussed some changes to the wording in the Policy, and agreed to give the Clerk feedback so that she can have their recommendations ready for discussion when the item is brought up at the December Commission meeting.

It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart, that this item be tabled to the next Regular Commission meeting. MOTION CARRIED unanimously.

3. Employee Recognition Policy

It was moved by Vice-Chair Lockhart, seconded by Commissioner Pineo, that the Employee Recognition Policy be approved as presented. MOTION CARRIED unanimously.

4. Clerk Treasurer Evaluation – Vice-Chair Lockhart

Vice-Chair Lockhart advised that the Commission have all received an email from the Clerk Treasurer notifying them that her anniversary date is November.

It was moved by Commissioner Barrett, seconded by Commissioner Pineo that a Committee consisting of Chair Chaulk, Commissioner Barrett and Commissioner Pineo be set up to carry out the Clerk Treasurer’s evaluation, pursuant to the Performance Evaluation Policy, with all Commissioners providing input. MOTION CARRIED unanimously.

5. Office Layout – Vice-Chair Lockhart

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg to table this item to the December, 2005 Commission meeting. MOTION CARRIED unanimously

OTHER ITEMS

1. Parking – First United Baptist Church

The Commissioners viewed a proposed plan submitted by the First United Baptist Church of New Minas, outlining a parking area on lands adjacent to the Church property, and owned by the Village of New Minas. This parking lot proposal was discussed in the early summer, and the Commission agreed to the venture in principle.

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg to table this item to the December 2005 Commission meeting. MOTION CARRIED unanimously.

2. Esso Property – Commissioner Swanburg

Commissioner Swanburg stated that she would like to see a letter written to Esso requesting that the site of the now-demolished Esso service station be donated to the Village for green space.

Superintendent of Public Works Peter Pothier was asked if he was aware of any environmental concerns on the property as a result of contamination of soil, and he stated that it could be some time before the process is complete and pending legal issues settled.

Commissioner Barrett stated it was his opinion that the Village of New Minas should not get involved with this land until it has a “clean bill of health”.

Commissioner Pineo stated that he feels Commissioner Barrett makes a good point; there could be serious liability issues if they were involved in the use or ownership of this land before everything is settled with the environmental assessment.

CORRESPONDENCE

1. Lions Club – Resurface Downstairs Floor

The Commissioners viewed an email from Mr. Maynard Stevens of the New Minas Lions Club, in which he stated that this organization has agreed to resurface the floor in the downstairs gymnasium.

**It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the Clerk write a letter to the New Minas Lions Club thanking them for their kind offer to resurface the floor of the downstairs gymnasium in the Civic Centre.
MOTION CARRIED unanimously**

PUBLIC DISCUSSION PERIOD

Chair Dave Chaulk

Chair Dave Chaulk stated that at the October, 2005 Commission meeting, Mr. John Mroz asked a number of questions which he was not comfortable answering, because neither he nor the other Commissioners nor staff had all the answers. He stated he has since acquired the answers to his questions and read them (questions/answers attached to original minutes):

“Mr. Mroz asked three questions, which he read from a prepared statement (attached to the original minutes. In essence, the questions are:

Are the payments of any costs and/or potential damages covered 100% by the Village’s Insurance? If not, does the Village have an estimate of the potential costs for potential damages?

- 1. Human Rights Case Lockhart – Village defended by P. Howatt – All legal and damage costs responsibility of the Village of New Minas*
- 2. Human Rights Case Swanburg-P. Howatt – All legal and damage costs responsibility of Village of New Minas.*
- 3. Defamation Case Lockhart – Village defended by A. Parish of Burchells, Halifax. All legal and damage costs responsibility of Insurance Company.*

4. Wrongful Dismissal Case Lockhart- Village defended by Mr. Alan Parish of Burchells, Halifax. Legal Fees responsibility of Insurance company, Damages, if any, responsibility of Village of New Minas
5. Wrongful Dismissal Case Swanburg- Village defended by P. Howatt. Legal fees responsibility of Insurance Company, damages, if any, responsibility of Village of New Minas.
6. Defamation Case Messom/Nicholson/Redmond vs Barrett. All legal costs and damages, if any, responsibility of Insurance Company.
7. Defamation Case Kimball vs Barrett –All legal costs and damages responsibility of Insurance Company.

There are currently no estimates of costs to the Village, with the exception of the Insurance deductible.

What is the deductible applicable to each case?

The deductible amount for each case is \$5,000.

Have any monies been set aside for any possible settlements?

Not in this budget year

What safeguard is the Commission exercising to ensure that there are no conflicts of interest with regard to discussions/advice to legal counsel for the Commission's part in the pending lawsuits?

Each time there is a question about Conflict of Interest, legal advice is sought. If the Village's Counsel is deemed to be in Conflict for any reason, independent legal advice is sought.

Have the protocols been reviewed and approved by the Village's and Insurance Company's solicitors?

There has been constant communication with the Village's solicitor, and the Insurance Company's solicitor has been appropriately kept informed of anything involving those particular cases

Mr. Mroz thanked the Commission for these answers.

Mrs. Sharon Boyd

Mrs. Boyd asked the Commission if they are aware that the noise caused by ATVs is still a problem in Minasvale Subdivision. She stated that the problem has greatly improved, but is still on-going. She asked the Commission what they were prepared to do about it.

Commissioner Barrett stated that maybe the Commission could request the County to develop a Noise Bylaw. The Clerk advised that the Village already has a Noise Bylaw; however, the RCMP, which is the enforcement body, advises that this Bylaw is difficult to enforce because of the way it is written.

Commissioner Barrett stated that the Commission could consider forwarding correspondence to the RCMP to make them aware of the extent of the problem. Mrs. Boyd stated she is in constant contact with them, and they have in the past been made well aware of the extent of the problem, but apparently the Bylaw is difficult to enforce. Commissioner Barrett stated that perhaps the Commission should review the Bylaw.

Mrs. Boyd stated that there is a Provincial "Protection of Property Act", and she has requested that the enforcement of this Act be considered in this instance. Commissioner Barrett stated that that Act would only deal with noises on her own property. He stated that as Chair of the Transportation Advisory Committee, he will bring her concerns to the next meeting. He advised of the meeting dates and Mrs. Boyd said she will attend.

Commissioner Pineo stated that he has discussed this with Councillor Eric Smith, and Mr. Smith have spoken with property owners.

Mr. John Mroz

Asked when the minutes of the Special Meetings will be available, and the Chair advised they have been approved and are now available for public.

He asked if trial dates have been set for the lawsuits. Chair Chaulk stated the Commission has not been made aware of any trial dates.

Mr. Rod MacInnis

Mr. MacInnis asked whom Alan Parish is working for, and was advised the Insurance's defense. Mr. MacInnis stated that it's his opinion that the Insurance Company will work in the best interests of their company, not the Village. Chair Chaulk stated that when the Insurance Company is paying for legal representation, the Commission has no say in the matter.

Mr. MacInnis stated he feels that the Commission is skirting around answering questions regarding legal matters at these meetings; no concrete answers are forthcoming to the

questions asked. He suggested the Village's Solicitor should attend the meetings so that the public can have some of these questions addressed.

Chair Chaulk stated that if the Commission is asked a question that cannot be answered truthfully and precisely, then the response must wait until the correct information is gathered. Also, he pointed out, these are legal issues before the courts, and there is often precious little that can be stated.

Mr. Marvin Messom

Mr. Messom asked the Commission when they are intending to follow up on installing sidewalks along Commercial Street. He suggested that the Commission seriously consider doing this soon; the project will entail moving utility poles.

Commissioner Barrett stated the Commission will take this under advisement for future projects.

Mr. Rod MacInnis

Mr. MacInnis asked when the sidewalk is going to be constructed on Commercial Street in front of the Superstore, as promised last year. Vice-Chair Lockhart stated that the Commission brought forward last year's budget of \$50,000, which was not nearly enough to do the project on Commercial Street, and added it to this year's budget, and made the decision to construct a sidewalk on Aalders Avenue.

ADJOURNMENT

On motion of Commissioner Barrett, the meeting adjourned.

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer