

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
February 16, 2023
Minutes

Attendance:

Mayor Dave Morrison, Deputy Mayor Susan Jonah, Councillor Holly Hyslop, Councillor Tim Fox, Councillor Darren MacKenzie, Councillor Pat Septon, Councillor Debby Peck, Councillor Lee Crouse, CAO/Treasurer Terri Parker, Clerk/Assistant Treasurer Sherri Johnston, 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 Darren MacKenzie and **seconded by** Councillor Tim Fox to approve the agenda with the following additions:

Add: 12b.) Correspondence from Minister of Transportation and Infrastructure re:
transportation concerns
17i.) Disposal of office furniture

Unanimously Carried #01-02-2023

3. Adoption of Minutes:

a) **Moved by** Councillor Tim Fox and **seconded by** Councillor Debby Peck to adopt the minutes of the January 17, 2023, Regular Meeting of Council.

Unanimously Carried #02-02-2023

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

Tracy Boucher and Norm Couturier asked to speak to council.

Norm Couturier wished to have the following read into the minutes:

*Hanwell Mayor and Council
Hanwell Community Centre and Municipal Office
5 Nature Park Dr, Hanwell, NB E3E 0G7
February 16, 2023*

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, a 30-yr owner of multiple businesses in Fredericton, and an advocate for transparent and responsible government.

Prior to December 2022, I became aware of 26 code of conduct violations filed against Councillor Septon, along with sanctions issued by the Clerk's Office. As a concerned resident of the community, I have been investigating the issued violations and sanctions to understand the root cause. Based on information that I received, I raised a concern about proper process not being followed in issuing these violations and associated sanctions to Councillor Septon.

I submitted a letter into record during Council meeting on Dec 21, 2022 related to the aforementioned.

I also submitted 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.

I received a response from the CAO on January 25, 2023.

In this letter, I was informed that there are no documents in existence to support the 26 violations and associated sanctions, that an independent investigation was not performed, and that an informal complaint process was used - not a formal process, to justify the sanctions issued.

I was also informed that only 18 of the 26 violations were agreed to by Council. Therefore, from this point forward, my continuing investigation will only deal with the remaining 18 violations and associated sanctions.

I was informed that "Neither our by-law or our policy states that sanctions and consequences can only occur if a formal complaint is brought forward." This tells me that, according to current policy, an informal complaint can be filed by the Clerk's Office against a Councillor, adjudicated also by the Clerk's Office, and that formal sanctions can then be issued to the Councillor, without independent review. This is a substantial flaw in the current policy, which enables an egregious abuse of biased sanctioning without providing appropriate defense or objective 3rd-party review for the accused. This policy issue is an independent and separate matter, which I will be taking up with the council subsequently.

I was informed that a motion was made by Council in December, that a 3rd-party would be hired to investigate, and that the council will be releasing the report to the public once it has been delivered. I will submit to the Clerk's Office an official request for confirmation that the 3rd-party investigator has been or is being hired to independently investigate the 18 violations and associated sanctions, and an estimated date when the report will be delivered to the Clerk's Office and made available to the public, as stated.

As a citizen, I am happy to see that the office has taken a positive and objective step forward by hiring an independent party to investigate the 18 violations and associated sanctions.

I also was provided a statement by the CAO referencing "Many verbal complaints from staff and members of Council Regarding Councillor Septon's unprofessional social media posts, accusatory comments towards our school's principal, releasing confidential information, stating information that was not correct, and speaking disrespectfully to staff and council via internal emails." I will be officially requesting clarification on these generalized comments, as they are the only basis for justifying the sanctions issued. This request will be made once I have received and reviewed the independent investigators report of the 18 violations.

To summarize: 18 code of conduct violations issued to a Councillor, followed by sanctions to that Councillor, is a very serious matter - as serious as 26. 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 remain diligent in my investigation, to bring to light any and all evidence related to the Council's handling of the filing, documenting and processing of the 18 Code of Conduct violations and associated sanctions. My intent is, as a concerned resident, to obtain clarity and conviction that proper process was, in fact, followed for each of the 18 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@TerrisEl.com
(506) 451-3461*

5. Disclosures

Councillor Tim Fox declared a Conflict of Interest with item #17a.

6. Reports:

Fire Department: Chief Murray Crouse was absent and will present the reports for the month of January and the month of February at the March 15, 2023, Regular Meeting of Council.

7. Presentations:

None

8. Permit Applications

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

9. Proclamations

None

10. Petitions and Delegations

None

11. Business Arising:

a) Committee Composition and appointments
Committee Policy

Councillor Hyslop requested that the following be read into the minutes:

I would like to read this into the record, as there are quite a few points that I would like to address with regard to the committee composition document presented.

First, I agree that volunteers are invaluable. They have been an absolute God send with special committees, such as, Hanwell Days, Spookfest, etc... Those events simply could not have been done without dedicated volunteers. I honestly can't thank them enough. My experience is that many volunteers enjoy and prefer helping out with special events. They generally don't want to be committed to monthly meetings. On an events committee, there is immediate feedback and gratification for a well-run event. I do not have any issue with residents sitting on any committee, however, Council may want to have regulations around how this is done, as we currently do not have any formal procedure in place. Other municipalities require an expression of interest, as well as a resume to ensure they have the appropriate qualifications, prior to being part of an advisory committee.

Secondly, according to Roberts Rules, which Council has adopted, there are 2 types of committees of Council allowed --- Standing committees which have a continuing existence and function and are responsible for a particular subject matter; and Special Committees (sometimes referred to as Ad hoc or select committees) which are created for a particular task and go out of existence when that task is completed. Operational committees are not defined and therefore not permitted in Robert's Rules.

Accordingly, my understanding is that all of our committees are standing committees, other than the Age Friendly Committee which was a special committee, as it was formed in order to get our Age Friendly Certification. I agree that the Finance and Facilities committee are standing committees, but they are Committees of the Whole, as all of Council sits on them. If Facilities is being changed to Facilities and Property, then the mandate needs to change accordingly. If the mandates are being changed and new committees added, then the whole policy document needs to be changed and mandates determined, which Council should be involved in. Council is responsible for setting policy and policy direction. All of our committees are advisory committees and report to Council not the CAO as is being suggested with operational committees. Roberts rules also states that new committees can only be added if our by law grants this permission. (pg.163) I don't believe our bylaw does, so doesn't our by law need to be changed first before adding Environmental Stewardship or any other committee.

With regard to Parks and Recreation--- I agree that the mandate needs to be changed as a rec coordinator will soon be in place and that they should be in charge of all the operations with regard to recreation. As the CAO stated at our last meeting---staff are responsible for operations.

Having been chair of Parks and Recreation for approximately 8 years, I would think that a discussion should have taken place with me, regarding changing the mandate of the committee. Quite frankly, not doing so is very disrespectful. For whatever reason, it seems that the Parks and Recreation committee mandate has been singled out.

According to the changes suggested to the current mandate:

- 7.2 *a) will now be under the new facility land planning committee;
 b) is already in place;
 c), d), e), f) and g) will be operations.*

Given this, there isn't any reason for Council to be involved in a Parks and Recreation committee, as a new staff person along with existing staff will be able to do this. I personally do not want to chair an operational committee when staff have been hired to do just that. Standing committees are supposed to be strategic in nature.

The recommendation stated is for the Governance Committee to amend the policy motion; however, we did not adopt the updated version of policy 2014-1. Does that mean the Governance Committee is technically not a committee of Council. Did we ever adopt a mandate for that committee? In my opinion, a governance committee should be a Committee of the Whole, as this is where by-laws and policy are being addressed. Currently, the process for by-laws is to have first reading and second reading by title and then third reading in its entirety. Council has been told that during the first and second reading, questions are not allowed which means Council does not know what changes are being considered until the third reading. As policy and policy direction are the main business of Council, a Governance Committee should be a committee of the whole.

I believe that all of Council should be reviewing the entire Policy 2014-1 on committees as it is out of date. With 2 new councillors coming on board, it is the perfect time to do this. I know a new rec coordinator will be hired in the near future, however that will not happen for at least a month or so. This will give time for Council to review the policy and make recommendations for the long term. This would include the mandate of all the committees not just Parks and Recreation. In 2021, Council had a special meeting to go over this policy and make recommendations, but it was not adopted by Council. I think Council should have a special meeting to discuss all the committees to determine if they meet Council's needs.

In sum, operational committees are not mentioned in Robert's rules. All committees are advisory committees and report to Council not the CAO. In my opinion, once a recreation person is hired, there isn't any need for a Parks and Recreation committee of Council given the fact that it falls under operations. I would suggest that until that happens, the Parks and Rec committee continue as is, as there are a few events planned. I would also suggest that Council set a date to have a working meeting to review the committee policy and the mandates of each committee and draft a document to bring forth for resolution.

The motion in my opinion is improper as it violates Robert's Rules of Order. I cannot see how this motion can be considered. It should be tabled until Council has had the opportunity to review the policy.

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to authorize and direct the Clerk to change the committee compositions as the following:

- i. Standing Committees will consist of Finance, Facilities and Property and Governance
- ii. Operational Committees will consist of Parks and Recreation, Communications and Age Friendly, Rural Plan Review, Environmental Stewardship Committees

- iii. Mandated Operational Committee(s) will consist of the Emergency Measures Committee

Moved by Councillor Pat Septon and **seconded by** Councillor Darren MacKenzie to postpone this until the next council meeting.

Unanimously Carried #03-02-2023

- b) Hanwell Bike Park Design Quote

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah

WHEREAS a BMX bike park is in the Recreation and Leisure Master Plan, and

WHEREAS this park is already budgeted in the 5-year Capital Plan, and

WHEREAS a meeting with local experts from River Valley Cycling gave a recommendation

to reach out to the only two engineering companies that they are familiar with in the Maritimes for this specialized type of design, and

WHEREAS TrailFlow in Nova Scotia was the only one of these to respond with a quote to take on this design,

I HEREBY MOTION to authorize and direct staff to reach out to TrailFlow to begin the design

for this project, for the cost of \$5,577.50 including HST.

Unanimously Carried #04-02-2023

12. Correspondence:

- a) Correspondence – NB Heart and Stroke

Moved by Councillor Debby Peck and **seconded by** Councillor Tim Fox to accept the correspondence from the NB Heart and Stroke Foundation of NB with respect to their door-to-door campaign and authorize and direct the clerk to advise our residents of this campaign.

Unanimously Carried #05-02-2023

- b) Correspondence from Minister of Transportation and Infrastructure re: transportation concerns

Moved by Councillor Debby Peck and **seconded by** Councillor Lee Crouse to receive the correspondence from Minister Jeff Carr, Department of Transportation and Infrastructure regarding transportation related issues in Hanwell Rural Community.

Unanimously Carried #06-02-2023

13. Meetings and Special Events:

a) **Mayor's Report**

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

Unanimously Carried #07-02-2023

14. Committee Reports:

a) **Age Friendly:**

Moved by Councillor Pat Septon and **seconded by** Councillor Tim Fox to receive the Age Friendly Committee report as presented.

Unanimously Carried #08-02-2023

b) **Communication:** Did not meet.

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

d) **Emergency Measures:**

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

Unanimously Carried #09-02-2023

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

f) **Governance and Policies:**

Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie to receive the Governance Committee report as presented.

Unanimously Carried #10-02-2023

g) **Parks and Recreation:**

Moved by Councillor Tim Fox and **seconded by** Councillor Holly Hyslop to receive the Parks and Recreation Committee report as presented.

Unanimously Carried #11-02-2023

15. CAO/Treasurer's Report:

Moved by Councillor Holly Hyslop and **seconded by** Deputy Mayor Susan Jonah to receive the letter from the CAO/Treasurer regarding the operating budget.

Unanimously Carried #12-02-2023

16. Old or Unfinished Business

- a) Little Recreation Building – no update
- b) Rural Plan Progress Report

17. New Business

Councillor Tim Fox declared a Conflict of Interest with item #17a.) and left council chambers at 8:40 pm.

- a) Coldest Night of the Year – Sponsorship
Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie
Whereas Councillor Fox has organized a team with a goal of raising \$7,500, and
Whereas the “Freezing Foxes” have surpassed their goal and raised \$7,651, and
Whereas Councillor Fox has raised over \$5200 himself
I move that the Council directs and authorizes the Clerk to donate \$500 to the John Howard Society “Coldest Night of the Year” campaign under the name of Councillor Tim Fox and his “Freezing Foxes” team.
Unanimously Carried #13-02-2023

Councillor Tim Fox returned to council chambers at 8:44 pm.

Moved by Councillor Holly Hyslop and **seconded by** Councillor Pat Septon to suspend the rules.

- b) Application for Funding – CRAG (Capital Region Association of Geocachers)
Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to postpone the discussion of the application for funding until the February 28, 2023, Special meeting of Council and between now and then to have the clerk investigate the questions asked tonight with the CRAG group.
Unanimously Carried #14-02-2023

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to extend the time past 9:00 p.m.
Unanimously Carried #15-02-2023

- c) Hanwell Days
This will be brought forward for discussion at the Special Meeting on February 28, 2023, Special Meeting of Council.

Moved by Councillor Holly Hyslop and **seconded by** Councillor Pat Septon to suspend the rules.
Unanimously Carried #16-02-2023

- d) Vacation Requests by Council
This will be brought to the Governance Committee meeting on February 23, 2023, for discussion as part of the Procedural By-Law amendment discussion.
- e) Community Liaison Committee
Moved by Councillor Tim Fox and **seconded by** Councillor Holly Hyslop to appoint Councillor Debby Peck to represent Hanwell on the NB Power Lower St. John River/Wolastoq Hydro Community Liaison Committee to be referred as the "Community Liaison Committee" and a quarterly report brought forward to Council.
Unanimously Carried #17-02-2023
- f) Recreation Director
Moved by Councillor Debby Peck and **seconded by** Councillor Holly Hyslop to authorize and direct the Clerk to apply for the Professional Recreational Leadership Assistance through the Department of Tourism, Heritage and Culture and agree that we will continue to support this position upon the conclusion of the Department's assistance.
Unanimously Carried #18-02-2023
- g) By-Law #06-2014, "A By-Law Respecting the Bonding of Officers and Employees" – 1st reading by title.
Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox that amendment to By-Law #06-2014, "A By-Law Respecting the Bonding of Officers and Employees" be given its 1st reading by title.
Unanimously Carried #19-02-2023
- By-Law #06-2014, "A By-Law Respecting the Bonding of Officers and Employees"*
- h) Bi-Weekly Council Meeting vs. Management Meeting vs. Council in Committee Meeting
It was decided to hold monthly administration/management meetings the second Wednesday of every month, one week prior to the council meeting. They will begin once the procedural by-law has changed. At these meetings, presentations can be made, giving council a week to think about the presentation. These informal meetings will be open to the public.
- i) Disposal of Office Furniture
We needed to order new chairs with the addition of two new councillors so we now have furniture to dispose of. It was decided to donate all our older council chairs along with a letter from the Mayor to the new rural community Sunbury York.

18. Upcoming Activities:

- a) Zoomers – February 21 at 12:00 pm
- b) EMO meeting – February 21 at 6:00pm (tentative)
- c) Zoomers – February 23 at 12:00 pm
- d) Zoomers – February 28 at 12:00 pm
- e) Special Meeting of Council – February 28 at 7:00 pm
- f) Zoomers – March 2 at 12:00 pm
- g) Zoomers – March 7 at 12:00 pm
- h) Zoomers – March 9 at 12:00 pm
- i) Zoomers – March 14 at 12:00 pm
- j) Council Meeting – March 15 at 7:00 pm

19. Closed Session:

20. Date, Time, and Location of next meeting

Regular Council Meeting, March 15, 2023 @ 7:00 pm
Council Chambers

21. Adjournment

Moved by Councillor Holly Hyslop and **seconded by** Councillor Pat Septon to adjourn the meeting at 9:30 p.m.

Unanimously Carried #20-02-2023

Respectfully submitted by,



Sherri Johnston
Clerk/Assistant Treasurer

Certified Correct,



Terri Parker
CAO/Treasurer



Dave Morrison
Mayor