

**SPECIAL TOWN COUNCIL MEETING MINUTES (Re. Mayor’s Resignation, Special Election Discussions, NS Utility & Review Board re Amalgamation Application, In-camera Legal Matter)**

**Town of Windsor, NS**

**March 9, 2016**

**6:00 – 7:38pm**

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Present: John Bregante Deputy Mayor (Acting Mayor)  
Laurie Murley Councillor  
Scott Geddes Councillor  
Dave Seeley Councillor  
  
Louis Coutinho CAO  
Todd Richard Acting Director of Public Works  
Doug Armstrong Director of Finance  
VanEssa Roberts Director of Community Development, Tourism & Recreation  
Shelleena Thornton Municipal Clerk  
John Shanks Town Solicitor, Stewart McKelvey (arrived at 6:13pm)

Regrets: None

Public: 1 member  
Colin Chisholm Reporter, Hants Journal

**1. CALL TO ORDER** – Chair Bregante called the Special Town Council meeting to order. CAO Coutinho advised that Solicitor Shanks is running late.

**2. APPROVAL OF AGENDA**

**MOVED BY MURLEY/SEELEY THAT THE AGENDA BE APPROVED AS CIRCULATED.  
MOTION CARRIED**

**3. PAUL BEAZLEY’S RESIGNATION AS WINDSOR MAYOR**

CAO Coutinho read the resignation letter out loud. Council said the resignation is accepted with regret.

CAO Coutinho said Mr. Beazley provided strong leadership for council and for staff as well (including support). Deputy Mayor Bregante said something will be done for him in the near future.

**MOVED BY GEDDES/MURLEY THAT PAUL BEAZLEY’S RESIGNATION LETTER AS  
TOWN OF WINDSOR MAYOR, DATED FEBRUARY 25, 2016 BE RECEIVED.  
MOTION CARRIED**

**4. SPECIAL ELECTION DISCUSSIONS**

Clerk Thornton outlined the process for Special Elections and discussion occurred on whether a special election should be held to fill the vacant Mayor position. Section 13 of the Municipal Elections Act. *R.S., c. 300, s. 1* outlines the provisions should a vacancy occur on a council. S. 13 (8) says “No special election shall be held for a vacancy on a council within the six months preceding ordinary polling day for a regular election unless otherwise determined by the Minister or the council.” Further, S. 13 (2) says “The day fixed for the special election shall be a Saturday not more than eleven weeks after the meeting of the council at which the day was named.” Therefore, this means, should council call a special election this evening; that election would need to be held within 11 weeks from today.

*Solicitor Shanks arrived at 6:13pm.*

Discussion was held pertaining to dates and it was noted that it would take at least 8-9 weeks to prepare for a special election; realistically 9-11 to meet the legislated requirements. This would result in a special election

date of around May 14, 2016 (which would fall well-within the six months preceding ordinary polling day for a regular election as identified in S.13 (8)). S. 13 (6) indicates “A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections,” which means that the timelines, guidelines, etc. required during a regular election are also required for a special election. Therefore, costs for a special election would pretty much be the same as for a regular election. The Town budgets \$20,000 for its elections.

Solicitor Shanks said a concern he sees is S. 13(8) outlines the prohibition that no special election shall be held within six months of a regular election date; however, also has an out-clause at the end that says “unless otherwise determined by the Minister or council.” Not understanding how the section essentially had a prohibition with a built-in escape clause he reviewed it. He indicated it started in 1971 and then he referred to later revisions. In one version it referred to Council (with a capital “C;” but then was revised to be a lowercase “c”). This may refer to a provincial Council versus local council and the capital and lower “c” not taken into proper context during revisions; however, he is not certain. He said there is a caution to calling a special election so close to a regular election in that it will lead to duplication of matters and add confusion, primarily to electors. He added that the mayor who gets voted in during the special election would have a short life in the role. In conclusion, if council wished to have a special election, it would not need Ministerial approval.

There were no questions by council. Council thanked Clerk Thornton and Solicitor Shanks for clarity on the matter.

**MOVED BY GEDDES/MURLEY THAT NO SPECIAL ELECTION WILL TAKE PLACE TO  
FILL THE VACANT MAYOR POSITION. MOTION CARRIED**

*Reporter Colin Chisholm arrived at 6:20 pm*

**Deputy Mayor Nominations for Vacant Deputy Mayor Position** - Nominations were held for the vacant Deputy Mayor position. Councillor Laurie Murley was the only nomination and she accepted.

**5. NS UTILITY & REVIEW BOARD DISCUSSIONS Re. AMALAGAMATION APPLICATION**

Correspondence was received from the Nova Scotia Utility & Review Board (NSURB) and it provided a tentative timeline of events. They NSURB will provide a list of studies they will want and the timeline to complete them will be from mid-May (likely when the preliminary hearing will be) to the end of July. It seems they are taking into consideration the 2016 Municipal Elections in October; leaving the hearing until approximately November 2016. It was noted that any correspondence the NSURB deems public will be posted on their website for the public to review.

Solicitor Shanks said the draft timeline schedule from the NSURB is a pretty aggressive one. A similar schedule in relation to the Hantsport dissolution couldn't be maintained and an extension was needed (and granted). To have extensive studies done during the summer may not be possible and it would be overly optimistic to be able to follow that timeline. Solicitor Shanks anticipates a hearing in early 2017 (January) as being more realistic. He doubts the proposed timeline is doable. With respect to the studies, it is recommended they be independent studies. Some key ones are a financial study (examination of the potential impact on tax rates and debt ratio); an infrastructure needs study (excluding roads); the Province will do a roads assessment for the Town; a Governance Study (how would the new municipal unit be divided); and a social impact study (key social considerations; recreation, identity, etc). Internal studies such as human resource matters (merging work forces); shared Boards and services impacts will likely also be requested along with some other smaller ones.

There were no questions from council.

CAO Coutinho asked if the NSURB could submit information requests now or would they wait until the preliminary hearing (potentially mid-May)? Solicitor Shanks said they could ask now; however, will usually ask

after the Preliminary Order is issued. They could ask from any party (Avon Region Citizens Coalition (ARC), from the Town of Windsor, West Hants, or the Province). He said other groups could come forth and gain intervener status; they could make submissions and be involved in the process (like the Save Hantsport group). Solicitor Shanks said the Municipality of the District of West Hants is a party in this process and has an automatic seat at the table.

When asked if there was a timeframe for someone to seek intervener status, Solicitor Shanks said the NSURB will advise at the Preliminary Hearing in mid-May (if that is when the preliminary hearing gets scheduled for).

## **6. IN-CAMERA (LEGAL MATTER)**

*Only members of Council, CAO Coutinho, Clerk Thornton, and Solicitor Shanks remained for the in-camera session.*

**MOVED BY SEELEY/GEDDES THAT AT 6:34PM THE MEETING MOVE IN-CAMERA TO DISCUSS A LEGAL MATTER. MOTION CARRIED**

**MOVED BY GEDDES/MURLEY THAT AT 7:37PM THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED**

## **7. ADJOURNMENT**

**MOVED BY GEDDES/SEELEY THAT AT 7:38PM WITH NO FURTHER MATTERS TO DISCUSS, THE SPECIAL MEETING OF WINDSOR TOWN COUNCIL BE ADJOURNED. MOTION CARRIED**

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ADMINISTRATOR

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ACTING MAYOR