

**Band Council Meeting
September 9, 2019
Minutes**

Attendance:

Chief Bob Gloade	Councillor Peter Gloade	Councillor Colin Bernard
Councillor Gordon Johnson	Councillor Bryan Brooks	Councillor Mike Stephens
Councillor Stephen Marshall	Councillor Barry Gloade	Councillor Barry Martin
Councillor Ward Markie	Councillor Alex Cope	

Chief Bob Gloade called meeting to order at 10:10am.

Councillor Adrian Gloade called in and sends his regrets, cannot attend meeting.

Presentations to Council:

(Councillor Ward Markie stepped out due to conflict of interest)

Reference: Band member

Presented a Cannabis Business plan and asked if Millbrook be willing to provide the building facility and an investment for %.

Discussion: It was noted that majority of Council members would be in conflict to make a decision on this, but all stayed for presentation. Currently Chief Bob Gloade is in the process of setting up a meeting with the Premier to discuss provincial government regulations etc.

Reference: Colchester Community Workshops, Maura Hunter & Susan McCallum

Presented an Expansion Capital Campaign for Colchester Community Workshops, invitation to tour the Rotary House, see the old Halliday's building, blank canvas, request consideration in making a financial donation towards.

Reference: Band member

Requested a CP for her house, she was told by another Band member at the time that she would receive a CP after a year in her house, it has now been 30 years.

Discussion: This was still a CMHC house, all rental units Bill C31 - majority got trailers and they gave them up in order to get CMHC housing.

(to be discussed in new business)

(Councillors Alex Cope, Gordon Johnson, Mike Stephens, Ward Markie, stepped out due to conflict. Councillor Gordon Johnson announced his 3 concerns before leaving - traceability if something should happen to someone or get sick from consumption; selling to youth, and opportunity for organized crime.)

Reference: Band member (letters 31, 32, & 33)

Requested a variance to residential by law for opportunity to operate a store to employ band members selling cannabis, bong, pipes, papers etc in Millbrook and in Cole Harbour.

Discussion: Lot in Cole Harbour is on common band land; variance is for residential, in the past Chief & Council could have made a mistake to allow their business (Bob, Ward) in residential zone. Barry G has asked Dave English to look into this.

Barry G mentioned the Supreme Court of Canada does not define selling bong, pipes, cannabis an Aboriginal Right, or Treaty Right, the argument for that is really weak.

For tobacco quota Band member would need a band council resolution in order to sell tobacco, have a registered business, he would need to ask for a vendor permit.

Barry G said the letter provided to Band member in 1994 was that if Millbrook were to build a mall/building they would be given preference first.

We got to look at our by-laws. No policy on how we allot tobacco store quotas (Adrian grandfathered in when he bought Basil's store and got quota)

Band member would have to request the variance for property.

(Not sure what to summarize this down to??)

Review of July 16, 2019 minutes:

Motion by Councillor Colin Bernard to accept minutes.

Seconded by Councillor Ward Markie.

motion carried unanimously.

Reference: Update - New staff

Native Employment Officer - Carla Asprey

Wellness Coordinator- Sunshine Bernard

Education Director - interviews soon.

MEEC administrative assistance - Kelsey Gloade

Student support workers - Jillian Maloney & Krista Paul

Review August 13, 2019 minutes:

page 2 add - **Agreed by consensus** to build bedroom in basement for Band member.

Motion by Councillor Stephen Marshall to accept minutes.

Seconded by Councillor Ward Markie.

motion carried unanimously.

Review September 3, 2019 minutes:

Motion by Councillor Colin Bernard to accept minutes.

Seconded by Councillor Stephen Marshall.

Motion carried unanimously.

(Decisions on Presentations to Council so far)

Reference: Band member

Tabled till more information.

Reference: Colchester Community Workshops, Maura Hunter & Susan McCallum

Agreed by consensus to donate \$5000.00 as a one-time donation in memory of Band member.

Presentation to Council:

Reference: Finance Manager - Taxation Annual Rates laws 2019/2020

Motion by Councillor Barry Gloade to accept taxation Annual Rates laws.

Second by Councillor Gordon Johnson.

motion carried unanimously.

Reference: Finance Manager - Taxation Expenditure laws 2019/2020

Motion by Councillor Alex Cope to accept Taxation Expenditure laws.

Seconded by Councillor Gordon Johnson.

Motion carried unanimously.

Reference: INAC Guarantee Agreement for Housing funding request (*reference #2019-29*)

Motion Councillor Alex Cope to accept Guarantee Agreement request for housing funding.

Seconded by Councillor Stephen Marshall.

Motion carried unanimously.

Reference: CMHC – Ministerial Loan Guarantee Application

Motion by Councillor Colin Bernard to accept Ministerial Loan Guarantee Application.

Seconded by Councillor Barry Gloade.

Motion carried unanimously.

Letters to Chief and Council:

Reference: Director of Health Services - Monthly Report noted.

Reference: Accounting Clerk

Requested details for November Millbrook Enterprise Credit.

Motion by Councillor Peter Gloade to accept suggested dates, Direct Deposit November 12, Cheque/Pickup November 19, deadline for Direct Deposit November 1, Deadline for Pickup/mail is November 14 at 12:00 noon.

Seconded by Councillor Mike Stephens.

motion carried unanimously.

(back to presentations to Council)

Reference: Band member

(in camera discussion)

Agreed by consensus to let them in the house to get belongings.

Reference: Band member

(in camera discussion)

Agreed by consensus to Change the locks on this place and re-assign.

Reference: **BCR** – Millbrook First Nation -Specific claim- "Duncan Mac-Millan High School Encroachment-Sheet Harbour Reserve #36" (*reference #2019-25*)

Accepting Option one — Land Exchange of Sheet Harbour and Shannon Park – Option to add the Shannon Park property in its entirety.

Discussion: Band Administrator would like to hire two people to call and email band membership to vote.

Agreed by consensus to hire two people to contact band members regarding referendum vote.

Option #1 – Add the Shannon Park property in its entirety

Under this option, members of Millbrook First Nation would vote to accept the Shannon Park property in its entirety in exchange for the Sheet Harbour property. However, Millbrook First Nation would have to agree to Canada replacing the current Nova Scotia Power licence with an *Indian Act* permit. In the interest of time, there is a draft *Indian Act* permit that was negotiated in 2014 that Nova Scotia Power recently indicated they would be willing to sign. This course of action would mean that the three year notice period for licence termination/tower removal would be restarted. If Millbrook First Nation requested Canada to provide immediate notice of termination under the permit, then Nova Scotia Power would have three years from the date that permit comes into effect to remove the tower. Alternatively, there may be an opportunity to negotiate another timeline for tower removal in the permit in advance of the addition to reserve.

This option would best address our efforts to conduct a Fall vote since we would proceed based on the currently worded Land Exchange Agreement and the permit drafted in 2014. However, Council would need to agree to restart the three year notice period as soon as the permit comes into effect.

Motion by Councillor Alex Cope to accept BCR (*reference #2019-25*).

Seconded by Councillor Stephen Marshall.

motion carried unanimously.

Reference: **BCR** – Millbrook First Nation – Specific claim – “Duncan Mac-Millan High School Encroachment – Sheet Harbour Reserve #36” (*reference #2019-26*)

Land Exchange Band Council Resolution (Schedule “A”)

WHEREAS the Millbrook First Nation submitted a specific claim to Canada, entitled the “Duncan MacMillan High School Encroachment of Sheet Harbour Reserve #36” (the Claim);

AND WHEREAS the Claim alleged various breaches of Canada’s fiduciary obligation relating to alleged trespasses on Sheet Harbour Reserve #36 (the Reserve);

AND WHEREAS the Millbrook First Nation and Canada have chosen to resolve all outstanding issues related to the Claim through a negotiated process outside Canada’s Specific Claims Policy and Process Guide;

AND WHEREAS the Millbrook First Nation and Canada have agreed that resolution of the Claim can best be accomplished by an exchange of lands.

AND WHEREAS the Millbrook First Nation will absolutely surrender certain lands on the Reserve in exchange for a portion of lands known as “Shannon Park” , which Canada will seek to have set apart as a reserve for the se and benefit of the Millbrook First Nation and the Millbrook First Nation will provide a full and final release of the Claim;

AND WHEREAS a Land Exchange Agreement has been drafted outlining the conditions for the surrender of certain lands on the Reserve and to have a portion of lands known as “Shannon Park” set apart as a reserve;

AND WHEREAS the Millbrook First Nation wishes to request that Canada conduct a referendum on November 21, 2019 to support the surrender of certain lands on the Reserve and to have a portion of lands known as Shannon Park set apart as a reserve;

THEREFORE, BE IT RESOLVED: Upon motion duly made and passed at a duly convened Council meeting that the Chief and Council of Millbrook First Nation hereby:

1. Request that the Minister of Crown-Indigenous Relations and the Minister of Indigenous Services order a referendum pursuant to subsection 38(1) and subsection 39(1)(b)(iii) of the *Indian Act* and to the *Indian Referendum Regulations* to surrender Reserve land subject to conditions set out in the Land Exchange Agreement.
2. Assert that an information meeting will be held at _____ on _____ starting at _____.
3. Request that the referendum be held November 21, 2019 with the polling station to be located at the Millbrook Community hall and that the polling station be open for voting from 9:00 am until 8:00 pm.
4. Request that the Minister of Crown-Indigenous Relations and the Minister of Indigenous Serves designate an Electoral Officer for the purpose of conducting the referendum.
5. Authorize, in the case that the ratification is positive, the Chief and Council to execute any documents on behalf of the Council, Band and Band members, and to take any and all necessary steps to give effect to the Lands Exchange Agreement.

Motion by Councillor Alex Cope to accept BCR (*reference #2019-26*).

Seconded by Councillor Mike Stephens.

Motion carried unanimously

(back to letters to Council)

Reference: Band member

Submitted a letter of complaints that they would like addressed.

Discussion: All of these complaints administrative, memos can be put in with their cheques.

Band Administrator will address this letter and meet with Social Development Administrator.

Reference: Accounting Clerk - Millbrook Tobacco Store funding hockey registration increase.

Requested Council to review registration fees and consider increase funding amount.

Motion by Councillor Peter Gloade to increase minor sports U18 registration fees to a maximum \$750 per season.

Seconded by Councillor Gordon Johnson.

1 opposed; 9 for; motion carried.

Reference: Band member

Requested funding for Hockey Academy.

Discussion: This request was **denied**. The Band's policy does not fund private schools, in order to have tuition paid student must be on the Nominal Role.

Reference: Christine Blair, Mayor of Colchester

Follow-up letter regarding Colchester and Millbrook partnering on the Wind Farm project and request a meeting with Chief Bob Gloade to discuss how both councils can move forward in advancing the process towards the shared revenue.

Chief Bob Gloade will draft up a letter with possible meeting dates.

Reference: One Call Paving - Quote

submitted a quote for the A-frame building in Cole Harbour

Agreed by consensus to pave it.

Reference: KMKNO CPHR candidate

Follow-up email regarding NS Mi'kmaw Enrollment process, BCR?

Discussion: Ask for sample BCR to review.

Reference: Chris Mayne, Veterans Coalition Party of Canada

Provided a copy of their platform highlights.

Noted.

Reference: Gabrielle Walthers, NIHB Analyst

Electric scooter mobility aids are not covered through NIHB program

Discussion: If the Band were to purchase there would be liability concerns.

Reference: Band member

Requested to have individual funding for everyone not just minor children and seniors.

We spent about \$35,000 this year.

denied by consensus to stick with the present rules/policy.

Reference: Cultural healing Ceremony - Millbrook Tobacco store rules.

Tabled till next Council meeting, for time to review tobacco store funding regulations.

Reference: NSNWA

requested a \$2500.00 funding assistance to go towards Missing Indigenous Women and Girls healing gathering September 18-20, 2019.

Agreed by consensus to donated \$2500.00.

Reference: Legends Bingo

Requested that Millbrook instruct an engineering firm to do a complete inspection of the HVAC (heat & air) system at Legends.

Agreed by consensus to have it inspected.

Reference: Colchester Christian Academy - Johanna
Thank-you card.
noted.

Reference: Band member
noted.

(Councillor Colin Bernard stepped out due to conflict)

Reference: Band member
Requested to be on the Millbrook Housing Committee
Request **denied**, this committee is already large enough.

Reference: Band member
Requested to be on the Millbrook Housing Committee.
Request **denied**, this committee is already large enough.

Reference: Band member
Requested to have large trees around her home removed.
Band Administrator will have them removed.

Reference: Band member
Requested a CP for her house as verbally promised by Band member 30 years ago.
Discussion: This is tabled until further information on promises made to in writing can be found. It is the Band policy that CMHC houses will always remain property of the Band and are considered rental properties.

(Chief Bob Gloade and Councillor Peter Gloade stepped out due to conflict)

Reference: Band member
Requested new front step built and an extension.
Discussion: It was agreed to have Maintenance and Repairs Supervisor review their home for an extension according to CMHC Housing regulations. Provide a copy of on-reserve housing repair policy and capital asset policy.

Reference: Band member
Requested housing repairs and flooring.
Discussion: It was agreed to send Maintenance and Repairs Supervisor to their home to inspection of work they may not have completed. Provide a with a copy of on-reserve housing repair policy and capital asset policy.

Reference: Band member
Requested housing repairs, new metal roof and appliances.
Discussion: It was agreed to send Maintenance and Repairs Supervisor to their home to inspect and do any necessary repairs. Provide a copy of on-reserve housing repair policy and capital asset policy.

Reference: Band member

Requested a mudroom/porch for duplex.

Discussion: request **denied**. Millbrook does not build mud rooms.

Reference: Band member

Requested housing repairs be completed, floors, paint and exterior doors.

Discussion: It was agreed to send Maintenance and Repairs Supervisor to do a complete inspection and do all necessary repairs.

Reference: Band member

Requested to surrender their home for a new up-to-date family unit.

Discussion: It was agreed that if they surrendered their existing house and property to the Band, they can be eligible to apply for new housing assignment through the allocation process.

Reference: Band member

Requested to have on-reserve housing.

Discussion: He can keep applying for on reserve housing.

(Note: letters 29 to 36 have all been sent to legal team for comment and review)

Chief and Council decided to seek legal advice on the following:

1. Variances to Band Members under the existing By-Law and whether the variance by-law has been properly applied in the past. If not, how can this be corrected?
2. What is the Bands position/recourse when a lessee is using the premises for nonconforming, not approved uses?
3. Are all owners of CP lands subject to the Bands existing policies and procedures such as zoning and construction by-laws?
4. Cannabis – please review if the Band has legal authority relating to Cannabis and cannabis distribution, sales and cultivation on reserve lands.

Reference: Band member

Requested permission to sell cannabis at Traditional Trading Post at 661 Caldwell Rd.

Discussion: All cannabis related requests for authorization have been forwarded to our legal team for comment and review.

Reference: Band member

Requested to rent the band owned commercial building.

Discussion: Request **denied**, the building and lot have already been leased out.

Reference: Band members

Requested a bylaw variance.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Band members

Requested a bylaw variance.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Band members

Expressed interest in a cigarette quota and request a variance.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Band members

Requested a cigarette quota to open a smoke shop selling tobacco, products, smoking accessories for tobacco and cannabis.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Band members

Requested to be added to a Cannabis quota list and Cannabis licensing list.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Band members

Requested a variance and hasn't heard back.

Discussion: It was decided to have our legal team review the variance by-law to ensure that it has been properly applied in the past, whether existing variance granted will become non-conforming uses or if variance requests fit within the existing by law wording.

Reference: Cannabis Shops in Residential zones

Can a letter be sent to each cannabis shop that are located in a residential zone?

Reference: Communication Officer

monthly report.

(in camera discussion)

Reference: Band members

Requested pot hole be fixed by the mailboxes on Willow Street.

Band Administrator will have this pot hole fixed.

Reference: Band members

Requested that house be re-assigned to Band members so that Band members can live in the home.

(in camera discussion)

Reference: Band members

Requested travel assistance for something, still had to go to ID Camp?

Discussion: Tabled. Request more information and revisit next council meeting.

Reference: **BCR** - CMM Emergency Preparedness initiative (*reference #2019-24*)

WHEREAS: The Confederacy of Mainland Mi'kmaq (CMM) has received funding from the Department of Indigenous Services Canada through the Emergency Management Assistance Program for Emergency Preparedness services and efforts to be in Millbrook Mi'kmaq Community.

WHEREAS: the Millbrook First Nation is part of CMM's Emergency Management Advisory Committee and is in support of CMM's efforts to improve emergency measures and preparedness in Mi'kmaq Communities through the Emergency Preparedness initiative.

WHEREAS: the Millbrook First Nation is in support of emergency preparedness service delivery in Community being continued while a tri-lateral agreement (Communities, Federal and Province) on Emergency management for all Mi'kmaq communities in Nova Scotia is being negotiated.

WHEREAS: Millbrook First Nation takes the health and safety of its community members as its highest priority and refuses postpone services due the legalities involved in negotiations.

THEREFORE, BE IT RESOLVED that the Millbrook First Nation hereby endorses CMM's efforts to conduct emergency preparedness services in the Community of Millbrook First Nation as well as supports its efforts to improve Emergency preparedness in Mi'kmaq Communities.

Motion by Councillor Colin Bernard

Seconded by Councillor Gordon Johnson.

Motion carried unanimously.

New business:

Reference: Band member

Requested \$500 for travel to summer games. Daughter not a registered band member.

denied.

Reference: Summer camp – hall basement

Requested a list of repairs/renovations to be completed.

Discussion: Have list forwarded to Band Administrator.

Reference: Band member

Requested 6 cords of wood for sweat lodge

Agreed by consensus to match what is donated to Band member's sweat lodge.

Reference Band member

Requested reimbursement on heat pump he purchased few years ago.

Denied by consensus.

Reference: Band member

Wants to appeal decision with METS funding.

Discussion: he would need to provide documentation of his appeal.

Reference: Moderate livelihood conference

is this just for Chief and Councils?

Discussion: yes, just for Chief and Council members, but Membertou does stream live.

Community members asking for support to go to this.

Reference: Coach Road

Can we have sidewalks on Coach Road?

Discussion: Projects meeting on September 19, 2019 130pm.

Reference: Siding/molding on Treaty building

been in need of repair.

Fix asap.

Motion by Councillor Barry Martin to adjourn at 4:00pm.