

Band Council Meeting
October 11th 2016
Minutes

Attendance:

Chief Bob Gloade	Councillor Ward Markie	Councillor Colin Bernard
Councillor Bryan Brooks	Councillor Mike Stephens	Councillor Chris Nasson
Councillor Adrian Gloade	Councillor Barry Martin	Councillor Stephen Marshall
Councillor Peter Gloade	Councillor Lisa Marshall	
Councillor Lloyd Johnson	Councillor Alex Cope	

Meeting called to order at 10:10 am.

A moment of silence and prayer for Victor Brooks' family.

Review of September 13th 2016 minutes:

Reference: Caribou Legs - Run for Missing and Murdered Aboriginal Women

Caribou Legs will be visiting Millbrook Oct 16-17, 2016 Heritage Centre

Request if band can cover costs for him to stay at the Hampton Inn for two days

Agreed by consensus to cover the cost for his stay at Hampton Inn.

Reference: Millbrook Tobacco Store

There was much discussion about the Millbrook Tobacco Store. (Who comes first band members before Vendors, Forensic audit, On-going HR problems, HR Policy, POS System, Inventory ordering issues, Records of quota sales, rumors etc)

It was suggested that Chief and Council should let the Treaty General Manager do her job.

Changes are currently under way with new staff and new supervisor position is soon to be

filled, interviews were last week. A new POS system has been purchased and MTS staff will be getting trained.

Reference: Councillor Lisa Marshall

Read a letter out loud and requested it be recorded in minutes in regards to last month's meeting - September 13th 2016 minutes, page 8 Re: Millbrook Tobacco Store. (Letter Appended as Appendix A)

Discussion: Councillor Lisa Marshall asked the Band Solicitor if she was in extreme conflict if she motioned to have a forensic audit. Band Solicitor confirm that Chiefs and Councils do have fiduciary responsibility. Also suggested not every issue with conflict is a legal problem requiring a legal answer and that this is a matter of common sense. "Ask yourself, is there a perception that you could benefit from this?" Actual conflict isn't the only issue, but the perception of

conflict. The RCMP will not involve police resources and the commercial crime division for \$7000.00. If the Band wants to proceed with forensic audit, they can.

Councillor Colin Bernard noted that Councillor Lisa Marshall would have been in conflict in making the motion because she wanted to clear the store owner's names from the rumors. Councillor Alex Cope said that the statement of "reoccurring issues year after year" is not true, there is no big mystery MTS is audited every year and they have accurate controls.

In regards to what Councillor Colin Bernard said, Councillor Lisa Marshall alluded to several rumors and suggested maybe a manager with a degree should run the MTS, if a forensic audit is not undertaken. We need to do something, cause it is an ongoing problems, tighten the controls to make store owners and band members happy.

We will be meeting with Treaty General Manager to understand the new POS system, how the order is delivered, received, stocked, sold etc.

Motion by Councillor Peter Gloade to accept minutes with the following revisions/edits:

page 2 - "provincial regulations does not allow for restaurant to sell tobacco."

page 7 - yes "in camera discussion"

page16 - "to purchase EMO equipment to have on-hand."

Seconded by Councillor Stephen Marshall

motion carried unanimously.

Reference: Band Solicitor Shelly Martin, BCR - Millbrook Rates By-Law 2016 (reference #2016-2016-31); We must do a rates & expenditure By Law to set out how money from taxation is to be spent, have 2016 ready to go to First Nations Taxation Commission.

WHEREAS pursuant to Section 83 (1) of the Indian Act, the Council of a Band may make by-laws for the purpose of taxation got local purposes of land, interest in land, including rights to occupy, possess or use land in a reserve and with respect to any matters arising out of or ancillary to such purpose:

AND WHEREAS the Council of the Millbrook First Nation enacted the Land Tax By-Law on June 3, 1996;

NOW BE IT HEREBY RESOLVED that the following law is hereby enacted pursuant to the provisions of the *Indian Act* and in particular section 83(1) for the purpose of establishing annual rates of taxation.

1. This by-law may be cited for all purposes as the Millbrook First Nation Rates By-Law 2016.
2. Pursuant to Section 11 of the Land Tax By Law, the rates for each class of property shall be in accordance with the attached Schedule A and forms part of the 2015 Rates By-Law.

APPROVED AND PASSED at a duly convened meeting of the Millbrook First Nation, this 11th day of October 2016.

Motion by Councillor Alex Cope to accept BCR

Seconded by Councillor Ward Markie

Motion carried unanimously.

Reference: Band Solicitor Shelly Martin - Land in Hilden

In a discussion with Band Solicitor Dave English said there had been a big hold up years ago the survey costs were way too high at the time.

Shelly Martin working on this.

Reference: Community Liaison Committee (CLC)

Requested that Chief and Council choose a member to be on this committee. Meeting often 4 to 6 meetings per year. This committee is to allow respectively transparency exchange of information with Atlantic Gold and those in local communities and adjacent areas.

Mosquitoboit Valley and Eastern Shore areas and first nation communities MRC project. CLC is to provide avenues of community input. This would have to be someone that works here at the Band Office.

Band Administrator will sit on this committee.

Reference: Native Employment Officer - Report

Employment & Training Policy

Action Requested: It has been suggested by Administration that any person wishing to obtain training with intentions of using that training to work/volunteer within the community be required to pass a criminal Record (vulnerable sector) and a Child Abuse Registry. I am seeking permission to submit this amendment to the current Employment & Training Policy.

Agreed by consensus to give permission to submit this amendment to current Policy.

(Councillor stepped out due to conflict of interest)

Community Engagement Officer

Recommendation base on skills and requirements for position to hire Gerald D Gloade

Motion by Councillor Stephen Marshall to approve recommendation.

Seconded by Councillor Mike Stephens.

11 for; 1 abstained.

Motion carried.

Physical Activity Strategy Coordinator Position

Recommendation based on the interview to hire Gordon Pictou

Agreed by consensus to approve recommendation.

Youth Centre

One employee has resigned; the position will be posted again asap.

Reference: Director of Health Services - Monthly Report

Job Descriptions

(Councillors stepped out due to conflict of interest)

Action Requested: Chief and Council make a decision job descriptions; Wellness Coordinator and Youth Support Worker.

Motion by Councillor Alex Cope to approve job descriptions

Seconded by Councillor Mike Stephens

10 for; 2 abstained.

Motion carried.

Heath Conference (Nov 1-3, 2016)

Action Requested: If Chief Gloade is not attending the conference, we would ask if he could send one of Councillors who is also a Heath Centre employee in his place.

Agreed by consensus

Christmas Office Closure Dates

Action Requested: Decision of the Chief and Council that the Health Centre will be closed for the same time period as the school board for the Christmas holiday.

Discussion: Consider fishermen included for staff party, make sure everyone RSVP.

Agreed by consensus to have a half day of work & staff party on Friday December 16th and office closure on December 21st 2016. Reopening Tuesday, January 3rd 2017.

General Band Meeting

Action Requested: Decision of Chief and Council if the General Band meeting is the appropriate venue for distributing information about the Health Centre Programs and Services; and if the date and time of the General Band Meeting can be confirmed.

Discussion: This is a good idea for all band departments, a tentative scheduled date for November 22nd 2016. Can a live feed be set up for off reserve band members or band members that cannot make it to the community? Have a planning meeting before hand, work together so that all council members know what's going on. Give staff time to prepare information, give an overview of what their programs/positions entail.

A planning session meeting set for Friday, November 4th 2016 9am-12noon.

Agreed by consensus to do same thing with other Band departments.

Reference: Director of Educational Services - Monthly Report

Speech Language Pathologist

The information I received is that parents can self-refer to the Speech and Hearing Clinics (Provincial) and if a child is having difficulty then the clinic usually does follow up, this would be the first step to make sure the clinic is following up and not just recommending that parents hire a private SLP as it is the provinces responsibility.

If a referral is made to hire a private SLP and they are requesting the Band pay for it, we would need to have the referral and rationale as to why the clinic is not doing follow up before a private SLP should be hired. If indeed the child needs private sessions it should only be for short periods of time (8 weeks at one session per week with parental follow up), with frequent reports to this office to determine if an additional 8 weeks is required. Once the child starts school then this becomes the responsibility of the school to provide this service.

Discussion: Councillor Colin Bernard suggests that Millbrook pay 8 weeks, they will still have to apply through the province.

Agreed by consensus to cover 8 weeks at one session per week with parental follow up, with frequent reports to this office to determine if an additional 8 weeks is required.

Millbrook Early Education Policy Manual

Discussion: Should we request a monthly report from MEEC Supervisor?

MEEC Supervisor sends a report to Director of Educational Services which is included in her monthly report.

Agreed by consensus to approve Policy Manual.

Reference: New Construction Supervisor - Monthly Report noted.

Reference: Maintenance and Repairs Supervisor - Monthly Report

Since they are working in Sheet Harbour can they work on the cabinets at Band Members' home?

Band Administrator will ask him to inspect and repair if necessary.

Reference: Driveway repair

Band Member requested her driveway be repaired as well.

She can be added to the list.

Reference: Post Secondary Education Director - amendments to Policy.

Discussion: Although number seven sounds a bit harsh, this is proactive so that there is funding available for them.

Motion by Councillor Colin Bernard to accept amendments

Seconded by Councillor Peter Gloade.

9 for; 2 abstained (Councillors Chris Nasson and Stephen Marshall abstained)

Reference: Community Nurse

Recommended a ramp be built for band member.

Agreed by consensus to build a ramp.

Reference: Don Julien CMM - Semi-Annual Assembly

December 9th 2016 at the Hampton Inn. All will be attending.

Administrative Assistant will rsvp Chief and Council's attendance with Susan Cook.

Reference: Band Member - Construction Foreman

Requested a 10 % pay increase and an additional week of vacation.

Discussion: Policy is 25 years of employment to earn 5 weeks vacation.

Have his supervisor make the recommendation and have it forwarded to the next Audit and Budget Review meeting.

Reference: INAC Audit Committee

Thank you letter for warm welcome on visit to community.

Noted.

Reference: Cumberland Colchester Jr Colts Hockey Club – individual

Requested sponsorship towards 2016/2017 hockey season.

There are two band members that play for this team/league.

Agreed by consensus to sponsor \$250 ad.

Reference: Children's Wish Foundation - Truro, individual

Requested support towards the Truro Wish maker Walk.

Youth Support Worker will get \$100 movie card for a donation.

Reference: Band Member

Submitted a business proposal to lease vacant building beside Treaty Entertainment at the Truro Power Centre with a Subinator restaurant.

Discussion: Proposals should go to Director of Commercial Operations. It wasn't determined whether this building was going to be utilized, this would be micromanaging - Another individual wants to lease the whole lot and the building. Can we advertise this for a call for proposal? Economic Development meeting this week, this can be discussed at this meeting.

Reference: Band Member

Submitted a business proposal option #2

Discuss at the Economic Development meeting on Thursday.

Reference: Commercial spaces for lease

We can discuss on Thursday at the Economic Development meeting. (Space beside Jason Convenience, Trailer at Power Centre, and commercial building on Willow Street)

Reference: Band Member

Requested financial and installation assistance (construction crew) for new boxing club. Councillors Mike Stephens and Lisa Marshall agreed sponsor material costs from their stores. Be sure to let Construction Supervisor know that this is temporary/seasonal come summer camp time.

Reference: individual

Requested assistance with paying arrears in rent.

(In camera discussion)

Request denied by consensus.

Reference: Band Member

Requested housing repairs and driveway.

Request for additional bedroom denied.

Send Maintenance and Repairs Supervisor to inspect and repair if necessary.

Reference: Band Member

Requested housing and roof repairs.

Send Maintenance and Repairs Supervisor to inspect and repair if necessary.

Reference: Meeting to review Housing Policy

Administrative Assistant will set up a meeting to review Housing Policies, different needs for housing on Wednesday, October 19th with Housing Committee and Chief and Council.

Reference: Additional carpenters

Agreed by consensus to hire at least three more carpenters.

Reference: CMHC FN housing Consultant

Recently visited the band office and said that if Chief and Council would like for her to discuss housing programs, funding etc she can come meet with them.

Administrative Assistant will see if she can meet with members of Chief and Council on Wednesday, October 19th at 10 am.

Reference: Upcoming Meetings

Chief Bob Gloade will send out an email with updated meeting dates.

Reference: Band Member

Requested housing repairs

Send Maintenance and Repairs Supervisor to inspect and repair if necessary.

Reference: Heat pumps

It would be good if Millbrook would look into installing heat pumps, ideally to start with the older homes with electric heat ex. so many per/year.

Get numbers how many we have and go from there.

Reference: Band Member

Requested an off reserve housing subsidy, provided required information.

Agreed by consensus to approve off reserve housing subsidy.

Reference: Off Reserve Housing Subsidy

(in camera discussion)

Reference: Band Member

Requested half of her Millbrook Enterprise Credit cheque this November 2016.

Agreed by consensus to approve half her MEC cheque in November 2016.

Reference: Band Member

Requested half of her Millbrook Enterprise Credit cheque this November 2016.

Agreed by consensus to approve half her MEC cheque in November 2016.

Reference: Receivables

Band Administrator will bring a copy of all the receivables to next council meeting.

Reference: Band Member

Requested that Millbrook's official flag to remain as the Grand Council Flag because of what it represent to all Mi'kmaw people.

Discussion: Grand Council flag represents the whole Mi'kma'ki territory, a community flag would represent each individual community.

Noted.

Reference: Drug testing

(In camera discussion)

(stepped out due to conflict of interest)

Reference: Band Member

Requested pot lights to be replaced in front of his house.

Send Maintenance and Repairs Supervisor to inspect and replace if necessary.

Reference: Band Member

Requested housing repairs and landscaping to be completed.

Send Maintenance and Repairs Supervisor to inspect and repair if necessary.

Reference: Band Member

Requested to apply for an on reserve subsidy and have a serviced lot.

Band Administrator will ask him to prepare proper documentations. There are service lots available if wishes to reserve a lot.

Reference: Band Member

Requested to release the lot that was previously approved and/or reserved for him by Chief and Council. He plans to build within the next year, in a different location.

Reference: Band Member

Requested to have Justin Smitty barred from Millbrook.

Discussion: Why are the courts releasing individuals from Jail to Millbrook without prior notification the Band Office?

(BCR - reference #2016-32)

Motion by Councillor Colin Bernard to approve BCR to barr Justin Smitty from Millbrook reserve lands.

Seconded by Councillor Stephen Marshall.

Motion carried unanimously.

(Councillor stepped out due to conflict)

Reference: Band Member

Requested an extension to his house.

Discussion: The circumstances are different for this request, health and safety concern for children.

Agreed by consensus to build an extension built on a frost wall foundation.

Reference: Medical Marijuana Conference

Councillors Stephen Marshall and Mike Stephens would like to meet with Director of Commercial Operations to discuss conference they attended and later present it to Chief and Council.

Reference: Band Member

Requested step repairs.

Discussion: the steps should be replaced.

Band Administrator will tell Maintenance and Repairs Supervisor to replace the steps.

Reference: One way direction signs - Band Office parking lot

It was suggested to have these signs put back up for the entrance and exit of the parking lot.

Reference: Mi'kmaw Stop Signs – Councillor Lisa Marshall

Signs in Mi'kmaw were discussed in Projects meeting and have been ordered.

Reference: Band Member

Requested reimbursement for paving her driveway. Band Member paved it when Band stopped this program for seniors 65+ years a couple years ago.

Agreed by consensus to reimburse seniors (Band Members) \$2,000.00 for paving their driveways during this time period.

Reference: Remembrance Day flag - Willow St telephone poles

Agreed by consensus all Canadian flags.

It was suggested to have a POW flag raised as well in front of the senior centre.

Reference: Remembrance Day - Banners with band members names that served

Councillors Colin Bernard and Chris Nasson can work on these banners.

Reference: A&W light

The light is out, who is in charge of replacing/repairing it? Millbrook is.

Agreed by consensus to have the light replaced/repared.

Reference: Snowboarding Instructor Program

Millbrook would like to continue this program with a budget of \$10,000.00 for Millbrook BM.

Youth Support worker can coordinate this with Andy Johnson, Jim Hepworth and Nolan Martin.

Agreed by consensus to continue this program.

Reference: RCMP - methodology formula based on amount of calls

Methodology - Millbrook once was #1 in calls to RCMP, but since the changes over the years there are fewer calls. Would like to change this formula, we do not want less officers because our detachment doesn't receive as many calls as we did in the past.

Reference: EMO (Emergency Measures Organization)

Discussion: Colin Bernard, Dennis MacLeod and Nurse Cindy have discussed having a mock disaster exercise - we have to be mobilized and ready should anything ever happen. Andy Johnson services the generator at the hall, which only services the basement of hall. The Generator at the Legends bingo is back up for the hospital.

Councillor Colin Bernard was asked to provide a list, find out who owns snowmobiles, SUVs in Millbrook and to see if any agreements can be put in place.

Reference: Band Member

Requested a shed for backyard for tools, equipment and recyclables.

Agreed by consensus to provide a shed, because Band Member is in a rental unit, this moves with Band Member or it comes back to the Band.

Reference: Band Member

Requested to have Band Member yard fixed, nobody came up to repair holes in yard.

Have Construction Supervisor to inspect and repair if necessary.

Reference: VLT buildings

A person had asked if handicap buttons/doors can be installed for entering buildings.

Agreed by consensus to have them installed.

Reference: Christmas Party – Councillor Lisa Marshall

Can we include Newfoundland in Christmas parties?

Agreed by consensus to have a Christmas party in Newfoundland as well.

Reference: Referendum – Councillor Lisa Marshall

Are we still going to do a referendum for band membership?

Band Solicitor is working on this; it was suggested to go with electronic voting.

Reference: Band membership - transfers

Discussion: Signatures would be who was in Council at the time. Legal documents, BCRs, minutes, etc. Councillor Lisa Marshall would like to have this information before the next Council meeting.

Motion by Councillor Lisa Marshall to all paper work for band members that got transferred to Millbrook without a plebiscite, who signatures, and how they were transferred?

Seconded by Stephen Marshall.

Motion carried unanimously.

Reference: Band Member

Requested to be hired back with construction crews.

Could he be considered for the additional crews that were approved previously today.

Reference: Firearm Acquisition course

Councillor Mike Stephens was looking into FAA course, NSCC no longer does them. It's getting late in the year, but will still be looking into this course.

Reference: Zip line

Councillor Mike Stephens reached out to a consultation company, will get more information about costs for next meeting.

Reference: Car dealership

An update was requested regarding Car dealership.

Discussion: Already signed a three year contract, currently working on renovations.

Equipment needs to get moved out into storage; Band Administrator will find a moving company to move into storage.

Reference: Greenhouse

Could it be possible to utilize this building for a community garden?

Discussion: We should discuss this further at the next economic development meeting, time to look into the total costs for this to happen. Can we have someone check this building out before next economic development meeting, costs for all fixing & repairs?

Motion by Councillor Mike Stephens to put building to use as a community garden.

Seconded by Councillor Lisa Marshall

Motion rescinded/tabled till next council meeting.

Reference: *Certificate of Possession and Certificate of Occupancy - requirements*

What is the current protocol to acquire a CP or a CO.

Discussion: Presently the land in question went through a referendum, cannot get a CP when a member of Chief and Council.

Band Administrator will look into the process.

Reference: Quebec Court decision re: fuel venders

Can we get a legal analyst of this court case?

Have Band Solicitor Dave English look into this and perhaps check with APCFNC.

Reference: Nora Bernard memorial

Chief Bob Gloade would like something signed by all family members before anything is done.

Reference: Mural

It was suggested that a mural be painted on the back of Leon's building.

Discussion: this is a private business, it's their building.

Reference: Band Members

Requested to have a duplex built for them, and fix their current place and reassign after repairs.

(Councillor stepped out due to conflict of interest)

Reference: Band Member

Requested to put in bids for repairing parking lots up at the power centre - Legends Bingo and the Old Saltscapes parking lots. Check on other properties as well.

Reference: Liquor Commission

If we have a liquor commission we would be well ahead of the game in regards to legalized marijuana.

Reference: Fallen trees

There were a couple large fallen trees from the last storm between Band Member and Band Member, can we have these cut and removed.

Reference: Dash cam for Buses

It was suggested to have dash cams installed on the buses. There have been a number of times vehicles pass the bus while stopped.

Reference: Moose Camp update

Numbers were down this year, twenty less people than the last time.

Requested clarification in regards to shared cost for a camp and location etc? Hunting cabin in the highlands. Explore the idea.

Reference: Fisheries - is the third highest money maker for Millbrook,

Can Chief and Council request that the Director of Commercial Operations do a monthly report to list numbers now and last year each month etc.

Reference: Shrimp License

Can we start utilizing this license and explain how we would like to use it? Not that hard to do.

Reference: Brine water and Turbines

Have we looked into any of the science in regards to brine and turbines?

Have CMM-MCG follow up on this.

Reference: Hockey Tournament update

Committee have a meeting scheduled, will have an update next month.

Reference: Halloween parade

Councillor Lisa Marshall is planning a parade and requested a donation towards candy etc.

Discussion: Make sure that that there will be no peanuts, no throwing of candy in case that a child runs out into traffic. Be sure to get the right permits and contact the Millbrook RCMP, but if there is no foot people on the ground; a permit would not be needed.

Agreed by consensus to cover the cost for treats. Councillor Lisa Marshall can either purchase the candy and be reimbursed or charge to Band's account at TRA.

*Note – Councillor Lisa Marshall just paid for all the treats herself.

Reference: Band Member

Requested assistance with the cost of a bite plate

It was suggested to stick to policy.

Reference: Security
(*In camera discussion*)

Reference: Potlotek water crisis

Chief and Council would we like to help out, Chief Bob Gloade will contact their Chief and see what they would like most for help.

Reference: Laser eye surgery

Motion by Councillor Mike Stephens to provide up to \$1000.00 for laser eye surgery from April 1, 2016 moving forward.

Seconded by Councillor Stephen Marshall

Motion carried unanimously.

Motion by Councillor Barry Martin to adjourn meeting at 4:50pm.

Appendix A – Letter of Councillor Lisa Marshall

"I would like to clarify a few things. Councillor Alex Cope, put a letter in the minutes concerning the forensic Audit. Where I made the motion. I would like to say that we have a fiduciary responsibility to our band members to protect our assets. We had a discussion in council chambers about the history of bad controls in our Tobacco Store. Hence past, and present day. Red flags, keep repeating themselves. This is why we had "CONSENSES ". For a forensic audit. (continues next page)

- 1. The purpose of the meeting was a HR problem. Why does history keep repeating itself.*
- 2. The \$7200.00, worth of cigarettes is present issues. We have continuous issues which were discussed. Hence, past terminations of employees. These monies only reflect present incidents. Band members don't know all the facts, as some facts are confidential.*
- 3. It was said that a forensic audit would cost \$250,000.00. There is no predetermined amount that would clearly determine this specific amount and there are other sources that have estimated the costs being as low as \$25-50k. There are multiple sources of revenue that could be utilized to compensate for the costs associated for this forensic audit. It is irresponsible to lead Band Members on to believe this money would be spent in a frivolous manner when amounts are not predetermined.*
- 4. Closing of the Bands Tobacco Store - The work required could simply take place after hours by planning appropriately. There is no need to fully shut down operations throughout this process and Business can continue as usual.*
- 5. I support our finance staff who work with the auditors. However, they are not physically in the tobacco store counting the inventory. They are given numbers and work with that information alone.*
- 6. We stopped non band members from buying tobacco from our tobacco store. This should have fixed all Quota shortage problems. However, we continued to not have enough Quota (red flag).*
- 7. Conflict of interest: I understand and respect the conflict of interest guidelines fully. To my understanding this issue could essentially present a conflict for 8 of the currently elected Councillors including Alex Cope, where he is the registered business owner under joint stocks, has family working in the MTS and also a designated signer for the band.* Councillor Cope outlined that the store owners are in conflict of interest. However, it should be made clear that no community vendors would have anything to gain from a forensic audit and it would not be*

beneficial as outlined under the Bands Conflict of Interest Policy. We are practicing our due diligence for our Band members by protecting our second largest source of income for our community. If the Bands lawyers, think I will gain anything by putting in this motion, to protect our communities funds, I will not be involved in these decisions.

Thank You"

(* Clarification: First Nations bands do not have the legal standing to conduct business on their own and have to form companies or partnerships in order conduct business and generate income. In order for a business to be formed in Nova Scotia, it must be Registered with the government in the Registry of Joint Stocks. Part of this registration requires that Officers and or Directors be listed as contact persons for the Company.)