
Hamlet of Enterprise
Regular Meeting
7 October 2013
Hamlet Office at 7:00 PM – 10:00 PM

Start Motions #2013-10-167

1. Call to Order: 7:05 p.m.

1.1. Members Present:

Mayor Mike St. Amour
Deputy Mayor Craig McMaster
Councillor Alan Flamand
Councillor John Leskiw
Councillor Jim Dives

1.2. Community Gallery:

Eric Bartlett
Vi Bartlett
Rhonda Flamand
Sandra McMaster
Amy Mercredi
Shari Dives
Winnie Cadieux
Paul Bickford, NNSL
Eleanor Young, Assistant Deputy Minister, MACA
David Kravitz, Manager, Community Governance, MACA
Valerie Conrad, Community Governance Advisor, MACA
Mary Brown, Regional Superintendent, South Slave, MACA

1.3. Staff/Volunteers

Terry Testart, Melinda Lenoir

2. Agenda Additions:

None.

3. Adoption of Agenda:

Motion 2013-10-167

Motion to approve the agenda as presented.

Moved by Councillor Dives

Seconded by Councillor Leskiw

All in favour.

Motion Carried

4. Adoption of Minutes From Previous Meetings:

4.1. Minutes from May 24th, 2013

Motion 2013-10-168

Motion to accept the Minutes of May 24, 2013, as presented.

Moved by Councillor Dives

Seconded by Councillor Flamand

Discussion:

Deputy Mayor McMaster said that Council should not accept the any of the minutes of the past meetings as Councillor Neal is not in attendance.

Councillor Dives did not agree and said that this is regular business of Council and that approval of minutes should not be deferred due to the absence of one council member.

Councillor Flamand said that Council should move forward.

Councillor Leskiw requested an update of the road project and wanted to know what the cost was to date.

Councillor Dives suggested that the topic was approval of the minutes and not questions of spending to this meeting's date. The question is about the accuracy of the minutes and is not to get an update of what has happened since.

David Kravitz from MACA agreed that Councillor Dives was right.

In favour: 3 Opposed: 1

Motion Carried

Motion 2013-10-169

Motion to table the remaining minutes in Agenda Item 4 until Councillor Neal is available.

Moved by Deputy Mayor McMaster

Seconded by Councillor Leskiw

Discussion:

Craig McMaster repeated that Councillor Neal is not here and that he would like to see a full Council present for the approval of the minutes.

In Favour: Craig McMaster, John Leskiw

Opposed: Jim Dives, Al Flamand

Mayor St. Amour votes to break the tie vote and opposed the motion.

Motion Defeated

4.2. Minutes from May 30th, 2013

Motion 2013-10-170

Motion to accept the Minutes of May 30, 2013, as presented with noted change.

Moved by Councillor Dives

Seconded by Councillor Leskiw

Discussion:

Craig McMaster said he was not present at this Council Meeting but was in attendance via conference call. He asked that the Minutes be amended to show that he was in attendance via conference call.

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

4.3. Minutes from June 10th, 2013

Motion 2013-10-171

Motion to accept the Minutes of June 10, 2013, as presented.

Moved by Councillor Dives

Seconded by Councillor Flamand

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

4.4. Minutes from July 2, 2013

Motion 2013-10-172

Motion to accept the Minutes of July 2, 2013, as presented.

Moved by Councillor Dives

Seconded by Councillor Leskiw

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

4.5. Minutes from July 24th, 2013

Motion 2013-10-173

Motion to accept the Minutes of July 24, 2013, as presented.

Moved by Councillor Dives

Seconded by Councillor Flamand

Discussion:

Councillor Flamand said the SAO, in public, was Council bashing. He said he questions the motives of the SAO. He said to Mayor St. Amour that was all he wanted to say.

Councillor Leskiw noted that the dates of approval on the draft minutes would need changing to the date of this meeting. He was told that would be done.

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion

Carried

4.6. Minutes of July 31, 2013

Motion 2013-10-174

Motion to accept the Minutes of July 31, 2013, as presented with noted change.

Moved by Councillor Flamand

Seconded by Councillor Dives

Discussion:

Councillor Dives said the minutes presented needs to show him as being present. All agreed.

Councillor Flamand refuted what was noted as his statement on page 3 of 4 in discussion on Motion 2013-07-138 and wanted his comment removed. All agreed.

Councillor Flamand also referred to a discussion of that night. Mayor St. Amour said the discussion was outside of the Hamlet Office and not during the meeting. All agreed.

Councillor Leskiw commented that Mayor St. Amour was in violation of Council's bylaw when the Mayor recommended a resident be appointed to Council.

David Kravitz was invited to give his opinion. He said that the Mayor did not violate any legislation, and that the process was properly discussed where Council considered an appointment, that a motion was presented, then defeated.

Councillor Dives said that regardless of the discussion on the matter of the possible appointment of a new Council Member, the minutes being presented were accurately recorded. The motion should be voted.

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

4.7. Special meeting Aug 09, 2013 – Legal Opinion Special Council Meeting/Conflict of Interest.

Discussion:

Councillor Flamand asked for a copy of the minutes. He does not agree with the legal opinion because the SAO did not provide accurate information to the lawyer. He also said that when the tent was being put up, the Mayor and SAO were talking to the Hamlet Foreman and that the Mayor and SAO were trying

to stop the event from happening and preventing the tent from being put up. He said the length that the Mayor and SAO took to stop the event and hurt the people was shameful.

Deputy Mayor McMaster said that there was no one in the office.

Councillor Leskiw said that there was no quorum at a previous meeting and that there had to be a special meeting called to allow the Jamboree Society to use assets of the Hamlet.

The SAO said that minutes were not presented at Council because the meeting was not duly assembled as required by the Hamlets Act. He said the minutes did not show motions being properly presented or voted on.

Councillor Leskiw said that he chaired the meeting because the Deputy Mayor declared conflict of interest. He said that there was no discussion about funding the Jamboree.

The SAO reported that contrary to what Councillor Flamand said, he did not threaten any staff and was protecting the Hamlet assets, as was recommended by the MACA Regional Superintendent to ensure that the insurance risk was discussed with the Hamlet insurers. As it happened, the assets of the Hamlet were used before the special meeting was held. The SAO also noted that neither he nor the Mayor were against the Jamboree but were responsible to ensure that Hamlet property was done in accordance to hamlet council policy and insurance coverage.

Councillor Flamand said that when he was Mayor, that everyone followed the rules and that the Society was set up to run the Jamboree. He said he could not believe the extent that the Mayor, the SAO and Councillor Dives undertook to stop the event.

Councillor Dives said that he was never against the event but when the Hamlet doesn't receive proper information or paperwork in the proper timeframe required by policy, that the Society's request could not be approved.

Councillor Flamand said that this saga just continues. The Hamlet staff has always put up the tent in the past and takes it down. Now the SAO has sent a letter to the Society saying that he will charge the Society the labour, at reasonable rates, if the volunteers do not take the tent down. We need to ensure that the Jamboree is funded from year-to-year.

Mayor St. Amour suggested Council move on to the next item on the agenda.

4.8. Minutes of Emergency Meeting Sept 10th, 2013

Motion 2013-10-175

Motion to accept the Minutes of September 10, 2013, as presented.

Moved by Councillor Dives

Seconded by Councillor Flamand

In Favour: Councillor Flamand, Dives and Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

4.9. Minutes of Special Meeting Sept 13th, 2013

Motion 2013-10-176

Motion to accept the Minutes of September 13, 2013, as presented with changes.

Moved by Councillor Leskiw

Seconded by Councillor Flamand

Discussion:

Craig McMaster said he wasn't present at the meeting but was there via conference call and the minutes should be recorded as such. He said that he did not leave the meeting for the reason mentioned in the minutes but left the meeting because the Mayor had expelled his wife from the meeting. He said he said he doesn't like participating in meetings by phone and he doesn't encourage it.

Mayor St. Amour had asked the Deputy Mayor's wife to leave the meeting for disrupting the meeting and Council concurred.

Councillor Flamand said he felt intimidated and threatened by the SAO and did not like to come to meetings for this reason. He said that Council needs to move forward without someone waiting to pounce on you.

Mayor St. Amour requested a vote on the motion.

In Favour: Councillor Flamand, Councillor Dives and Councillor Leskiw

Opposed: Deputy Mayor Craig McMaster

Motion Carried

5. Disclosure of Pecuniary Interest:
None declared.

6. Councillor Absences:
Councillor Tammy Neal

The SAO reported that Councillor Neal had informed him that she would be away hunting and would not be available by conference call.

Motion 2013-10-177

Motion to accept the absence of Councillor.

Moved by Councillor Leskiw

Seconded by Councillor Flamand

All in Favour

Motion Carried

Mayor St. Amour suggested a short break before the next agenda item.

Motion 2013-10-178

Moved to take a 10 minute break at 8:26 p.m.

Moved by Councillor Leskiw

Seconded by Councillor Flamand

All in favour

Motion Carried

Mayor St. Amour called the meeting back to order at 8:36 p.m.

Motion 2013-10-179

Motion to direct the SAO to have Hamlet Staff take down the tent within 3 days from the meeting.

Moved by Councillor Flamand

Seconded by Deputy Mayor Craig McMaster

Discussion:

The SAO recommended that the Hamlet should put out a notice looking for volunteers to help. He also suggested that before the tent is taken down, that it be allowed to dry and be taken down when the weather improves. All agreed with amending the time line allowing for looking for volunteers to help the staff and to ensure the tent is dry and stored properly.

All in Favour

Motion carried

7. Delegations:

7.1. Eleanor Young – Assistant Deputy Minister, MACA

Eleanor Young introduced herself and the members of her team. She explained that MACA was attending the Council meeting because of the problems being experienced by this Council in terms of their governance and procedures. She said that MACA was looking at providing advice and assistance to the

Council as a pilot project as part of the government's accountability program. She said that when communities experience problems with finance or governance issues, MACA currently has two tools under municipal legislation which are supervision and administration. She said that she can recall that MACA had placed Administrators in Fort Simpson and in Enterprise but that these tools are not used very often. She said that since 2007 when the New Deal was implemented and capital planning and funding was transferred to communities, communities expanded their roles. MACA did not change our way of doing business and did not have good tools to work with communities to support and assist them. She said that now, the accountability framework, core governance, financial planning municipal inspections are critical and MACA is developing better ways to engage with communities but that we are not there yet. She referred to amber light status to indicate proceeding with caution and a red light status to indicate serious issues. This discussion will be presented in upcoming workshops with communities in the fall but right now the traditional training packages don't really fit the mark. What she is proposing is that MACA will work closely with this Council to find ways that they can support Council to provide feedback and make suggestions to help council to understand and give them the ability to make decisions, change policies and procedures. She has met with the Mayor and SAO and discussed this matter with them. She is proposing that she and her team would come back to a series of Council meetings and observe, give written feedback within a week after the meeting and monitor next meetings. This may assist the Council in moving forward.

Discussion:

Councillor Leskiw commented that every new Council after every election should have a roles and responsibilities course.

Councillor Flamand asked how long MACA would be coming to meetings.

Eleanor Young said 4 to 5 meetings to start. It may take longer, depending how it works for the Council. She said that MACA in the past has been one of the communities that is forward thinking and she hates to see it struggling.

7.2 Recommendations for Enterprise Cemetery

The SAO reported that Cathy Kimble was ill and not able to attend the Council meeting. He said that he has spoken to her and Darrell Dean of Procore Ltd. in Hay River. Kathy has written a letter to council about the cemetery pertaining to roads and parking. Her letter states that she would like to reverse the work that was done and see the road removed a re-done as a walking path and the cemetery sign moved closer to the road.

In addition, Darrell Dean has asked if the Hamlet would trade their old Case Loader in-kind for the work. This would include making a 2.5 to 3.5 meters walkway through the cemetery and place black dirt on the sides so vegetation with re-grow. The excess granular material would be put in the parking lot. Darrell considers this work would represent a trade value of about \$15,000.00.

The SAO said this was discussed with some of the Councillors on Sept 25th when there was no quorum and all there seemed to support the idea. He is requesting that council proceed with the trade for the work to be completed in the cemetery before winter conditions. Kathy has agreed with the description of the work and Procore Drilling has agreed to do the work.

Motion 2013-10-180

Motion to authorize Procore Drilling to build a walkway of 2-1/2 to 3 metres width in the Enterprise Cemetery, as described by Darrell Dean of Procore Drilling and to pay for this work by an in-kind trade of the 1985 Case W-14 Loader, with a valuation of \$15,000 for the work.

Moved By: Councillor Jim Dives

Seconded By: Councillor Al Flamand (for discussion purposes)

Discussion:

Councillor Flamand said he was involved in getting the cemetery, as a potential interest in getting it done proper. To jump in and do it on Kathy's recommendations. I think we can wait to do it until next year, with proper planning. The next move has to be the right move, worked on throughout the winter, started in the spring. Moving gravel and building a road. As far as the graveyard goes, to do it properly we need to have community input.

Councillor Dives said the plans that are here came to council and were approved by council 2 or 3 years ago. Is the plan future planning yes, it is a mess. I agree with Kathy, the staff were virtually driving on top of Kimble's grave.

Councillor Leskiw said he does not disagree with the layout of the plans, may not getting a fair trade. I know when Karl Mueller passed away, could it be that we can get the job done cheaper. I don't think that we can allow one person make a decision in the community. Should be a matter of public inspection, or if they would like to make changes. Once it's done, someone would like to change the plan.

Councillor Flamand said it is the wrong time of the year, it is too late.

Councillor Dives disagreed. He said it is not too late, talking about removal of gravel, putting new dirt, and this plan was approved by council, work that was not properly thought out. The Hamlet is stuck with this old equipment and will become worthless. This work rectifies a problem that was created by us. We made this a cemetery long after the existing grave was there.

Councillor Leskiw said that Scotty wanted somewhere else but this plan has been approved by council. Not approved by way of tender, contractor. Until we put a tender out we don't know whether or not we are getting a good deal.

In Favor: Councillor Dives

Opposed: Councillor Flamand, McMaster, Leskiw

Motion Defeated

7.3 Eric Bartlett – Council performance.

Eric Bartlett addressed Council and said hello to the MACA representatives. He said without you we would probably not have a quorum. He said to Council that he did not feel that everyone in the community should pay to put the tent away. He said that we have councillors here that that are constantly bickering and disrupt everything.

He said that when he spoke to the Deputy Mayor during the Jamboree preparation and someone from the public who was asking a couple of questions, he was told it's none of your business, and was told rudely to leave. He said he was merely asking 2 questions: "Do the people providing goods to the Jamboree have insurance? and do they have business licences? He said he was told to f-off 4 times. He didn't think that the community should have an acting mayor like that.

He said he was against the vulgar language used and felt that the people selling food should have a business licence and insurance as per the community bylaw.

He said he was not welcome and was not asked to volunteer. He asked the MACA representatives to remove the council. He said he was tired of 2 or 3 councillors running everything.

Councillor Dives said that if that actually happened, he thinks that Mr. Bartlett deserved an apology.

Councillor Leskiw said that Mr. Bartlett had 9 violations of policy during his presentation but he understand that Mr. Bartlett was upset of what happened. That includes me I resent that, speak out of line.

8. Deferred Business and Tabled Items

8.1. Old Business

8.1.1. Legal Opinion: Conflict of Interest – SAO Contract

Councillor Dives stated that he would like to see the legal opinion submitted to the Council from Brownlee LLP dated July 24, 2012 on the subject of "Conflict of Interest-SAO Contract" tabled and discussed. He said that there is something that has been continually ignored by Council and he would like to see it openly discussed.

Deputy Mayor McMaster said that when it comes to that legal opinion, that incorrect information was given to the lawyer.

Councillor Dives said that the individual Councillor should not have taken part with the hiring of the new SAO and should have not participated in the evaluation of the old SAO. He feels that this is pertinent to discuss and make sure it doesn't happen again.

Deputy Mayor McMaster that Councillor Dives should not point fingers at other Councillors. He said he doesn't know how we are going to get anyone to run for the next council.

Councillor Flamand: We should all see information before it goes to the lawyers. The Mayor gave the information to the lawyer. He said that we are not trying to hide anything. We should table this item after getting the information.

Councillor Leskiw said that this was a Conflict of Interest case that affected a Councillor living in the same house as another Councillor. He asked what are we really arguing here.

Councillor Dives said that this situation has continued to be a problem and the letter should be tabled and discussed in the public domain.

Councillor Leskiw said that there should have had both sides presented to them. The Council in question should have discussed but Council should not become a court system. He said he was not choosing one side or another but all information should be presented.

Council agreed to set up dates with the lawyer to discuss the matter with all of the Council.

9. Reports

None.

10. New Business:

10.1. Voter Petition

The SAO reported to Council that he had received a petition signed by 22 voting residents. The Petition was tabled and read. The non-binding petition recommended to Council "that the motion recently passed by council to not appoint any eligible candidate to fill the vacant seat of Mathew Gauthier until the normal municipal election date be rescinded. We further recommend to Council that a suitable eligible candidate be appointed as soon as possible. This motion was moved and seconded by the very councillors who were absent from a regular Council Meeting of September 9, 2013 where an important motion was required and needed to be passed to continue the Enterprise Paving contract. By appointing another resident to hold a Council seat will help assure that future Council meetings scheduled for this calendar year will not be cancelled for the reason of no quorum". The petition was tabled.

Councillor Leskiw asked when Mathew Gauthier's term was finished if he had not resigned. He questioned if the petitioners were asking to bring in another councillor for one month, if the seat is up for election this year?

David Kravitz from MACA informed the Chair that the appointment, should the Council proceed in making an appointment, would only be until December 31, 2013.

Councillor Leskiw said Council should stick with the bylaw.

Councillor Dives said that Council should consider that there are still a potential to have 4 Council meeting before the year-end, plus any Special Meetings called. He said that there have been numerous lack of

quorums lately with this Council even though councillors can attend meeting via electronic connections. He said we seem to have problems filling quorum for meetings.

Motion 2013-10-181

Motion to rescind Motion 2013-07-140, a motion to leave the council seat vacant until the next election.

Moved by Councillor Dives

Mr. David Kravitz addressed the Chair and recommended that according to the Hamlet's Procedure of Council Bylaw that refers to Robert's Rules of Order, that normally only the original mover of a motion (Councillor Leskiw) should rescind that motion.

Councillor Dives withdrew his motion.

Motion Withdrawn

11. Correspondence Outgoing:

None

12. Correspondence and Information:

None

13. Council Issues and Concerns – Moved to Item #3

13.1. Old Weigh Scale Building

Councillor Leskiw asked what was happening with the building. He said that he had been told that the building was being emptied.

The SAO informed Council that the Hamlet staff was emptying the building of materials from the Mom's and Tot's program was emptied from the building. He said that 15 truckloads of materials was being removed because the building was still property of the GNWT. He said that the building needed to be prepared for the ultimate transfer of ownership to the Hamlet.

Motion 2013-10-181

Motion to have Administration prepare a budget for Community Wellness and Mom's and Tot's Program.

Moved by Councillor Flamand

Seconded by Councillor Leskiw

Discussion: The SAO reported that he is still awaiting confirmation that 2013-14 funding is available from Health and Social Services, G.N.W.T.

All in Favour

Motion Carried

13.2. Next meeting funding

Councillor Flamand asked for the Jamboree and Itsago funding be put on the agenda. He also wanted the SAO to prepare a list of projects to be completed over the next several weeks.

The SAO said he would bring the 2013-14 Capital Plan to Council at the next meeting.

13.3. Fire Department meetings

Councillor Dives informed Council that the Fire Department had changed their meeting/practice schedule to the second and fourth Monday of each month.

14. Bylaws

None

15. Adjournment

15.1. Next Regular Meeting: November 4, 2013

Motion 2013-10-182

Motion to adjourn the Regular Council Meeting.

Moved by Councillor Flamand

Seconded by Councillor Dives

All in favour

Motion Carried

Mayor St. Amour declared the meeting adjourned at 10:05 p.m.

Certified Correct as Recorded on the 4th day of November 2013.

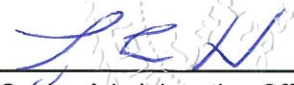


Senior Administrative Officer

These minutes were approved 2013-11-04



Mayor St. Amour



Senior Administrative Officer
Terry Testart