

**PORT HAWKESBURY TOWN COUNCIL
SPECIAL PUBLIC MEETING**

Held Virtually

**Minutes of Meeting
April 14, 2020**

Present

Mayor Brenda Chisholm-Beaton
Deputy Mayor, Blaine MacQuarrie
Councillor, Hughie MacDougall
Councillor, Mark MacIver
Chief Administrative Officer, Terry Doyle
Director of Finance, Erin MacEachen
Director Marketing, Recreation, Tourism & Culture, Paula Davis
Town Solicitor, Patrick Lamey

Guests

NS Department of Municipal Affairs and Housing
Nicolas Barr, Manager, Acting Director of Governance & Advisory Services
Ross MacDonald, Advisor
Mark Peck, Executive Director, Policy, Planning and Advisory Services

1. Call to Order

A Special Public Meeting of the Port Hawkesbury Town Council was held virtually, Tuesday, April 14, 2020 and called to order by Mayor B. Chisholm-Beaton at 6:00 p.m.

A moment of silence was observed for the passing of Deputy Mayor Jean Brittain, Town of Digby, NS.

2. Approval of Agenda

MOVED by Councillor M. MacIver and SECONDED by Deputy Mayor B. MacQuarrie “that the Town of Port Hawkesbury approves the agenda as circulated.” MOTION CARRIED.

3. Council Vacancy

At the June 25, 2019 Special Public Meeting a motion of Council approved Councillor T. Boudreau’s request to be ordinarily resident outside the Municipality but within the Province for a period of time not to exceed six months in accordance to Section 17.6 of the MGA. CAO, T. Doyle provided a timeline of events relating to Councillor Boudreau’s residency since June 25, 2019.

Town Solicitor P. Lamey provided his legal opinion regarding the terms *ordinarily resident* and *vacancy*, and the timeline of events in relation to the June 25, 2019 motion referencing s.17(3) and (6) of the Municipal Government Act and s.16 of the Municipal Election Act.

A question period and debate followed with Council, the Town Solicitor and representatives from the Province regarding the June 25, 2019 motion, its intent, the aforementioned sections of the MGA and the MEA, the timeline relating to Councillor Boudreau’s residence, and his request to extend his term.

MOVED by Deputy Mayor B. MacQuarrie to amend the original motion of June 25, 2019 whereby the Town of Port Hawkesbury approves the request of Councilor T. Boudreau to be ordinarily resident outside the Municipality but within the Province in accordance with Section 17.6 of the MGA for a period of time not to exceed six months by adding the period commencing March 24, 2020”.

The motion was SECONDED by Councilor H. MacDougall to begin discussion.

Based on staff’s review and the Town Solicitor’s legal opinion, Deputy Mayor B. MacQuarrie believed Trevor Boudreau did not act on this motion and deemed it appropriate to approve Councilor Boudreau’s request for an extension effective March 24, 2020.

Councilor M. MacIver did not agree with amending the motion. He stated Councilor Boudreau moved outside the municipality and that the June 25, 2019 motion was acted upon. He questioned the broad scope of Section 17.6 being discussed and that only one – 6 month leave in one Council term can be granted in accordance with the MGA.

Councilor H. MacDougall did not second the April 7, 2020 motion. He stated he could not make an informed decision because he did not have all the information and he did not want to set a precedent by granting an extension. He stated his decision was in accordance with the MGA and maintained the original request for extension put forth by Councilor Boudreau was granted.

Councilor H. MacDougall suggested making a motion, if unanimous by Council, to withdraw the motion until the status of Trevor Boudreau was determined.

Town Solicitor P. Lamey stated that in his legal opinion, Trevor Boudreau remained an ordinary resident, that the existing motion is still in effect, and that Council has a decision to make whether or not to amend and refine the existing motion.

MOVED by Councilor H. MacDougall and SECONDED by Councilor M. MacIver to call the question. Debate ceased. The question was called.

Two ayes were recorded from Deputy Mayor. B. MacQuarrie and Mayor B. Chisholm-Beaton. Two nays were recorded from Councilor M. MacIver and Councilor H. MacDougall.

The motion to amend the June 25, 2019 motion did not go forward.

4. Adjournment

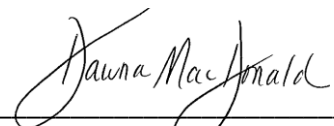
MOVED by Councilor H. MacDougall and SECONDED by Councilor M. MacIver “that the Town of Port Hawkesbury adjourns the Special Public Meeting at 7:52 p.m.”. MOTION CARRIED.

May 6, 2020

Date



Approved by:
Terry Doyle, P.Eng., CAO



Recorded by:
Dawna MacDonald