



Village of Chester Commission  
Regular Monthly Meeting  
June 10, 2015

**Present:** Bill Zinck Jr, Chair; Michael Heisler, Vice-Chair; Dave Foley, Commissioner; Ray Cambria, Commissioner; Iris Tolliver, Clerk Treasurer

**Regrets:** Bill Nauss, Commissioner

**1.0 Call to Order**

Chair Zinck called the meeting to order at 7:05 pm.

**2.0 Approval of Minutes**

- a) **MOTION: Ray Cambria moved, Dave Foley seconded the acceptance of the May 13, 2015 minutes as distributed. Carried.**
- b) **MOTION: Michael Heisler moved, Ray Cambria seconded the AGM minutes of May 26, 2015 approved. Carried.**
- c) There were two In Camera meetings held-(1) April 28/15 with SNSMR and (2) June 1/15 Human Resources.

Motion

Motion

**3.0 Additions to the Agenda & Approval of Agenda**

Ray Cambria asked to have 2015 Budget –Fire Boat, added to the agenda. Budget –Fire Boat will be Any Other Business (e) and the Recap of Direction will be Any Other Business (f)

**MOTION: Dave Foley moved, Ray Cambria seconded, the approval of the agenda for June 10, 2015. Carried.**

Motion

**4.0 July and August Meeting Schedule**

Iris Tolliver said traditionally the July and August meetings for the second Wednesday of every month, have been cancelled. After discussion it was agreed that if a decision is made to cancel them, then a notice will go on the website, the office door, and on the bulletin board.

Bill Zinck said that during July and August they will suspend the public forum meetings and then will start-up again in September.

**5.0 Questions from Electors Pertaining to the Agenda**

**> Nancy Hatch, Central Street:**

Nancy questioned the suspension of the summer Public Community meetings, held on the fourth Wednesday of each month. If the meetings are suspended then the rate payers - summer residents, won't have a meeting to come and voice concerns. Iris will post in the June newsletter that if they have issue(s) they should notify her and a special meeting can be called, if no notifications are received, then there will be no meeting.

Iris Tolliver

5.0 **Questions from Electors Pertaining to the Agenda** (continued)

> Brenda Mulrooney, Brunswick Street:

Brenda commented that the April 28/15 was mentioned at the last monthly meeting in May.

Committees are being appointed tonight and citizens at large are able to be on committees with a Commissioner and she said she would volunteer for the committee that looks after gardens, if the Commission is interested.

Chair Zinck asked if there were any other questions. There were none.

6.0 **Business Arising from Previous Minutes**

Fire Hall Roof Replacement Project

This item was tabled until Commissioner Nauss is present.

Agenda Item tabled to next meeting

7.0 **Reports**

a) **Fire Chief's Report**

Since the last meeting CFD had 8 call outs consisting of 4 alarms- 1 medical, 1 woods fire, 1 ATV accident and 1 MVC.

The May practice was an extrication practice using the rescue 42 stabilizers and air bags.

This months practice will be a LP for a hazmat exercise.

Level 1 training started at CFD hall last weekend and will run every third weekend until December.

The boat was in the water, but had to be taken out for some electrical issues and the issues are being rectified at the present time. A thanks should go out to Danny Boutilier for storing and putting the float in the water.

The shelving project is underway and we are waiting on Dave Kennedy to give a quote on the work.

Members attended the meeting at Bonny Lee Farm for the info session on volunteer fire services should and should not do.

Chief Richardson asked about the siren and when will it be installed.

One of the members asked if one of CFD trucks can go to the Bridgewater Big Ex parade to represent the village.

Discussion was held on which truck would go to the parade – Chief Richardson said #541 would be taken for approximately 4 hours.

**MOTION: Dave Foley moved, Michael Heisler seconded the Fire Chief's request for engine #541 to attend the Big Ex parade and the details to be worked out with the Fire Chief. Carried.**

Motion – To take engine to Big Ex parade in Bridgewater

b) **Financial Report**

Iris Tolliver distributed financial statements to the Commissioners.

Iris didn't receive via mail, the statement for the main chequing account so what is attached is the download from the website.

Balance, including cheques not cashed, May 30/15 \$308,200.21;

EMC bank balance \$25,750.37

Fire Boat balance \$21,496.58

**MOTION: Michael Heisler moved, Dave Foley seconded the Financial Statements of June 3, 2015.**

Motion

7.0 **Reports** (continued)

c) **FAC**

Bill Zinck stated there was nothing to report at this time.

8.0 **New Business**

a) **Fire Wells**

Ray Cambria asked if there was a fire well in the Village. Chief Richarson stated the only one that is functioning is on Pig Loop Road. Discussion was held on the fire well and whose land it is on.

Ray is looking for direction as there may be a liability issue which needs to be addressed.

In talking to Planning Department at MODC, they have agreed to put a civic number on the land so that the property can be found.

**MOTION: Ray Cambria moved that a letter be written to the Municipality of the District of Chester Planning Department and ask to have a civic number put on the fire well on Pig Loop Road; and that the Clerk be asked to do some research and find out who owns and who is liable if something happens there.**

Ray asked the Fire Chief if he could write a letter stating they do not use the well and there is no objection to filling it in.

There were several wells, and at one time they were public water well. Planning department stated that there is three fire wells on Pig Loop Road and are supposed to be accessed from the road.

**MOTION Carried.**

9.0 **Any Other Business**

a) **Clerk Treasurer's Report**

Iris Tolliver stated that the summer staff has been hired – Life Guard is back, Logan Robinson, starts on June 22<sup>nd</sup>, when the pool opens.

Litter picker Troy Martell has started working June 4, 2015.

Eastlink has begun work at the communication tower. Vista Care was there today to coordinate with the construction manager.

Bob Warren feels the project should be finished in three weeks, as planned. He brought pictures of the fence, which was an idea only. Discussion was held on the fence.

Chair Zinck asked an audience member Brenda Mulrooney who attended the PAC committee when this was discussed. Brenda stated that it was requested that it be something that would blend into the historical nature of the neighbourhood, possible a large wooden picket fence and then vegetation planted outside of that. The wooden fence was to camouflage the chain link fence.

**MOTION: Ray Cambria moved, Michael Heisler seconded, that the Village of Chester Commission's response to Eastlink's proposal, for camouflaging the fence, the proposal as presented be declined and the Clerk ask Eastlink, if something more in keeping with the aesthetics of the Village of Chester, i.e. a wooden fence, could be somehow implemented in the design. Carried.**

MOTION – Fire Wells Letter  
Iris Tolliver

Dave Richardson

Motion  
Iris Tolliver

9.0 Any Other Business (continued)

a) **Clerk Treasurer's Report** (continued)

J. Mason has begun work on the Lido Wall and said they will be finished in two weeks.

The Vice-President of the Company has said he feels strongly that the Commission should consider a five to ten year plan on the Lido as what they are doing is not a permanent fix, as it will continue to create problems.

He has offered to come and discuss options so that every two or three years, money won't be spent each year for repairs.

There is a grant available through ACOA, for community infrastructure and is funded up to 50% of the total. Maximum contribution is one million per project.

Another grant is sustainable transportation program providing communities, like multiuse paths, for walking and biking, and based on trips under two kilometers.

Come September, Iris suggests that the Vice President be asked to come to a meeting and present the long term sustainability of the Lido Pool.

Also there is a concrete block where the picnic benches are which will allow up to two bikes to be locked to.

There is also a large sink hole there, DOT fixed it once, VOC fixed it twice and J. Mason said concrete won't work.

Iris would like permission from the Commission to get pricing from asphalt companies to fix it before someone gets hurt. Michael Heisler asked if that is DOT's area. Iris said it was fixed once and there is not much willingness to do it again.

Discussion was held on this issue.

**MOTION: Ray moved, Michael Heisler seconded, that the Clerk is authorized to send a letter to DOT, with a copy to MODC, and notify them of the poor condition of the road and that it is a liability issue, and that the Village was contacted by someone who fell in the hole and it presents a serious liability issue and it needs to be addressed immediately. Carried.**

The Village of Chester is partnering with MODC to do a fireworks display on July 1<sup>st</sup>/15 and that Fireworks FX has been hired.

Additional contributors, Chester Chamber of Commerce, Village Merchants Group, Chester Yacht Club, and Rope Loft with more sponsors anticipated. Marianne Gates is doing a campaign to get more sponsors. The Yacht Club has agreed to let us use Reddens Can and their barge. A meeting will be held with Fireworks FX and Chief Richarson, to discuss control, winds, and concerns with location. Discussion was held on fireworks.

It was agreed for Iris to place the fireworks date/time in the June newsletter to notify residents of when the fireworks will happen.

Iris – September

Motion re Letter to DOT  
Iris Tolliver

Iris Tolliver

9.0 Any Other Business (continued)

a) **Clerk Treasurer's Report** (continued)

The newsletter will be going out June 22/15, if any Commissioner has anything they would like to have specifically mentioned, notify Iris by June 17<sup>th</sup>/15.

There is going to be a sign erected on a galvanized post for the electric car charger. A picture was sent to Iris of a car that was charging overnight recently. Commissioners asked if a credit card reader can be installed on this unit.

Ray Cambria asked who pays for the electricity when the charger is used. Iris stated the Lido Pool electric bill is charged for electricity used.

Decorative lights for Water Street but the poles were lost, so a new pole will arrive on June 18/15 and the LED lights and poles that were broken will be fixed on June 18<sup>th</sup>. Iris received an email about the other pole that there are wires hanging out on the bottom of the post.

Iris had a meeting with Tammy Wilson last week to discuss the boat pump-out station. Our Solicitor closed the file as MODC was not agreeable to make the changes in the lease to have exclusive access to the right hand side of the wharf. Tammy suggested, if the Commission is interested in the pump-out, another letter be written to MODC.

Discussion was held on this issue.

Ray Cambria asked why this issue was discussed in the beginning. Iris felt probably as people were calling and not getting pumped out for a couple of hours.

Iris can send a letter and ask for MODC to consider the issue again, and if positive then an in camera meeting would have to take place to agree on the contract.

Discussion was held.

The Commission is not interested in taking over the pump-out station.

IrisTolliver and Tammy Wilson, MODC, met and discussed the Fire Service Contract, and Tammy will type up what Iris and she discussed and then it will be presented to MODC and VOC.

Iris asked for a motion to have former Commissioner Brenda Mulrooney removed from the signing authority and to have Michael Heisler's name added on.

**MOTION: Ray Cambria moved, Dave Foley seconded, that Brenda Mulrooney's name be removed as an authorized signer for the Village of Chester Commission. Further that William Zinck, Chair; Michael Heisler, Vice Chair; and Iris Tolliver, Clerk Treasurer, be on file with Scotiabank and any two of the three have authority to sign cheques to pay for purchases for the Village of Chester. Carried.**

Iris Tolliver

Motion – signing authorities

9.0 **Any Other Business** (continued)

b) **Brenda Mulrooney (Conflict of Interest)**

Conflict of interest

I asked to speak tonight about an issue that is appearing with increasing frequency in the news. It is being exposed throughout many levels of government and most recently in the broadcasting industry. As you all know I wish to address Conflict of Interest and how it can affect our Village Commission.

I want to refer to a meeting the past Commissioners had with their Municipal Advisor. It was a meeting to be advised of the duties and responsibilities of the Clerk Treasurer and the Commissioners and to discuss the separation of those duties. Often commissioners have trouble knowing where the line is between their responsibilities and the Clerk Treasurers, making for discord, confusion and conflict.

There is also confusion as to what constitutes Conflict of Interest and what does not, and how to handle avoiding it.

I spoke with the Advisor to ensure this was a topic I could speak to and would I be saying anything I was not permitted to. He assured me that the meeting was not an in camera meeting, it was an advisory meeting and nothing was discussed that could not be public knowledge.

Over the last three years, those topics have been the subject of three or four presentations to both our commissioners as well as the N.S villages in which the Village of Chester was present.

The last such discussion is the one I mentioned previously and some on the commission said it to be the most helpful, it lasted for some three and a half hours and gave the Commissioners opportunity to ask questions until they, hopefully clearly understood the topics.

In a nutshell, Conflict of Interest is created when any sitting member of the Commission is a member of any group, that is asking for something, ( example Municipal Heritage Society asking for parking spaces when Carol Nauss was on the Commission)

9.0 **Any Other Business** (continued)

b) **Brenda Mulrooney (Conflict of Interest)** (continued)

or receives something from the Commission (any member of the Fire Dept. which is funded through the taxes paid to the Commission.)

When this happens, our Municipal Advisor told us the Commissioner must rescind their seat, declare conflict and move to the gallery. In the case of an in camera meeting they must leave the room. They are not even to make eye contact with anyone at the table while the item creating the conflict is being discussed, that could be considered an act of intimidation. Nor are they to campaign on behalf of the association or group to any commissioner outside of the meeting. This conflict goes even further to include the obtaining of information that could be passed on to the group before it has been made public information.

This was made very clear at an Association of NS Village meeting with Minister Mark Furey, discussing the Village and Fiscal Review situation. Our Past President is a Municipal Councillor and was the member chosen to speak to the Village position. We were told the meeting would not proceed with her in the room, as a Conflict of Interest had been created. She stated that she had no pecuniary interest and nothing to gain. He stated that she would have information that could put her in conflict at some time in the future should a situation arrive between Municipalities and Villages. So it didn't matter if we the Association did not have an issue with it, and it was up to us whether and what we told her after the meeting. The province perceived there to be potential for conflict. She gave the presentation and then left the room so that we could discuss the topic freely.

The responsibility to declare a conflict lies on the person in conflict to declare it, but it doesn't state what action should be taken by the other commissioners should someone in conflict not declare it. I suppose they could refuse to discuss the issue with the conflicting person present, otherwise it would seem by inaction they are condoning the conflict and therefore making themselves complicit in the conflict.

9.0 **Any Other Business** (continued)

**b) Brenda Mulrooney (Conflict of Interest)** (continued)

As for the other issue of conflict that keeps coming up, of which I keep getting mentioned. Commissioners **only** have 1 staff Person - the Clerk Treasurer, whom they hire and direct through direction given at public meetings. All other workers, permanent staff and temporary workers or contractors are the employees of the Clerk Treasurer. The Clerk is the person who hires and fires them and gives them the direction of the tasks they are to do. Not the Commission. I have never been in a position of telling our Clerk who she should employ and what task that employee must do. For public info, our Clerk has asked that question several times of the Municipal Advisor because the comment keeps coming up, and she keeps getting the same answer I have just told you. The Commission also asked that question at the recent discussion and he responded with the same answer.

I would ask that the Municipal Advisor be asked back again so that our two new Commissioners have the privilege of being able to ask their own questions and get to hear the answers from the horse's mouth, so to speak.

I wanted to bring up these topics at a public meeting, so that it could be presented to the public and also to go fully on the record.

Thank you.

Brenda Mulrooney  
70 Brunswick Street, Chester

**c) Nerds on Site (Ben Wiper) re Website**

Ben stated that he was here to discuss functionality of the website and to obtain additional information. He explained the website. Iris told Ben that sometimes items cannot be found by residents or not found easily, items that were posted, doesn't show up later. It was asked if it could be mobile usability as well. Templates, dressing it up, etc., were also discussed.

Discussion continued.

Brenda Mulrooney asked if there could be links to webcams, links to other villages, associations.

The commission will wait to hear from Ben on these issues.

**d) Committee Appointment**

**MOTION: Dave Foley moved, Michael Heisler seconded, to create the following committees as follows:**

**Truck – Bill Nauss, Michael Heisler**

Motion - Committees

9.0 **Any Other Business** (continued)

d) **Committee Appointment**

**MOTION:** (continued)

**Audit – Dave Foley, Ray Cambria, Bill Nauss, Bill Zinck**

**Utilities – Dave Foley**

**Lido Pool – Bill Nauss, Michael Heisler**

**Parking – Ray Cambria**

**Village Properties – Michael Heisler, Ray Cambria**

**Human Resources – Bill Nauss, Dave Foley**

**By-law – Bill Nauss, Ray Cambria**

**Municipal FAC – Bill Zinck, alternate Michael Heisler**

**Watershed – Dave Foley, Ray Cambria**

**Municipal PAC – Dave Foley, alternate Bill Zinck**

**Motion carried.**

e) **Fire Boat Budget**

Ray Cambria asked about the budget as presented, for a rescue boat, motor and trailer for \$15,000.00. Ray would like to have reassurance that that is an appropriate use of the funds in that account for that purchase. Did the Commission get a legal opinion, or opinion of the Municipal Advisor that these funds could be spent on these items?

Iris Tolliver called the Municipal Advisor and his opinion is that you can't spend money that was taxed for something, on another item.

The only people who pay tax for fire boat are the people who live on the Islands and the Municipality who owns the Islands.

Ray is concerned that spending Island taxes on an item that is not going to be solely used for the Islands.

**MOTION: Ray Cambria moved that the purchase of the rescue boat, per the budget, be postponed pending further clarification and confirmation from the Clerk that the use of that particular fund for that purpose is appropriate and legal, Dave Foley seconded. Carried.**

Ray Cambria asked Chair Zinck for a roll call vote.

Dave Foley – Yes

Ray Cambria – yes

Michael Heisler – yes

f) **Recap of Direction from Commission**

Iris Tolliver wanted to ensure she has everything that the Commission has directed her to do:

1 – Write a letter to Planning to have a Civic sign put on the Fire Well property on Pig Loop Road

2 – Research who owns the Fire Well and who has the responsibility for it. If we can find someone who owns it, then a letter from the Fire Chief stating it could be filled in.

3 – Eastlink – going to talk to them about a wooden picket fence instead of their proposal of a vinyl fence

Motion – Committees (cont'd)

Motion – clarification on funds  
Iris Tolliver

RECAP of Directions from  
Commission

**9.0 Any Other Business (continued)**

**f) Recap of Direction from Commission (continued)**

4 – Write a letter to DOT, copy to MODC on the serious liability issue on the Lido Pool road way

5 – Research clarification that the Rescue Boat can be purchased from the funds collected from the Island taxes.

6 – Iris neglected mentioning this in her report – Tom Graves agreed that if an email is sent in time, he will post monthly meetings or cancellations for the meetings, on the board on Duke Street

7 – Chair Zinck wanted to ensure the summer meeting notice is put in the newsletter and that there will be one public forum meeting if needed.

Dave Foley, as per #3 Eastlink in the Recap - said the PAC guidelines should be followed. Ray Cambria will check the minutes of the PAC meeting and advise Iris of the decision.

Michael Heisler, as per #5 Fire Boat in the Recap – said he would like to have a week time frame on the issue.

Everett Hiltz asked to have a moment of the Commissions’ time after the meeting to request two questions about the budget. Chair Zinck stated yes.

**10.0 Adjournment**

There being no further issues the meeting was adjourned by Chair Zinck at 8:40 pm.

\_\_\_\_\_  
William Zinck  
Commission Chair

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Maxine Veinot  
Administrative Assistant

RECAP (cont’d)