

MILLBROOK FIRST NATION'S REGULAR CHIEF AND COUNCIL MEETING

MS Teams

May 18, 2021

9 am – 6 pm

Chief and Council:

Chief Robert Gloade, Councillor Alex Cope, Councillor Barry Martin, Councillor Carley Gloade, Councillor Colin Bernard, Councillor Gordon Johnson, Councillor James Stevens, Councillor Leana Kennedy, Councillor Lisa Marshall, Councillor Natasha Bernard, Councillor Peter Gloade, and Councillor Ward Markie.

Regrets: Councillor Stephen Marshall

Staff:

Claire Marshall, Executive Director
Nigel Gloade, Communications Officer
Shelley Martin, Solicitor
Richard Skelhorn, Chief Financial Officer

Call to Order – Opening Remarks Chief Robert Gloade

The administration is working on a new process to ensure that action items are being implemented, tracked, and followed up on. It is a work in progress, and it will be a shift for the Council to delegate many of these minor but important decisions. Many of the items that the Council discusses should really be delegated to the administration. The Executive Director and Repairs/Renovations Manager for example, are meeting weekly to review and discuss the requests for repair requests. Councillor James Stevens requested that all “New Business” topics be forwarded to The Executive Director in advance of the meeting so she can add them to the agenda.

Review of May 18, 2021, Agenda

Motion: To approve the agenda as circulated.

Moved by: Colin Bernard

Seconded by: James Stevens

Motion passed unanimously.

Approval of Minutes from April 13, 2021

Motion: To approve the Minutes of April 13, 2021, as amended.

Moved by: Ward Markie

Seconded by: Lisa Marshall.

Motion passed unanimously.

Business Arising from the previous minutes.

- Added up to \$500 for naturopathic services to the health policy under “alternative medicine”. This was approved by consensus.

- Sheet Harbour Wharf, Councillor James Stevens followed up with a non-member who is leasing a berth.
- Naming of Cole Harbour building, extend until the end of June for additional submissions. Administration (communications department) to post on the website/facebook.
- Lisa Marshall requested that she put forward her employment conflict of interest motion that was tabled on April 13th.
- While it is understood that the camps cannot proceed as before due to the pandemic and travel restrictions, it was suggested that the education department deliver some outdoor activities (within the confines of the restrictions) to give the kids something to do because they have been cooped up all day. The Education Director is evaluating whether something can be done and what that would look like.

Executive Director Report – Claire Marshall

The Executive Director shared that she has met with as many staff as she can given the lockdown and has set up regular weekly meetings with all of her direct reports. She is building out an organizational chart that she will circulate to the Chief and Council for their input. She is continuing her orientation by meeting with each sector department of Indigenous Services Canada, she attends the First Nation Administrator meetings and has received a community tour and has had many helpful background briefings from the Chief and several Councillors. She shared a written report with updates from each department.

Questions/Comments:

Q- What's happened at the meeting about the gaming agreement?

A - (Councillor James Stevens) It was an introductory meeting, the Office of L'nu Affairs provided an extension on the existing agreement.

Comment (Councillor Alex Cope) – I see in your report that there were no by-law violations. People should be reminded that they need a permit to do various things such as trees are being cut down without permits, unsightly premises, garbage in yards, and buildings going up without permits. Residents need to fill out the permit application and describe what they are doing. A notice should be sent out to the community that if people are doing any improvements to their home, they need a permit. Additionally, the by-law officer is responsible for following up with animal control matters.

Comment (Councillor Carley Gloade) – We developed a template of staff reports that indicates what needs to go to Council for decision. For example, if staff have any specific requests like policy amendments, it would go in the report.

Comment (Councillor Alex Cope) – The councillor suggested that the Executive Director remind staff of the HR and Social Media policy.

Finance Report – Richard Skelhorn, Chief Financial Officer

The Chief Financial Officer provided a brief overview of key activities in the finance department.

- Sage Inacct Implementation – will go live on Sept 30/2021. Training with staff will start in July.
- Development of the Financial policy and procedures – a kick off meeting was held with MNP on May 18th. There will be staff interviews and Richard will give the Council a heads up if they need to speak to you. In July, the financial policy and procedures will be ready.

- First Nation Financial Management Board – Millbrook is working on certification, and we are currently in Phase 1. Phase 2 is July-November 2021 and implementation will be December – July 22, 2022.
- Budget – We are working to overhaul the budget. The administrative budget will be done in June 2021.
- Fraud awareness Training from Deloitte is being planned for Finance staff and managers of Millbrook First Nation. No date has been set yet but expected in the summer.

Questions/Comments

Chief Bob Gloade – The Council would like a strategic plan and budgetary process to along with it so we can make decisions responsibly and in line with our strategic goals.

Councillor James Stevens needs three years of financials as well as Millbrook’s housing policy. Both of these are required Millbrook First Nation can sign loan guarantees for lending institutions and chartered banks in order for members to obtain mortgages on reserve. Chief Financial Officer will follow up.

Special Requests

Next Ride is Nova Scotian-based environmental non-profit that focuses on electric vehicle adoption and education. They travel around the province in a small fleet of EVs (electric vehicles) providing test drives to the public, delivering seminars to government, meeting with community leaders and talking to schools. They are a great resource for people interested in electric vehicles. They requested to host an event in the area of the Millbrook Power Centre. The Council expressed interest and directed staff to follow up on dates and request their COVID safety plan.

Confederacy of Mainland Mik’maq wrote a letter seeking the support of Millbrook First Nation for the Housing Internship for First Nations Inuit Youth (HIIFNHY) program. This program builds community capacity in the housing field. A motion was proposed by Councillor Alex Cope and seconded by Councillor Carley Gloade to support this program as long as it does not have an effect on Millbrook’s funding. The motion was not put to a vote and Chief Gloade requested that the program be supported by consensus. Chief Bob Gloade instructed staff to follow up with CMM and to advise if a letter is required.

The Town of Truro is seeking donations for Victoria Pool Upgrades.

Motion: to sponsor the Town of Truro in the amount of \$500 for the Victoria Park pool upgrades since many Millbrook First Nation children and families use that pool.

Moved by: Councillor Lisa Marshall

Seconded by: Councillor Barry Martin

Motion passed unanimously.

Motion: Colin Bernard to investigate building a community splash pad

Moved by: Councillor Leana Kennedy

Seconded by: Councillor Carley Gloade

Motion passed unanimously.

Councillor Lisa Marshall recommended a local band member contractor to be contacted to help work on this project since he is an engineer. Chief Gloade also suggested the Physical Activity Strategic Coordinator be involved to look into funding opportunities and there is a possibility of using the 1919 money. Chief Gloade also suggested a skate park and requested that Communications Officer and other staff do some preliminary research on this item.

Confederacy of Mainland Mi'kmaq, requested a letter of support from Millbrook First Nation to access funding from DFO for a Sea Fisheries Observer and Dockside Monitoring Feasibility Study and Indigenous Marine Services business venture. Councillor Leana Kennedy asked If CMM is asking for money from DFO, do we have to give the data to DFO? The data used cannot be used against us in court. Councillor Gord Johnson asked if staff could look into whether OCAP (ownership, control, access and possession) principles would apply to this initiative.

Policy Discussion

Custom Election Code Discussion

Millbrook's In House Solicitor provided an brief update on the process for developing Millbrook's custom election code. She explained that we are at the point where we are putting a framework into aspects of the custom election code. The 15-20 participants get homework questions and articles and things to ponder. We have started reviewing other custom codes in other parts of the country. The discussion has been very good. There is a good group of participants, a real range from the community. The discussion is very respectful. The timeline is to have a Code in the fall and have a vote shortly thereafter. The question was asked about whether it would be in place before the next election. Millbrook's In House Solicitor responded that it is still up in the air, but the team is working through its process with the assistance of a facilitator, an independent contractor to come in to facilitate.

Construction and Development Moratorium

Millbrook's In House Solicitor read through the proposed by-law for a moratorium on development on band lands. If members start building there or doing any work, Millbrook's by-law officer can issue a stop work order with specific direction. Millbrook will have to rely on either the RCMP or an enforcement officer to implement Construction and Development Moratorium by-law. Councillor Leana Kennedy suggested that in Section 12, that the Committee of Council be replaced with an adjudicator or arbitrator. Millbrook's In House Solicitor said she would make that change.

Motion: to enact the Construction and Development Moratorium by-law immediately

Moved by: Councillor Colin Bernard

Seconded by: Councillor James Stevens.

Motion passed unanimously.

By-Law Enforcement Generally

Millbrook's In House Solicitor provided an update on the N.S Mi'kmaq by-law enforcement work. The Tripartite by-law committee completed their initial report and the are scheduling meetings for administrators, technical advisers, and Councillors to see if there is consensus about which option to pursue. In June, the committee would like to have the meeting and go through the report on how we would go about creating the structure for enforcement. The details are being finalized but will be presented to the Council when they are ready.

Indigenous Services Canada has opened the by-law office support again, in Ottawa because they realize First Nations need a lot of support. There is an on-line conference being held out west.

Millbrook's In House Solicitor would like to have the By law Officer appointed as a Peace Officer. We also need a ticketing system. Do we want to create our own ticketing system, or we could work with the Province and go under their framework? These are the areas to consider and to be discussed in June.

Specific Claim for Millbrook Highway

Millbrook's In House Solicitor spoke to this topic. When the route for Hwy 102 was determined, the clearing came right up to the borders of the reserve. The highway ran right through the community. Indigenous Services Canada breached their fiduciary duty to Millbrook First Nation and to allow the fibre optic cable to be run through the reserve. There are a number of allegations. Millbrook's In House Solicitor recommends accepting this for negotiations, but she would like an external lawyer (a lawyer that worked with Millbrook under the 1919 claim) to look at it before we accept it.

Councillor Gord Johnson stated that when Millbrook received remedy for the overpass, there may have been some concession of this specific claim. Millbrook's In House Solicitor will look into that. Does Millbrook's In House Solicitor have permission to hire the external Lawyer to review? All Councillors agreed, yes, she has permission.

Drinking Water class action

Millbrook is eligible to join this class action due to the Sheet Harbour boil water advisory for many years.

Motion: That Millbrook First Nation join the drinking water class action.

Moved by: Councillor Lisa Marshall

Seconded by: Councillor Leana Kennedy

Motion passed unanimously.

Millbrook's In House Solicitor will prepare the Band Council Resolution (BCR).

Tufts Cove Indemnity for Water Lot

Millbrook's In House Solicitor explained that because of the federal governments over abundance of caution, the only way to add Tufts Cove to reserve lands is if Millbrook signs off on this indemnity. Once it becomes MFN lands then we can decide on how it can be developed. Councillor James Stevens spoke in favour of the motion to sign the indemnity because he said it is a pretty low likelihood that there are any issues with that Water Lot.

Motion to sign the indemnity for the water lot

Moved by: Councillor Alex Cope

Second by: Councillor Carley Gloade

Motion passed unanimously

Chief Bob Gloade provided a brief update about the fact that Shannon Park has been in the news recently. Its now added as reserve land but we had not announced that publicly until it was discussed with the Council.

Next steps – The Economic Development team to work with ISC and CLC to start the development process.

Housing Update

Chief Bob Gloade provided an update. We now have the keys for the house on 87 Abenaki Road and 20 Spruce Drive in Millbrook. Those houses will be allotted from the applications received up to March 31st.

In addition, we will have the house on Church Point in Sheet Harbour (it needs a water filtration system) and the house in Beaver Dam will be ours on June 18th.

Chief Gloade will call a special meeting to allocate the 2 units in Millbrook (Spruce and Abenaki). We need to make sure that community members are aware of it and put their names in for the ones coming up in Sheet Harbour and Beaver Dam. We need occupancy agreements because those are fee simple land. Because those are not on reserve land the residential tenancy act applies. Chief Gloade asked the legal team, Millbrook's In House Solicitor to add these to reserve land as well.

Letters

The Council went through the table of requests from community members and agreed with the staff recommendations. However, there were some special requests that the staff requested direction from Chief and Council.

A member requested a shed to store her medical scooter. The first one broke because it was outside in the elements.

Motion to approve a shed for to store his/her medical scooter.

Moved by: Councillor James Stevens

Second by: Councillor Natasha Bernard

Motion passed unanimously.

Dental - A member requested funding for braces which was denied because the policy is clear how much is allocated for braces. However, this sparked a discussion and Councillor James Stevens recommended that staff revisit the braces budget, do an analysis of how much have we spent over the last year and determine if we should we increase the amount that people get for braces on a go forward basis

New Business

Councillor Lisa Marshall would like to see more promotions about getting vaccinated. Councillor Natasha Bernard suggests promoting the health centre information as much as possible.

Councillor Lisa Marshall would like to ensure that new roofs are looked at in Sheet Harbour.

Councillor Lisa Marshall would like staff to look into the feasibility of developing a 24-hour mental health facility.

Motion for a fence and security by the garbage bins.

Moved by: Councillor Lisa Marshall

Seconded by: Councillor Natasha Bernard

Motion passed unanimously.

Councillor James Stevens sent out a BCR recommending selling the long line sword fish license.

Councillor Colin Bernard raised the issue of a driveway that needs to be fixed on Andrew Way.

Councillor Colin Bernard requested that the by-law officer look into the extension cord that is going to from one member's house to another. That extension cord should be removed.

Councillor Alex Cope reiterated that by-laws need to be enforced in Cole Harbour and Sheet Harbour. Letters need to be issued when there are infractions.

Councillor Colin Bernard has a request to add paving of Glooscap extension and he has a fencing quote.

Councillor Carley Gloade would like the summer student summer employment policy reviewed because she feels it is an unrealistic view of the job market (paying the students too much).