



Minutes

**Village of Chester
Regular Monthly Meeting
July 09, 2014**

Present: Bill Nauss, Commissioner; William Zinck Jr, Chair; Iris Tolliver, Clerk Treasurer; Wynand Baerken, Commissioner; Morgan Stevens, Assistant Deputy Chief; Greg Conron, Fire Department

Regrets: Brenda Mulrooney, Commission; Michael Heisler, Commissioner; Dave Richardson, Fire Chief; Everett Hiltz, Deputy Fire Chief

1.0 Call to Order

Chair Zinck called the monthly meeting to order at 7:00 pm.

2.0 Minutes from June 11, 2014

MOTION: Bill Nauss moved, Wynand Baerken seconded, the acceptance of the June 11, 2014 minutes. Carried.

3.0 Business Arising from the Minutes

No business noted

4.0 Service Nova Scotia and Municipal Relations

Guest Speaker - Chris McNeill

Mr. McNeill distributed copies of the Municipal Conflict of Interest Act.

Mr. McNeill reviewed the key parts of the Act and stated that the Commission is considered a "local board" as per the Municipal Conflict of Interest Act.

A part of the Municipal act that usually is very troublesome for a board such as the Village Commission, 3(a)(iii) " is a member of a body, whether incorporated or not, that has an interest in any matter in which the council or local board is concerned " – Mr. McNeill stated that 'if you are a member of a fire department, and there is an issue before the Village Commission on Fire business, then potentially you have a conflict of interest, because you are a member of a board that has an interest in a matter before the commission'. (The person just has to be a member)

Example provided by Mr. McNeill – if you are a lawyer and you provide legal services and you wish to bid on a legal service that the Village wishes to do, then if you are interested, you may or may not decide to bid on a proposal, or if you are a land surveyor, and you are an employee of a company which wishes to bid, then you would have to declare a conflict of interest and not become involved in that discussion.

So anytime there is a matter that is before the Village Commission, specifically related to your business, that you may have an interest in, then you are in a conflict of interest. If you are a lawyer or land surveyor, for example, and have no interest in bidding on anything, or your company doesn't, then you are fine and can discuss the issues as you wish.

4.0 Service Nova Scotia and Municipal Relations

Guest Speaker - Chris McNeill

This can be applied to any business, so if you are a contractor and the Village Commission wants to build a new building, and you might be interested as the owner of that company or contractor, or an employee of the contractor, then potentially you may bid on that, so you should not be involved in the process of what the tender would look like, bidding on the process. So you would declare a conflict of interest and step aside and not become involved with discussing the issue. But certainly you or your company could bid on it, you can't be involved in the decision making process.

When do you declare conflict of interest – section 6 – 'as soon as practical after commencement of the meeting you disclose the interest and the general nature of the interest. So if it is going to be discussed at a closed meeting, then you would disclose that prior to going In Camera, if you are present at the meeting. And if it is at a Public meeting, then you would disclose it when it comes up on the agenda. For an open meeting you can simply remove yourself from your chair and sit in the public gallery like everyone else. If in a closed meeting, then you have to leave the room, you can't participate or be aware of what is discussed at the meeting and you have to state what the conflict is. (Example – if you are interested in bidding on something or a relative is potentially going to benefit from it, then you have to say "I wish to declare a conflict of interest, I am a contractor and I may be interested on bidding on this particular contract so I therefore declare a conflict of interest and remove myself from my seat for this discussion'. Then the person leaves, that information goes on public record and gets disclosed in the minutes." You must be clear why you are in conflict.

The Village is required to have a book, here for the public that keeps record of who has declared conflict of interest.

With small bodies, like Chester, five Commissioners sometimes leaves achieving quorums an issue, the act addresses this by "Where, by reason of this act a local board lacks a quorum, to consider any particular matter, then notwithstanding provisions of this Act ... for the purposes of considering and acting on a matter a quorum is 1/3 of the council or local board, or two ... members, whichever is greater. So if 5 members on Board, you need 3 to have a quorum, but this legislation allows you to make a decision with 2 members, only through the conflict of interest act.

Section 9, if someone believes someone is in conflict but the person doesn't acknowledge it, then the Attorney General, or an elector may apply to a judge for determination of whether a member has contravened the provisions of the act. So if someone votes on an issue, but don't believe they are in conflict, the only way to take that person to task is via Minister of Justice or an elector to take them to task. The Commissioners are electors, but they would be responsible to hire their own lawyer or seek independent legal advice, the Village Commission cannot fund this. This application to the court must be made within sixty days. There is a significant penalty if the Judge finds them in conflict and they benefited financially.

The Statute of Limitation is 10 years, but once you are aware of the possible conflict, then you only have 60 days.

Chair Zinck thanked Chris McNeill for coming to the meeting and reviewing the Act.

5.0 Old Business

a) **Eastlink Tower**

Iris Tolliver received an email requesting to put a cell phone tower at the Fire Hall.

Eastlink came up with 2 plans for location – 1) by Fire Department; 2) by EMC Building

Discussion was held.

5.0 Old Business (continued)

a) **Eastlink Tower** (continued)

MOTION: Bill Nauss moved, Wynand Baerken seconded, to give Eastlink permission to talk to MODC to see if it will be allowed, and a final decision will be made with the full commission being present and health information is received, to a make a decision on a contract on the tower.

Carried.

b) **1990 Pumper – Kaizer Meadows**

Chair Zinck stated that Kaizer Meadows wanted to possibly put this truck at their site, to be able to get a jump start on a fire at Kaizer Meadows.

Discussion was held.

It was felt this needs to be looked into further with Bruce Forrest and Bruce Blackwood. Iris Tolliver will set up a meeting to discuss this.

6.0 Reports

a) **Fire Chief's Report**

Chief Richardson was not in attendance so Morgan Stevens gave a verbal report. There have been 18 calls – 7 trees on fire due to the wind and falling on power lines; 1 odor of smoke; 5 alarm calls; 3 medical calls; 1 MVA; 1 Mutual Aid structure fire.

The new truck has arrived and looks really good. It is not in service yet. When there are enough volunteers to come together in an evening, we can do the switchover from one of the old Fords.

Once the gear is on it, then it will be back in service. Iris Tolliver has the insurance paper for the truck but the registration is not done yet.

b) **Fire Advisory**

Chair Zinck reported that at the last meeting there was a presentation on EAP for Incident Stress.

Critical Stress Management procedure was approved. Also discussed were the NFPA 1720 issues and 1500 self-assessments.

c) **Clerk Treasurer Report**

Iris Tolliver reported that the Association of Nova Scotia Villages has a quarterly meeting here on July 25/14. On the agenda to be discussed are the Village of New Minas and their pending consideration to apply for Town Status. If any Commissioners would like to attend, Iris will remind you of the meeting.

The iCloud server is up and running, and all commissioners will be assigned individual email accounts that are linked to the Village of Chester website. Iris will need cooperation in getting the I pads to get this set up.

Ongoing issues with repairs at EMC; Paul has taken care of most of it. Some of the problems are new trucks going in there and having different plugs so they are tripping breakers and this is being investigated.

It was also reported to Iris that there were some shingles missing off the Fire Hall and an estimate of approximately three bundles. That will need to be taken care of right away. Ms. Tolliver asked that the Properties Committee meet and discuss a more permanent solution to the problems at the Fire Hall and then report back to the Commission at the next meeting.

The Car Starter Grant was sent in requesting \$3000.00 and we should hear results in August. In the meantime, A.S.A.P. Electrical was down to the Lido Pool to do an analysis of cost to put one of the car chargers. \$1750 would be the cost. However the Commission would have to provide the pole and dig the trench.

6.0 Reports (continued)

c) **Clerk Treasure Report** (continued)

An email was received on July 3rd, re the Pump Out, that the MODC had an in camera discussion on the issue. The following motion was made - *“Moved by Councillor Armstrong, seconded by Councillor Myra, that Council accept the recommendation of the staff, regarding the sale of the boat pump out, including lease arrangements for use and access to the Village Commission of Chester. Carried.”* MODC’s solicitor is preparing the documents for next week and the proposal is to sell the assets for \$1.00, and prepare a non-exclusive lease for the properties surrounding the pump out and the wharf, and a provision will be done that if it doesn’t get used for the public purposes, then it reverts back to MODC.

The Lido Pool has issues on the left side of the wall, it is deteriorating. An analysis was completed with the pool being fine. However, what is happening is that at high tide, the wall is leaking and then in the winter it freezes, and the crevices are opening up. Also there is water coming in under the floor, and it has been discovered that the water leaking in is fresh water. The only thing they could determine is that it may be coming down from the parking lot. The contractor will go in and look at it in September and do an analysis and then Iris will invite him to the October meeting to discuss this. There are other things to discuss, however, as per the Bill 51, that was passed by the Minister of Municipal Affairs, on May 1st, 2014, which provides Village Commission’s to discuss certain matters in closed sessions, there is a matter concerning Human Resources and a matter concerning potential litigation that needs to be addressed, as well as a response from VOC’s solicitor concerning the sewer, and due to the absence of two of the Commissioners, it is asked that the Commission schedule an ‘In Camera’ meeting on Thursday, July 24/14 at 7:00 pm.

Wynand Baerken asked if there was any money available to proceed further with the car charger unit. The budgeted amount for the project was \$1000. The electrician would cost \$1750 plus tax and there would also be cost for excavation. There was general discussion and questions about poles. The Clerk mentioned that perhaps funds could be drawn from the HST money from last year’s remittance.

MOTION: Wynand Baerken moved, Bill Nauss seconded, to go ahead with the car charger unit set up. Carried.

d) **Financial Report**

Iris Tolliver distributed the financial reports to the Commissioners present and the reports were reviewed.

MOTION: Wynand Baerken moved, Bill Nauss seconded, the financial report. Carried.

e) **PAC Report**

There was nothing to report.

7. New Business

a) Request to address the Commission – Tom Mulrooney – re Village Status

Tom Mulrooney stated that Iris Tolliver stated in her Clerk Treasurers report, that at the ANSV meeting she will be getting a report on the situation in New Minas. Iris also stated that it is a possibility that a report may be given on the issues with Hantsport, who may be dropping the Town status and becoming a Village.

8 Correspondence:

Iris Tolliver stated there was no correspondence.

Business from the agenda concluded at 8:02 pm

Questions from Electors pertaining to this meeting's agenda:

- 1 - Wynand Baerken asked if this commission could complete a report on contracts and successful bidders, and bring the report back to the commission to see if there has been a conflict of interest
After discussion it was agreed to take this discussion In Camera and Iris Tolliver will have a report completed for the In Camera meeting on July 24/14.
- 2 - Nancy Hatch asked if there was a ceiling on the amount spent on legal fees involved with the sewer issues.
Iris Tolliver stated there is a budget for legal fees in the budget.
- 3 - Jim Barkhouse asked what In Camera sessions would be about besides personnel matters?
Iris Tolliver stated that Human Resource issues, personal issues. With FOIPOP there are definite rulings on procedure. The items will be discussed In Camera, however, decisions made will be public information.
- 4 - Tom Mulrooney questioned the sewer system and is the lawyer report on the reserve funds. Chair Zinck stated it is the reserve money and that any decision made will be announced at a public meeting.
- 5 - Nancy Hatch asked if the public asked the commission involve the solicitor? Iris Tolliver stated that there is a process taking place, and the public will be informed.
- 6 - Jim Barkhouse asked if the outside fire service has been agreed upon. Chair Zinck stated that the issue is in discussion now and will be made public when a decision is reached.

MOTION: Bill Nauss moved, Wynand Baerken seconded, the meeting adjourned at 8:18 pm.

William Zinck Jr.
Commission Chair

Maxine Veinot
Administrative Assistant

