



**Village of Chester Commission
Regular Monthly Meeting
April 13, 2016**

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

Regrets: Bill Nauss, Commissioner

There were 9 people in the Public Gallery.

1.0 Call to Order

Chair Zinck called the meeting to order at 7:01 pm.

2.0 Approval of Minutes

- a) **MOTION: Ray Cambria moved, Dave Foley seconded, the approval of the March 9th, 2016 minutes be approved as presented. Carried.**
- b) Chair Zinck stated there were In-Camera meetings March 26/16 and April 6/16
- c) Chair Zinck stated there were Committee of the Whole (COW) meetings March 4th, 6th, 11th, and 30th, 2016.

Motion

3.0 Approval of Agenda

MOTION: Dave Foley moved, Michael Heisler seconded, the approval of the agenda for April 13, 2016. Carried.

Motion

4.0 Business Arising from Previous Minutes

No business noted

5.0 Reports

a) Fire Chief's Report

There was no report as the Fire Chief was not at the meeting.

b) Committee of the Whole Meetings Report

Ray Cambria stated, for the public's awareness, that the Commission's regular monthly meeting is the second Wednesday of the month, the Public Forum meeting is the fourth Wednesday of the month, with the other two Wednesdays being for Committee of the Whole (COW) meetings. Ray Cambria chairs the COW meetings, so he then reports those meetings at this time in the VOC meeting. Ray Cambria stated the public can attend those meetings, however not allowed to participate in the meetings, or ask questions, as the COW meetings are intended to get work accomplished. The public can come to the Public Forum meetings and ask their questions, or request an appointment to speak at a regular meeting.

Ray Cambria stated that the COW met March 30th, Apr 4th, 6th, and 11th, with all four meetings used to discuss the 2016/2017 Budget.

MOTION: Dave Foley moved, Michael Heisler seconded, the COW report as presented by Ray Cambria. Carried.

Motion

5.0 **Reports** (continued)

c) **Clerk's Report**

<> *Fire Hall Toilets* - In the February meeting, Chief Richardson reported that all the toilets at the Fire Hall were not working. They all needed to have the flushing mechanisms replaced and that has been done. There is going to be a problem with the upstairs ladies washroom. The water line feed at the back of the toilet is corroded. If it needs to be replaced another length of pipe will have to be installed which will mean going through the ceiling in the furnace room.

<> *Fire Hall Rental* - Stats Canada will be renting the fire hall for training on April 28 & 29. There is a possibility they will be needed it on May 19 and June 10 as well, but have not confirmed this.

<> *Bell & Grant Insurance* - It has been brought to my attention that there is an outstanding item for review regarding non-owned automobiles. This liability insurance covers bodily injury and damage caused by a vehicle not owned by the village (including rented or borrowed vehicles). I have given each of you a copy of the resolution. In order to take advantage of what is being offered at no cost, the Commission must pass a resolution which should read: "BE IT HEREBY RESOLVED THAT THE VILLAGE OF CHESTER ACCEPT THE AGREEMENT OF THE SUBSCRIPTION POLICY TO INSURE THE LIABILITY ASSUMED BY THIS RESOLUTION." A brief discussion was held and this will be dealt with in New Business.

<> *Dates - Nomination Day is May 18/16*

AGM is May 25/16 (at St Stephen's)

Green Bins - June 7 – Sept 13/16

Red Cross Swim Program June 27 – August 26/16

Public Washrooms open on May 1/16 and the fresh water was hooked up Tuesday.

Iris Tolliver stated if anyone wanted to be notified of the above by email, their email address should be given to Iris.

<> *Fire Service Contract*

There is a newly signed 5 year Fire Service Contract. I have been asked to provide a copy of the contract by fire fighters and residents outside the Village. The Fire Chief has a copy as does the Municipality of the District of Chester. I would ask that if a rate payer in the area outside the Village limits that are covered by this contract would like to see a copy, they should contact their Municipal Councillor. If a Chester Fire Fighter wishes to read the new contract, they should contact the Fire Chief and if the electors of the Village of Chester wish to read it, they should contact our office.

If the Commissioners are in agreement the Fire Service Contract can be posted on the website; Commissioners were in agreement, so Iris Tolliver will post the contract.

<> **CONFLICT OF INTEREST REPORT**

At the August 13, 2014 regular monthly meeting of VOC, a motion was passed that the VOC Commission instruct our solicitor to contact the Attorney General to do an inquiry and determine if there has been a contravention of the Municipal Conflict of Interest Act.

DATES TO REMEMBER

Iris Tolliver

Attorney General's
Conflict of Interest
Report

5.0 Reports (continued)

c) **Clerk's Report** (continued)

Four Commissioners voted and three were in favor.

In February of 2015, we received a letter from Lyndsay Jardine stating that she had been appointed a Commissioner of Inquiry by the then Attorney General of NS and Minister of the NS Department of Justice. Ms. Jardine requested and was provided with a list of Village Commissioners at all relevant times, full minutes where any of the identified projects were discussed, copies of advertisements, any tender or bids received, documents relating to identified deficiencies and any other documents that related to any of the impugned projects. The projects were the Fire Hall Renovations in 2006/07, the Fire Hall Roof Replacement in 2008 and the Lido Pool Facility and Public Washroom Project 2009/10. Ms. Jardine found ***“Ultimately, Commissioner Zinck was in the position of having a conflict of interest in relation to Commission business surrounding the Fire Hall Renovations and Fire Hall roof projects because he had a direct pecuniary interest in the outcome of the tender and proposal processes involved with each and did not meet the code of conduct required by section 6 of the Act.”*** (Conflict of Interest Act) As regard to the Lido Pool project, Ms. Jardine found that ***“although Commissioner Zinck clearly attempted to be more up front with respect to his interest in the Lido Pool Project, his conduct fell short of that required by section 6 of the act”***.

Ray Cambria asked what happens next, in terms of the report being made public. Iris Tolliver stated that the report can be obtained via FOIPOP. Our solicitor stated that Lyndsay Jardine recommended that clearance should be received from the Attorney General's office, which is expected to be received by Monday.

Ray Cambria asked for the meaning of FOIPOP – Iris stated Freedom of Information and Protection of Privacy. Ray asked if someone from the public could use that process to obtain a copy of the document? Iris stated yes.

MOTION: Michael Heisler moved, Dave Foley seconded, to accept the Clerk's report. Carried.

Motion

Chair Zinck wanted the minutes to reflect that he did not vote on the motion.

d) **Financial Reports**

Iris Tolliver distributed the financial reports for February and March, 2016. As Iris wasn't able to get this information to Commissioners prior to the meeting, she asked that it be looked at and bring questions to be next meeting or email Iris in the meantime.

MOTION: Ray Cambria moved, Michael Heisler seconded, to defer approval of the Financial Report until the next regular meeting. Carried.

Motion

6.0 New Business

a) **Resolution – Bell & Grant**

Dave Foley gave background information on this insurance policy as it is meant to enhance excess limits to protect the Commissioners if they are in an accident while on Village business.

6.0 New Business (continued)

a) **Resolution – Bell & Grant** (continued)

MOTION: Ray Cambria moved that be it hereby resolved that the Village of Chester accept the agreement of the SUBSCRIPTION POLICY to insure the liability assumed by this Resolution as follows:

Motion

THE VILLAGE OF CHESTER

1. ASSUMES THE LIABILITY FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF PROPERTY OF OTHERS, IMPOSED BY LAW UPON:

- (a) Members of Council, Commissioners Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers of the VILLAGE OF CHESTER for liability which arises out of the use or operation by such person of a licensed motor vehicle, or**
- (b) the owner of any licensed motor vehicle, for liability which arises out of the use or operation of such licensed motor vehicle by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers of the VILLAGE OF CHESTER**

2. DECLARES THAT SUCH ASSUMPTION OF LIABILITY BE SUBJECT TO THE FOLLOWING LIMITATIONS, EXCLUSIONS AND CONDITIONS:

- (a) This assumption of liability applies only to the use or operation of a licensed motor vehicle in Canada or the United States of America by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers on behalf of the VILLAGE OF CHESTER including travel to and from work and attendance at meetings.**
- (b) This assumption of liability applies only in excess of existing insurance carried by the owner of the licensed motor vehicle which was being used or operated by Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers at the time of the accident and does not apply unless the licensed motor vehicle which was being used or operated by such person at the time of the accident is insured for not less than the minimum Third Party Liability Limit required by The Insurance Act for the Province of Nova Scotia.**
- (c) This assumption of liability is subject to the agreements, conditions, terms and limit of liability insured in the Non-Owned Automobile Policy issued by the SUBSCRIPTION POLICY and shall terminate whenever such Non-Owned Automobile Policy is terminated.**

Dave Foley Seconded. Carried.

7.0 Any Other Business

No business noted

8.0 Correspondence

<> **March 30/16** Received a response from Chief Richardson to an email sent to him concerning ladders used for fire service purchased at Canadian Tire. His email response was read. Chief Richardson's response was that they will be more than adequate for what they will be used for. The purpose for the ladders are to get into hard to reach areas where an attic ladder would be hard to use.

<> **April 1/16** Received the proposed amendments to the Nova Scotia Building Code Regulation. The proposed amendments are intended to clarify the application of the Building Codes to home based businesses and offer consistency of application throughout Nova Scotia. Copies of this is available for the public.

<> **April 13/16** Received 2 emails from Carol Nauss (Chester Municipal Heritage Society)

1. Concerning proposal to designate historic properties within the village with distinctive civic number signs. 56 x \$22 = \$1232.00 plus tax
2. Concerning the Commissions contribution to the 150th anniversary of confederation in 2017. There are 4 signs being considered (24 x 36) installed at four locations along the shore of the village. The cost for each sign is \$740.00 plus HST. She would like a committee struck to work with the Commission in the decision making process. She has recommended that we include this amount in our budget for the upcoming fiscal year.
3. She has also requested an appointment to speak to the commission. It was decided to defer the request to a COW meeting for Budget consideration. Iris will ask Carol Nauss to attend the next COW meeting – Wednesday, April 20th, to discuss this and bring her presentation. Iris will forward the two emails to the Commissioners to review her requests.

Iris Tolliver

Iris Tolliver

<> **April 13/16** Received a letter from Cbfd concerning turnout gear and boots that one of their members took with him when he joined CVFD. They are offering to sell his equipment for \$900. (5 years old) New gear would cost around \$3200.00.

A brief discussion was held. Direction given to return the gear to Chester Basin Fire Department.

Iris Tolliver

MOTION: Ray Cambria moved, Dave Foley seconded, to accept the correspondence as presented. Carried.

Motion

9.0 Adjournment

Chair Zinck adjourned the meeting at 7:32 pm.

William Zinck
Commission Chair

Maxine Veinot
Administrative Assistant