

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.

HANWELL
Rural Community
Regular Meeting of Council
May 17, 2023
Minutes

Attendance:

Mayor Dave Morrison, Deputy Mayor Susan Jonah, Councillor Holly Hyslop, Councillor Tim Fox, Councillor Debby Peck, Councillor Lee Crouse, Councillor Darren MacKenzie, Councillor Pat Septon, Clerk/Assistant Treasurer Sherri Johnston, Chief Murray Crouse, Lonnie Forbes of CRSC (Capital Region Service Commission and 5 members of the public.

Absent: CAO/Treasurer Terri Parker

1. Calling to Order

Mayor Dave Morrison called the Regular Meeting to order at 7:01 p.m.

The following was read into the minutes by Mayor Morrison:

The Rural Community of Hanwell would like to recognize three of our residents, Paul Porter, Kim MacDonald, and Carl Duivenvoorden, for receiving the highest honour within the Rotary Organization: The Paul Harris Award.

Paul Porter, owner of Porter's Diner in Hanwell, has been active in the community for many years. For five years, Paul offered his restaurant to the Rotary Club of Hanwell for their meetings. He has partnered with the Rotary Club to provide Christmas lunches, and a full turkey dinner to the students and staff at Kingsclear Community School.

Paul has supported members of the community by fundraising dinner events for various causes, such as funds for medical care for individuals and their families. Paul has also supported OPAL Family Services, Meals on Wheels, and sponsored numerous local sports teams.

Porter's Diner has been recognized by Meals on Wheels as "Company of the Year".

Kim MacDonald was instrumental in forming the "Feed the Lions" committee in the fall of 2013. "Feed the Lions" partnered with the Fredericton Community Kitchen, and this led to the formation of the Student Hunger Program. The Student Hunger Program aimed to eliminate student hunger in Fredericton. "Feed the Lions" helped support Fredericton High School launch their Kats' Kitchen breakfast and lunch program in 2016. In 2017, Sandy Kitchen and Earl Brewer, donated a fully functioning kitchen for the Student Hunger Program at LHHS, and it was named "Kim's Kitchen", in Kim's honor. Today, the Student Hunger Program provides lunches, backpacks of food for home, breakfast, and food supplies to students at 20+ schools.

Carl Duivenvoorden has been committed to helping people and organizations learn about the environment, climate, and how to conserve energy. Carl was one of the first Canadians trained by former US Vice President, Al Gore, to present live versions of the Academy Award winning slideshow, "An Inconvenient Truth", to over 400 audiences, and 50, 000 people across the Atlantic region. Carl continues to educate people through his job as a sustainability consultant, public speaking, and newsletters.

2. Approval of the Agenda

Moved by Councillor Tim Fox and **seconded by** Deputy Mayor Susan Jonah to approve the agenda.

Unanimously Carried #01-05-2023

3. Adoption of Minutes:

a) **Moved by** Councillor Darren MacKenzie and **seconded by** Councillor Lee Crouse to adopt the minutes of the April 19, 2023, Regular Meeting of Council.

Unanimously Carried #02-05-2023

b) **Moved by** Councillor Holly Hyslop and **seconded by** Deputy Mayor Susan Jonah to adopt the minutes of the April 27, 2023, Special Meeting of Council.

Unanimously Carried #03-05-2023

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

2 members of the public spoke

Bernadine Boucher requested that the following be read into the minutes:

May 17, 2023

I wish to address the proposed revision to policy Code of Conflict and Complaint Resolution, specifically the addition of the bullet: Dismissal from council, with the seat being declared vacant at the next regular session of council.

I want to clarify who I am and my expertise. My name is Bernadine Boucher – I am a resident of Ward 2. I am a Masters prepared RN and have worked for Horizon as a CNS as well as wrote policy and procedures for them from 2004-2011. During that time, I was also a lead for the development of nursing leadership and services for the Upper River Valley Hospital. In 2011 I took on a consultant role with the Minister of Health in Saskatchewan of which I advised the Minister and officials, residents as well as the Health Authorities on policy and standard developer. In that role I also participated or chaired many provincial and national advisory committees for the development of community and long term care practices. When I returned to NB in 2017, I accepted a similar role with the Dept of Social Dev. Where I also provided advice for long term care services and government officials in NB. This role gave me many opportunities in the language of not only legislation but as well as writing policies based on changes laws such as the cannabis act, the vulnerable

sector act etc. I again contributed to many cross departmental committees associated, re-developed many Nursing Home Standards and provided feedback, recommendations and communications for the Minister and Premier as required. So, I do see myself as qualified to establish an opinion of how policy should and can be written. What is justifiable content and what may be breaching provincial and democratic rights. This I always filtered through legal and communications. Never did I feel I was an expert, but I knew my job and I did it well.

This revision, I believe, is not supported in the current Local Government Act or the direction being taken by New Brunswick with a Local Government Commission announced last week. It is jumping the gun and will directly violate the democratic process. I wish for council to consider the following before supporting this risky revision.

My first point regarding the suggested addition the policy is that Council has zero authority in HR and zero authority to essentially fire another councillor. The Act clearly notes local government council's roles and it does not include firing or relieving the duties of another elected official. Your role as elected officials is to "promote the welfare and interests of the residents and local government, take part in developing and evaluating programs, participates in council and committee meetings and other bodies as appointed by council, and performs other duties given to them by council." Overall, you are to work to the betterment of the community. I dare add that it includes communicating and understanding your constituents wants and needs. Not dismissing them.

The Act also provides direction on the vacating of a seat by a council and spells out on page 5 section 50(1) to include: a- fewer candidates than required (ie a seat is vacant as no one was nominated or elected; b- a member resigns from office; c- a member dies in office; d- a member is convicted of an offense and falls with in the criminal code or is punishable by imprisonment ; e – a member fails to comply with section 58(9) no person shall take a seat on a council before the person has accepted office as provided in this section - ; a member ceases to be a resident of the local district; g- except for the case of illness a member is absent from four or more consecutive regular meetings; or h- a member has been disqualified or declared incapable of holding an office. Just for a moment I want to ensure the correct interpretation of H occurs rather than assumptions or personal interpretation occurs.

I believe if you consult a lawyer who is responsible for interpretation of this section of the Act they will likely note it is not a council or councillor who can deem another member disqualified or incapable. The threshold of that is onerous and should not be taken lightly or assumptions made that it can be done easily. I suspect it would require a legal declaration, a medical declaration and/or judges order.

Regarding the democratic process – I want it recorded that there is no law or Act in New Brunswick currently that is called a Recall Act. The provinces those exist in are BC and AB for certain. NB has not gone in that direction. A Recall Act gives members of a province a

way to remove elected officials they feel are not upholding their responsibilities. For those provinces, a resident may apply to a Chief Admin Officer for a petition to recall a municipal official if they feel they are not upholding their responsibilities. It must comprise of a percentile of voters – in Alberta it is 40%. I remind you again this does not exist in NB and there has not been an appetite for such legislation.

I want to remind each and every councillor it is a slippery slope when an individual attempts to override a democratic process. In Canada, an elected official can not petition to remove another elected official. Let me remind you our own MLA was removed from caucus – not from his elected riding. Why do I bring this up? Because again no one could do that – If Premier Higgs could have he would have. So ,we now have an MLA who is still our representative sitting as an Independent. If they legally can not remove an elected official provincial by a show of hands, neither can council. The addition of the bullet and the impression of having that level of power must be removed. I wish to have it on record that I stand firm in the democratic process and the inability of another elected official to overrule, collude or misrepresent their role by removing another elected official officer from their office. It is undemocratic, unconstitutional and illegal.

I hope you have a sober second thought on how you proceed with this policies amendments. I must also remind in one closing thought that your by-law for a code of conduct does not support the amendment and would require additional work prior to the policy adjustment. At least in my almost 20 years of policy, standards, regs and legislative work that has always been the case.

5. **Disclosures**

Councillor Darren MacKenzie declared a Conflict of Interest with item #12b.).

6. **Reports:**

Fire Department: Chief Crouse

The month of April the Upper Kingsclear Fire Department responded to 20 calls in Hanwell. There were 5 motor vehicle accidents, 9 rubbish fires, fire/explosions, 3 fire alarms, 1 false alarm and 2 public service assistance call.

Chief Crouse also reported that between training and truck checks there were 132 incidents and 2811 man hours so far this year. Hose testing has been started and will continue for a few days. Annual jaws testing took place and took a day and a half. The ground ladders were all tested as well. There is one firefighter taking level one firefighting. Chief Crouse was also presented with the Queen's Platinum Jubilee Medal which honours the extraordinary contribution Chief Crouse makes to his community.

Moved by Councillor Darren MacKenzie **seconded by** Councillor Pat Septon to receive the fire report for April 2023 as presented.

Unanimously Carried #04-05-2023

7. Presentations:

- a) Capital Region Service Commission – Maple Ridge Ventures Inc. - Consideration of the creation of a remnant on a right-of-way.

Moved by Councillor Darren MacKenzie **seconded by** Deputy Mayor Susan Jonah that the Planning Review and Adjustment Committee of the Capital Region Service Commission approve a private right-of-way for the development of land as shown on plan "Maple Ridge Ventures Subdivision 2023-1" subject to:

1. the final plan of subdivision being stamped with the "right-of-way" note;
2. the private right-of-way being shown as part of the remnant property;
3. the thirty-metre buffer from the watercourse and wetland being shown on, and the following statement being added to, the final plan: "This area is subject to Regulation 90-80 - Watercourse and Wetland Alteration Regulation - Clean Water Act"; and,
4. an arrangement for land for public purposes being made with the rural community of Hanwell, prior to the stamping of the final plan.

Unanimously Carried #05-05-2023

8. Permit Applications

- a) There were 2 building permits for April 2023.

9. Proclamations

10. Petitions and Delegations

None

11. Business Arising:

12. Correspondence:

- a) Correspondence – Resident concerns re: Off-Leash trails

Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie to receive the correspondence from a resident with respect to concerns about dogs not being in control of their owners on the off-leash section of the Hanwell Park trails.

Unanimously Carried #06-05-2023

Councillor Darren MacKenzie declared a Conflict of Interest with item #12b and left council chambers at 7:59 p.m.

Councillor Pat Septon declared a Conflict of Interest with item #12b and left council chambers at 7:59 p.m.

- b) Correspondence - Fredericton High School, request for donation for Safe Grad
Moved by Councillor Holly Hyslop and **seconded by** Councillor Debby Peck to accept the correspondence from Fredericton High School with respect to making a donation

to help support their graduation class Safe Grad celebrations and authorize and direct the clerk to make a direct donation to FHS Safe Grad in the amount of \$500.00.

Unanimously Carried #07-05-2023

Councillor Darren MacKenzie and Councillor Pat Septon returned to council chambers at 8:03 p.m.

13. Meetings and Special Events:

a) Mayor's Report

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

Unanimously Carried #08-05-2023

14. Committee Reports:

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

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

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

d) **Emergency Measures:** Did not meet.

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

a.) **Governance and Policies:** Met on May 8 and will meet again on May 18. A report will be given at the June meeting.

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

g) **Mactaquac Committee Liaison Committee:** Did not meet.

15. CAO/Treasurer's Report:

No report was provided this month.

16. Old or Unfinished Business

a) Little Recreation Building – no update

b) Rural Plan Progress Report

17. New Business

a) Audio Recordings

Moved by Councillor Holly Hyslop and seconded by Councillor Debby Peck

Whereas there are many residents in our community who cannot physically attend public meetings; And

Whereas our geographical boundaries have grown substantially due to municipal reform making, attendance at public meetings more difficult due to time constraints or the increasing price of gas; And

Whereas it is the best interest of the municipality to be inclusive and transparent to all residents,

I move that all public meetings including committee meetings be audio recorded and that the audio recordings be placed on the web site, beside the minutes or reports of said meetings.

Yes Votes: Councillor Tim Fox, Councillor Holly Hyslop, Councillor Debby Peck, Councillor Lee Crouse, Councillor Darren MacKenzie and Councillor Pat Septon

No Votes: Deputy Mayor Susan Jonah

Motion Carried #09-05-2023

b) Accessibility Trail

An update was given concerning the damage to the Hanwell Park Accessibility Trail.

The issue occurred while using machinery. Atlantic Rubberized Paving will be meeting with us next week to look at the damage to see what needs to be done.

18. Upcoming Activities:

- a) Zoomers – Tuesday and Thursdays, until March 30 at 12:00 pm
- b) Hanwell Sports registration is currently open
- c) 2nd Annual Hanwell Golf Tournament – May 27, 2023

Moved by Councillor Tim Fox and **seconded by** Councillor Darren MacKenzie to go into closed session.

Unanimously Carried #10-05-2023

19. Closed Session:

- a) *Matter pursuant to S. 68(1)(f) of the Local Governance Act (Information concerning legal opinions or advice provided to the local government by its solicitor and client in a matter of local government business.)*
- b) *Matter pursuant to S. 68(1)(c) of the Local Governance Act (information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract)*

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Pat Septon to come out of closed session and move back into open session.

Unanimously Carried #11-05-2023

Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie to authorize and direct the clerk to ask legal counsel to send a Demand Letter to Thermalwood, in regard to issues with the siding on Hanwell Place.

Unanimously Carried #12-05-2023

Moved by Councillor Holly Hyslop and **seconded by** Deputy Mayor Susan Jonah to authorize and direct the Clerk to accept the quote from Fulton Asphalt Solutions in the amount of \$955.50 + HST for painting lines on the multipurpose surface to include a regulation high school size basketball court (50x84) – with all regulation size line markings, including a 5 ft safety border on all sides, with the two basketball hoops being placed 5 feet from the fence, for a total paved area of 60 x 94 as well as painting lines for two pickle ball courts in a different colour.

Unanimously Carried #13-05-2023

20. Date, Time, and Location of next meeting

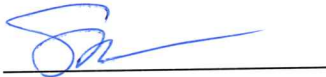
Regular Council Meeting, June 15, 2023 @ 7:00 pm
Council Chambers

21. Adjournment

Moved by Councillor Holly Hyslop and **seconded by** Councillor Pat Septon to adjourn the meeting at 8:55 p.m.

Unanimously Carried #14-05-2023

Respectfully submitted by,

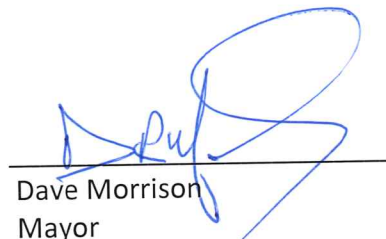


Sherri Johnston
Clerk/Assistant Treasurer

Certified Correct,



Sherri Johnston
Clerk/Assistant Treasurer



Dave Morrison
Mayor