

COVID-19 Update: The Rural Community of Hanwell is following measures outlined by Public Health. Mask use and social distancing is still recommended but will be at the discretion of the individual. Meetings are open to the public. All Council meetings will be audio recorded for the public. Please tune into Hanwell Radio daily at 7:00 p.m. for the broadcast at <https://hanwell.nb.ca/hanwell-radio-listen-live/>

HANWELL
Rural Community
Regular Meeting of Council
December 21, 2022
Minutes

Attendance:

Mayor Dave Morrison, Deputy Mayor Susan Jonah, Councillor Holly Hyslop, Councillor Tim Fox, Councillor Darren MacKenzie, Councillor Pat Septon, Clerk/Treasurer Terri Parker, Assistant Clerk/Treasurer Sherri Johnston, Assistant Deputy Chief Steve Johnston and 6 members of the public.

1. Calling to Order

Mayor Dave Morrison called the Regular Meeting to order at 7:00 p.m.

2. Approval of the Agenda

Moved by Councillor Holly Hyslop and **seconded by** Councillor Pat Septon to approve the agenda.

Unanimously Carried #06-12-2022

3. Adoption of Minutes:

a) **Moved by** Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to adopt the minutes of the November 16, 2022, Regular Meeting of Council.

Unanimously Carried #07-12-2022

b) **Moved by** Councillor Tim Fox and **seconded by** Councillor Darren MacKenzie to adopt the minutes of the November 28, 2022, Special Meeting of Council.

Unanimously Carried #08-12-2022

c) **Moved by** Deputy Mayor Susan Jonah and **seconded by** Councillor Pat Septon to adopt the minutes of the December 6, 2022, Special Meeting of Council.

Unanimously Carried #09-12-2022

4. Public Input/Inquiries (10 minutes max.)

Four members of the public requested to speak.

Letter read in by Norm Cloutier

*Hanwell Mayor and Council
Hanwell Community Centre and Municipal Office
5 Nature Park Dr, Hanwell, NB E3E 0G7*

December 21, 2021

To the Mayor and Council,

My name is Norm Couturier and I live at 17 Eagle Ridge Court in Hanwell. I am a 12-yr Hanwell resident, owner of multiple businesses in Fredericton over the past 30 years, and an advocate for transparent and responsible government.

I recently became aware of 26 code of conduct violations filed against Councillor Septon by the Mayor and Council. As a concerned resident of the community, I began to investigate the allegations and the issued violations to understand the root cause. Based on information that I have reviewed on each of the violations from documents accessed via RTIPPA, and the dialogue exchange during the December 6 special council meeting, particularly the letter submitted to record by Councillor Hyslop, I am raising a concern about proper process not being followed in issuing these violations and associated sanctions to Councillor Septon.

The fact that there exists 26 code of conduct violations filed against Councillor Septon, it stands to reason that there should exist 26 occurrences of formal complaints that were unable to be resolved according to the published informal complaint process. According to the published Policy #2022-08 - Conflict and Complaint Resolution Procedure, Section 2. b) i., formal complaints must be made in writing, dated, and signed. Therefore, there should exist 26 written, dated, and signed complaint documents. To date, I have been unable to discover these letters. I will submit to the Clerk, under separate cover, a RTIPPA request for copies of the 26 formal complaint documents.

The letter read into record by Councillor Hyslop at the December 6 special council meeting indicates concerns from a Councillor that the proper process has not been followed by Mayor and Council in documenting the formal complaints, and that no independent investigation was performed prior to issuing any of the 26 violations. With the submission of Councillor Hyslop's letter, there now exists 2 Councillors who have officially voiced concern about proper process not being followed in the issuance of the 26 violations and resulting sanctions.

Since the formal complaints were issued by a Councillor or staff member to another Councillor, it would stand to reason that the formal complaint process could not be properly investigated internally without bias, and therefore, there should exist evidence of an independent investigation performed for each of the 26 violations, or documented reasoning for not requiring an independent investigation.

I have reviewed a document containing the subject, and associated code of conduct violation issued, for each of the 26 violations on Councillor Septon's file. What is missing in this document is the rationale that validates the accusation and justifies the violation. I will submit to the Clerk, under separate cover, a request for information outlining the independent investigation performed or the reasoning for not requiring an independent investigation, for each of the 26 violations.

To summarize: 26 code of conduct violations issued to a Councillor, followed by sanctions to that Councillor, is a very serious matter. It has many ramifications, including but not limited to, a tarnishing of the professional and personal reputation of the accused Councillor, a perception by residents of dysfunction within the Council, and a deterrent for future potential Councillors-to-be from pursuing opportunities in Council to represent their community.

I have concerns of circumvention of documented policy in the Council's handling of the filing, documenting and processing of the 26 Code of Conduct violations. My intent is, as a concerned resident,

to obtain clarity and conviction that proper process was, in fact, followed for each of the 26 filed violations.

Thank you for the opportunity to submit this letter into record.

*Norm Couturier
Resident of Hanwell
17 Eagle Ridge Court
Hanwell, NB E3C 0H2
Norm.Couturier@TerrisEI.com
(506) 451-3461*

5. Disclosures

Councillor Pat Septon declared a Conflict of Interest with item #19a.).

6. Reports:

Fire Department: Assistant Deputy Chief Steve Johnston

In the month of November, the Upper Kingsclear Fire Department responded to 11 calls in Hanwell and Upper Kingsclear. There were four motor vehicle accidents, one fire/explosions, three fire alarms, one grass/rubbish fires, and two public assistance calls. Assistant Deputy Chief Johnston mentioned that to date December had been extremely busy with house fires.

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Pat Septon to receive the Fire Department report for November 2022 as presented.

Unanimously Carried #10-12-2022

7. Presentations:

8. Permit Applications

a) There were 2 building permits, and 0 development permits for November 2022.

9. Proclamations

10. Petitions and Delegations

None

11. Business Arising:

a) By-Law #26-2022 – “A By-Law Respecting the Upper Kingsclear Fire Department” –3rd Reading by title and in its entirety and enacted.

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox that By-Law 26-2022, “A By-Law Respecting the Upper Kingsclear Fire Department” be given its third reading by title, read in its entirety and enacted.

Unanimously Carried #11-12-2022

By-Law #26-2022 "A By-Law Representing the Upper Kingsclear-Hanwell Fire Department"

The By-Law is hereby enacted.

- b) Donation Request – FYHA

Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Pat Septon to accept the correspondence from FYHA with respect to making a donation and authorize and direct the Clerk to make a donation in the amount of \$250.00.

Yes Votes: Deputy Mayor Susan Jonah

No Votes: Councillor Tim Fox, Councillor Holly Hyslop, Councillor Pat Septon and Councillor Darren MacKenzie.

Motion Defeated

12. Correspondence:

- a) Correspondence from resident – Thank you re: Remembrance Day Ceremony

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to accept the thank you letter from Joe and Pat O’Neill acknowledging Mayor, Council and Staff for the Remembrance Day Service and Reception.

Unanimously Carried #12-12-2022

- b) Donation Request – New Brunswick Police Association

Moved by Councillor Pat Septon and **seconded by** Councillor Darren MacKenzie to receive the correspondence from the New Brunswick Police Association with respect to making a donation to the 35th Annual Crime Prevention Guide.

Unanimously Carried #13-12-2022

- c) Donation Request – NB Command of the Royal Canadian Legion

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Pat Septon to receive the correspondence from the NB Command of the Royal Canadian Legion with respect to purchasing advertisement space in their Military Service Recognition Book.

Unanimously Carried #14-12-2022

- d) Donation Request – Fredericton Homeless Shelters

Moved by Councillor Pat Septon and **seconded by** Councillor Darren MacKenzie to accept the correspondence from the Fredericton Homeless Shelters and authorize and direct the clerk to make a donation to the Fredericton Homeless Shelters in the amount of \$750.00.

Unanimously Carried #15-12-2022

13. Meetings and Special Events:

Mayor’s Report

Moved by Councillor Holly Hyslop and **seconded by** Councillor Darren MacKenzie to receive the Mayor's report as presented.

Unanimously Carried #16-12-2022

14. Committee Reports:

a) **Age Friendly:** Did not meet.

b) **Communication:**

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to accept Mark Murray's resignation from the Communication Committee effective December 2022.

Unanimously Carried #17-12-2022

c) **Economic Development:** Did not meet.

d) **Emergency Measures:**

Moved by Councillor Pat Septon and **seconded by** Councillor Holly Hyslop to accept Mark Murray's resignation from the Emergency Measures Committee effective December 2022.

Unanimously Carried #18-12-2022

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Pat Septon to receive the Emergency Measures Committee report as presented.

Unanimously Carried #19-12-2022

e) **Finance:** Did not meet.

f) **Governance and Policies:** Did not meet.

g) **Parks and Recreation:** Did not meet.

15. Treasurer's Report:

Moved by Councillor Tim Fox and **seconded by** Deputy Mayor Susan Jonah to receive the Treasurer's report dated December 16, 2022, as presented.

Unanimously Carried #20-12-2022

16. Old or Unfinished Business

17. New Business

a) Year End Transfers

i. Laptops

Moved by Councillor Holly Hyslop and **seconded by** Deputy Mayor Susan Jonah to authorize the Clerk to pay BrunNet's invoice for the purchase of 2 new laptops, in the amount of \$2,495 + HST from the 2022 General Operating Fund surplus.

Unanimously Carried #21-12-2022

- ii. Rescinding a Motion to move funds from Reserves to Operating Funds
Moved by Councillor Pat Septon and **seconded by** Councillor Darren MacKenzie to rescind motion #13-10-22 from the October 24 Regular Meeting of Council.
Unanimously Carried #22-12-2022

- iii. Making the new motion to move from Reserves to Capital Funds
Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie
Whereas the Solar Array project was approved in 2021, and
Whereas \$40,000 was approved through the 2022 General Operating Fund budget, and
Whereas a grant was received from the Regional Development Corporation in the amount of \$41,422 I move that \$22,133.23 from the General Capital Reserve Fund be contributed to the General Capital Fund for the Solar Array Capital Project.
Unanimously Carried #23-12-2022

- iv. 2022 Surplus
Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Tim Fox **BE IT RESOLVED** that the Council of the Rural Community of Hanwell transfer \$50,000 from the General Operating Fund to the General Capital Reserve Fund as the year end surplus for 2022.
Unanimously Carried #24-12-2022

- b) Appointments of CAO/Treasurer and Clerk/Assistant Treasurer
Moved by Councillor Tim Fox and **seconded by** Councillor Darren MacKenzie
WHEREAS the Minister of Local Government and Local Governance Reform has the authority to appoint officers of a restructured local government and revoke the appointments of existing officers appointed by the council of an affected local government, and
WHEREAS the authority for the Minister to appoint or revoke officers is established by *An Act Respecting Local Governance Reform- section 11 (2) (h)*, and
WHEREAS Terri L Parker has been appointed as the Chief Administrative Officer (CAO)/ Treasurer effective December 8th, 2022, and
WHEREAS Sherri Johnston has been appointed as the Clerk effective December 8th, 2022, and
WHEREAS Minister Daniel Allain has revoked the existing Clerk and Treasurer officer appointments in the affected local government that will comprise Hanwell, effective January 1, 2023
I move to approve the appointed officers for Hanwell as Terri L Parker (CAO/Treasurer) and Sherri Johnston (Clerk) as well as the position of Assistant Treasurer.
Unanimously Carried #25-12-2022

- c) Appointment of CAO as Interim Assistant Clerk
Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to appoint Terri L Parker as the Assistant Clerk until the full-time position is filled.
Unanimously Carried #26-12-2022
- d) Tax Levy Collection
Moved by Councillor Pat Septon and **seconded by** Councillor Holly Hyslop
WHEREAS the City of Fredericton is currently collecting the accommodation tax levy on behalf of Hanwell, and
WHEREAS the local hotel has asked that the funds be collected by Hanwell, and
Whereas mandated services for tourism through the Capital Region Service Commission are mandatory in 2023, and
WHEREAS the accommodation tax levy could offset the cost of the mandated services,
I move to authorize and direct the Clerk to notify the City of Fredericton that effective January 1, 2023, that the Rural Community of Hanwell will be responsible to collect the accommodation tax levy.
Unanimously Carried #27-12-2022
- e) Hanwell Radio License Renewal
Moved by Councillor Pat Septon and **seconded by** Councillor Darren MacKenzie to cancel the license renewal effective January 2023 for the music portion only, on the Hanwell Radio Station.
Unanimously Carried #28-12-2022

18. Upcoming Activities:

- a) Communications Committee meeting – January 9 at 5:30 pm
- b) Zoomers – January 10 at 12:00 pm
- c) Parks and Recreation Committee meeting – January 10 at 7:00pm
- d) Zoomers – January 12 at 12:00 pm
- e) Zoomers – January 17 at 12:00 pm
- f) Council Meeting – January 18 at 7:00 pm

Councillor Pat Septon declared a Conflict of Interest with item #19a.) and left council chambers at 7:28pm.

19. Closed Session:

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to move into Closed Session.
Unanimously Carried #29-12-2022

Moved by Councillor Holly Hyslop and **seconded by** Councillor Darren MacKenzie to move from Closed Session and return to Open Session.

Unanimously Carried #30-12-2022

Moved by Councillor Tim Fox and **seconded by** Councillor Darren MacKenzie to hire a third party to look at HR relations within Hanwell for Staff and Council.

Unanimously Carried #31-12-2022

20. Date, Time, and Location of next meeting

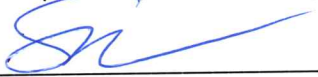
Regular Council Meeting, January 18, 2023 @ 7:00pm
Council Chambers

21. Adjournment

Moved by Councillor Holly Hyslop and **seconded by** Councillor Darren MacKenzie to adjourn the meeting at 8:58 p.m.

Unanimously Carried #32-12-2022

Respectfully submitted by,



Sherri Johnston
Assistant Clerk/Treasurer

Certified Correct,



Terri Parker
Clerk/Treasurer



Dave Morrison
Mayor