

## ECONOMIC DEVELOPMENT AND PROJECT CONSULTATION MEETING MINUTES OF NOVEMBER 28, 2023 – 9 AM TO 4 PM

### CHIEF AND COUNCIL PRESENT

Councillor Natasha Bernard  
Councillor Anissa Blackmore  
Councillor Alex Cope  
Councillor Carley Gloade (Acting Chair)  
Councillor Garrett Gloade

Councillor Chris Googoo  
Councillor Zachary Julian  
Councillor Ward Markie  
Councillor Lisa Marshall  
Councillor Dana Sylliboy

### ABSENT

### REGRETS

Chief Robert Gloade  
Councillor Stephen Marshall  
Councillor James Stevens

### STAFF

Claire Marshall, Executive Director  
Suzanne Penney, Admin Assistant to  
Chief & Council and Recording Secretary  
Gerald Gloade,  
Consultation Project Manager  
Chantel Langille, Housing Project Manager  
Jonathan Lowe, Director of Fisheries  
Lorne Paul, Director of Housing

### GUESTS / DELEGATES

Nova Scotia Offshore Wind Regional  
Assessment Committee:  
Carys Burgess (Secretariat co-manager)  
Luc DeRoches, Consultation Lead, Consultation  
Operations Division  
Janice Ray (Secretariat co-manager)  
Ann Wilkie (Committee co-chair)  
Roy Stewart (Teams) and Derek Simon,  
Burchell Wickwire and Bryson, LLP  
RCMP Sgt. Joe Young

## 1.0 PRELIMINARY MATTERS

1.1 Call to Order – Councillor Carley Gloade (Acting Chair)

1.2 Adoption of Agenda: Review and Approval of the agenda for the Economic Development Project Consultation meeting of November 28, 2023.

### MOTION 1.2

**It was MOVED by Councillor Garrett Gloade and SECONDED by Councillor Ward Markie, That the agenda for the Economic Development Project Consultation meeting of November 28, 2023 be approved with following additions under 1.0 Preliminary Matters:**

1.4 Review and discuss a motion from May 9, 2023

1.5 Present a motion regarding the quota system from the Tobacco Allocation Policy.

**CARRIED UNANIMOUSLY**

**Absent: Councillor Natasha Bernard**

1.3 **Adoption of Previous Minutes:** Review and Approval of the meeting minutes of Economic Development Project Consultation meeting dated October 24, 2023.

Economic Development Project Consultation Meeting-Approved Minutes

November 28, 2023

Page | 1

Discussion ensued regarding 8.2 Legal discussion. Some edits were made to that section to accurately capture the discussion.

**MOTION 1.3**

**It was MOVED by Councillor Alex Cope and SECONDED by Councillor Chris Googoo**, That the minutes of the October 24, 2023, Economic Development Consultation Meeting be accepted with edits to clarify section 8.2 Legal.

**CARRIED UNANIMOUSLY  
Absent: Natasha Bernard**

**1.4 Review and discussion of a motion from May 9, 2023 meeting**

The motion was originally presented as follows:

*'MOTION was made by Councillor Anissa Blackmore and seconded by Councillor James Stevens to proceed with the restoration of band land that has been taken without authorization or the colour of right.*

**CARRIED**

*Four in Favour - Councillors Anissa Blackmore, James Stevens, Carley Gloade; Natasha Bernard*

*Two Against - Councillors Zachary Julian; Dana Sylliboy*

*One Absent, Councillor Alex Cope*

*One Abstained – Councillor Ward Markie'*

Discussion ensued regarding what this could mean for the community and the existing businesses

- Obligation with respect to compensation
- Could argue unjust enrichment
- Authorization of land by Council.

Following the discussion a new motion was brought forward:

**MOTION 1.4**

**It was MOVED by Councillor Garrett Gloade and SECONDED by Councillor Lisa Marshall**, That a review of the previous motion made July 18, 2023 be undertaken with appropriate legal counsel – specifically to define legal liability to the band; implement the colour of right for future developments.

**CARRIED**

**Voting in Favour 7: Councillors Natasha Bernard, Anissa Blackmore, Garrett Gloade, Zachary Julian, Ward Markie, Lisa Marshall and Dana Sylliboy**

**Conflict 2: Councillors Alex Cope and Chris Googoo**

**2.0 COMMUNITY MEMBER REQUESTS**

**2.1 Update on Crown release to Millbrook community**

- RCMP Sgt. attended and briefly discussed the release of a parolee into the community via a court order from the Crown noting he is to be on house arrest

**2.2 Request for banning an undesirable person**

- Request from community member regarding the banning of an individual was received

Economic Development Project Consultation Meeting-Approved Minutes

November 28, 2023

Page | 2

- This was supported by Chief and Council and a BCR was completed
- RCMP have been updated
- The BCR was presented and signed by Council and the motion passed.

#### MOTION 2.2

**It was MOVED by Councillor Garrett Gloade and SECONDED by Councillor Lisa Marshall, That Council approve a BCR written on Diaz Mantley to have him banned from the Millbrook First Nation Community.**

**CARRIED UNANIMOUSLY**

### **3.0 ECONOMIC DEVELOPMENT UPDATE:**

**3.1 Review report from Director of Commercial Operations on the following topics:**

#### **CREWS Rail**

- Meeting with CN, Port of Halifax (POH), and PSA Halifax regarding the rail component of Millbrook First Nation development and the meeting went well
- It was followed up with meetings with the Joint Regional Transportation Agency (JRTA) and these were attended by Chief Gloade
- Next steps are on site due diligence and studies
- CMM has been engaged from an archeologic point of view
- The Assembly has been advised that Millbrook will be taking the lead on consultation

#### **Clinic Space**

- Talks are ongoing regarding this opportunity
- There are many potential aspects for a phased construction approach, should this become a reality

#### **JG Auto**

- Work continues

#### **Comprehensive Community Plan**

- OSO meeting went well regarding coordinating developments in the Community Plan
- Should have some concepts back from OSO in December 2023
- There will be a community engagement piece to future economic development

#### **Canada Lands Corporation (CLC) Monthly Meeting**

- CLC will be meeting with Millbrook representatives over the next couple of weeks to discuss the final design prior to submitting to HRM.

### 3.2 Cole Harbour Apartment Expansion Forecast – Design Phase for Approval

- Lindsay Construction provided a Class A Budget, which will be available for Chief and Council November 28, 2023
- No contracts have been awarded and no obligations are to bear from Millbrook at this time.

#### MOTION 3.2

**It was MOVED by Councillor Chris Googoo and SECONDED by Councillor Alex Cope**, That the borrowing of up to \$26,000,000.00 be approved for the project at 175 Millbrook Avenue.

**CARRIED UNANIMOUSLY**

**3.3 Millbrook Phase 2 CMHC Financing Applications** attached for review and inclusion in housing discussion (see housing section).

### 3.4 Electric Voltage Charging Stations:

- A Band Council Resolution (BCR) has been prepared for Council's consideration November 28, 2023
- Council agreed by consensus to approve this BCR
- An electric voltage charging station was approved in a previous meeting and the BCR circulated November 28, 2023 is the follow up, associated paperwork required
- All costs associated with the Electrical Voltage Stations are at the expense of NSPI
- This will bring more people to the Power Centre who have Electric Vehicles and demonstrates Millbrook is forward thinking and environmentally conscious (Wind Turbines, Solar Fields, EV stations etc.)

**3.5 Bylaw BCR's for Approval and Signing:** These were circulated, read into the minutes, approved, and signed by councillors.

#### MOTION 3.5 a)

##### Property Tax Bylaw

**It was MOVED by Councillor Alex Cope and SECONDED by Councillor Anissa Blackmore**, That Millbrook First Nation is thereby enacted pursuant to the provisions of the *Indian Act* and in particular section 83(1) for the purpose of establishing annual rates of taxation.

1.0 This by-law may be cited for all purposes as the Millbrook First Nation Rates By-Law 2023.

2.0 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 2023 Rates By-Law.

**CARRIED UNANIMOUSLY**

### **MOTION 3.5 b)**

#### Annual Expenditures Bylaw

**It was MOVED by Councillor Lisa Marshall and SECONDED by Councillor Garrett Gloade**, That the BCR written for Annual Expenditures Bylaw be accepted and that the following law is hereby enacted pursuant to the provisions of the *Indian Act* and in particular section 5 of the FNFMA for the purpose of establishing a budget for the expenditures of property tax revenues.

**CARRIED UNANIMOUSLY**

## **4.0 AUDIT UPDATE**

The Executive Director reported that a Request for Proposals had been issued to five firms that may be selected as Millbrook's future auditor. The responses will come back in mid-December 2023 and will come to Chief and Council in January 2024 with a recommendation for a new auditor.

## **5.0 HOUSING UPDATE**

### **5.1 Director of Housing and Housing Project Manager**

- Director of Housing and Housing Project Manager spoke with L/360 representative regarding the project and the Phase 2 Applications
- The cost to move forward will be \$26 million to go with the entire project, borrowing through CMHC at a very low rate (high end pricing – motion was made to approve the entire budget – Motion 3.2)
- CMHC applications will be paired with the 34 houses
- Discussion ensued about construction noise complaints and community members reaching out to Council to voice their complaints; Department of Housing has asked Councillors to let members know that due to deadlines to move forward with additional housing, the hours of work have to be flexible; it has to be this way for now to complete the projects
- Housing Department reiterated that nothing can be released about the rapid housing initiative (RHI) until an official announcement is made by the federal government
- Discussion ensued about lots that have been on hold/reserved for community members to build on and now two years have passed, and Housing is asking if letters can be sent to the community members stating that the lots are being taken back by the First Nation as they have not been used and are now needing to be used for this new housing initiative
- The letters will include that when community members are ready, they can apply for another lot
- Another seven lots will be put on Micmac Ave; a budget will be prepared for Council consideration
- Housing has also been approved for two section 95 houses to be constructed
- Update was provided that the F. Howe house is back in the Band housing stock
- Housing is going to meet with a member in Cole Harbour to look at an available property and see what she thinks of the house and if it would be suitable for her

## **6.0 MILLBROOK FISHERIES – Director of Fisheries update**

### **6.1 Introduction of new employee with Millbrook Fisheries**, in the position of Commercial Fisheries Project Manager.

- Discussion regarding electric boats was opened and an application will be submitted to the Sustainable Communities Challenge Fund for a vessel energy audit – applicants participating in the program may become eligible for funding (electric ports, vessels, etc.)
- One Councillor had requested a presentation and Millbrook Fisheries Director shared that this is just the first discussion, and a presentation should be available in the New Year.

### **6.2 Follow up on Lease to Own program** – Request to lease one of the smaller boats for Livelihood Fishing.

- Discussion ensued regarding leasing or lease to own MV Chief Joe Julian / Livelihood fishing enquiry (community harvesting with MV Chief Joe Julian)
- Working with Burchell's directly to move forward with the fishing contracts
- It was agreed that it will be written into the leasing agreement contract, that anyone who leases one of Millbrook's boats will be responsible for paying the insurance deductible as well any repairs that need to be completed once the lease is up
- Question was raised regarding what would happen if a boat leased for the livelihood fishery was seized by DFO along with catch and traps recognizing getting the boat back could take months
- This would remove a vessel directly from the community license – this has to be taken into consideration
- Questions were asked: if fishers were fishing unauthorized species (e.g., Elvers) would Millbrook have the resources to defend them and/or who is responsible to provide the funds to support this?
- A community member and Captain from LFA 35 inquired about the process to acquire a communal commercial scallop licence and quota; a feasibility study will need to be developed and reviewed before a decision is made.

### **6.3 Livelihood Fishing and proposed legal defence approach** (discussion):

- How to move forward was the question; to support moderate livelihood fishing and review the leasing agreements
- Direction of the guardianship was discussed, and some concern was shared about the Guardian's policing their own people (community fishers)
- Director of Fisheries shared that DFO has requested a meeting with Chief and Council in January 2024 to look at a multi-species plan
- Update on the Sheet Harbour Wharf was provided noting things are moving forward.

## Report from Millbrook Fisheries Director **Sustainable Communities Challenge Fund**

### Purpose of the fund:

Every community can play a role in slowing the rate of climate change by reducing greenhouse gas emissions. At the same time, Nova Scotians already face impacts that will worsen in the decades to come. These impacts are felt differently throughout the province, and disproportionately affect people who are also experiencing other inequities. As a result, effective climate action depends on the local context and is closely connected with other challenges and opportunities that communities face.

The Fund intends to put financial resources into the hands of Nova Scotia municipalities, First Nations, registered non-profits, and post-secondary institutions for local action on climate change. The core objectives are to:

- Support the implementation of initiatives that avoid and reduce greenhouse gas emissions and contribute to Nova Scotia's targets for emission reduction; and/or
- Improve community capacity to adapt in an ongoing way to the changing climate and implement projects that help reduce vulnerability and exposure of human and natural systems.

Along with these core objectives, the fund aims to support projects that integrate with other community challenges and opportunities. Funded projects will demonstrate alignment with the goals and principles of the Nova Scotia Environmental Goals and Climate Change.

Reduction Act (EGCCRA) and with the Climate Change Plan for Clean Growth by meeting some or all of the following co-benefits:

- Enhance social equity and reduce barriers to an inequitable climate response
- Generate local, green jobs, and grow the clean inclusive economy
- Reduce costs and improve affordability
- Build and contribute to community well-being and health; work with, protect and enhance natural assets
- Contribute to a broader long-term shift and build capacity for future climate change action
- Generate shareable knowledge and support replication in other communities in Nova Scotia
- Otherwise benefit a community or group of communities.

The Fund will provide non-repayable grants up to 80% of the eligible project costs, and a maximum of \$1,000,000 per project. An applicant must make a financial contribution to the project, and their overall contribution may be a combination of cash and in-kind. The required cash contribution depends on the value of the grant request. Projects with a higher value grant request are expected to make a larger contribution, which can include other funding sources.

At least 15% of the Fund will be allocated for projects serving Indigenous and African Nova Scotian communities.

## **7.0 CONSULTATION PROJECT MANAGER UPDATE**

### **7.1 Deer hunt**

- Target has been met (24)
- Four sites were productive

Economic Development Project Consultation Meeting-Approved Minutes

November 28, 2023

Page | 7



- No accidents
- On budget
- Donations to Springhill Penitentiary and Mi'kmaq Native Friendship Centre (Friday)
- Kwe Fresh is rolling out on December 8<sup>th</sup> for pickup
- Annapolis Valley First Nation is coming next week to learn about it.

## **7.2 Rink engagement**

- Billie Julian plans on leading the engagement; shooting for mid-December 2023 launch
- Holding a general engagement session to see if there is interest
- Survey/Questionnaire
- Focus group/Targeted meetings with recreational/athletic service users
- Has questions geared toward recreational program and services usage off-reserve
- Information has been requested from Finance to see how the Tobacco Fund supports athletic and recreational programs outside the community
- Is there a leakage/retention angle?
- He will have a report prepared in the New Year
- Clarification – should department proceed with engagement?
- There was some debate and discussion about whether to proceed with the engagement without having the funds to develop the project; the engagement team will carefully frame the discussion as to not raise expectations while still seeking valuable community input.

## **7.3 Provincial project updates**

- Initiating discussions around registering the Crown Lands around Beaver Dam reserve as an Indigenous Conservation Area
- Negotiate with Crown and lands department at CMM
- BCR would be helpful
- To prevent industry from coming in and to ensure continued usage of the lands
- Volunteers for a committee to negotiate terms
- Millbrook will be working with L'nu Affairs to help them revamp their Mi'kmaq Ecological Knowledge Study (MEKS) Process, based on our work
- Looking to expand scope of project impacts beyond environmental context
- Nine proposed land-based wind farms in NS
- Higgins Mountain Wind Farm (Wentworth)
- Westchester Wind Project (Wentworth)
- Wedgeport Wind Project (Yarmouth – impacts to lobster operation)
- Kmtnuak Wind Power Project (Nutby).

## **7.4 Fifteen Mile Stream Gold**

- The company has reached out again; they are registering the project under the new legislation – Impact Assessment Agency of Canada (IAAC)
- Same location (North of SH reserve)
- New plan – may have on-site tailings management facility (TMF)
- Will require a new land usage study.



## 7.5 Regional Committee for Assessment of Offshore Wind Development (Delegates attended)

- Clarification today that this is an information session not a formal consultation of the offshore wind impact assessment
- This committee's mandate is to meet and introduce themselves to communities around the province and they have met with all of Cape Breton except Waycobah and Wagmatcook
- This group does not represent any corporation but has been constructed to see there is the capability to develop and provide resources to the provinces through offshore energy (more than the provinces would ever need is the projection)
- This is why the government has begun this assessment and this takes into account the state of the population in another 25 to 30 years (as the current population is expected to double)
- Present today to look at/discuss recommendations and different areas of research that have been dealing with issues of offshore wind
- Have reached out to Acadia and Bear River to set a meet and greet, but have had not reply yet
- A list of all communities and entities that have been contacted will be provided
- There is a full agency website and all information up to this point is publicly available
- There is no formal presentation at this time; this is just an opportunity to meet and seek input from different parties and the plan is to come back again with a targeted plan after much consultation
- Fisheries is a major sector, and the committee welcomes the opportunity to come back and meet with them, find a starting point – "Why offshore wind?"
- Looking to gather input from the communities for Natural Resources of Canada, Department of Lands and Forest and Renewables
- This committee is funded by the government to research and propose direction with the impact assessment for potential of offshore wind projects.

Questions posed by Chief and Council:

- How would Millbrook and the community benefit?
- How much would this cost and what does that look like?
- What areas?
- How will this affect fisheries and the ecological systems
- A future meeting may be possible once the impact assessment is developed, and a full presentation is available.

## 7.6 Cannabis Draft Report Review

Chief and Council were provided with a copy of the first review recommendations from the draft Cannabis Law.

- There are clarity concerns regarding what a wholesaler is versus a licence holder
- Questions regarding board-appointed committee members (this is not clear as to how or where this committee was constructed)
- Wording should be changed regarding who is monitoring and enforcing – this should be an appointment to an enforcement officer, peace officer but there really is no process for providing any enforcement procedure.

## Points added by Solicitors, Burchell Wickwire Bryson LLP

- Is the law ready to go? No
- Board selection committee: not clear how it operates, and how to control board if selected
- Has recommended some language – definitions that need to be re-worked, i.e., definition of Mi'kmaq
- Growing for personal use was discussion about an exemption, but nothing in the law; would be prohibited; concern about community assets being used for personal use
- Process for license holders to receive product from authorized wholesalers – no clarity around who can authorize a wholesaler
- No enforcement sections
- Comment from committee member: the lawyers kept going back to other laws, and did not really seem to incorporate Treaties – he claimed that needed to be incorporated into another law elsewhere
- Law needs to incorporate Mi'kmaw law, values, and principles; is it rooted in the *Indian Act*? No, it purports to be rooted in the right of self-government
- Not clear who did the drafting (It was a committee approach, and updated versions were provided after each committee meeting and Solicitor doing review)
- Conflict between provisions saying it applies only to reserve, and some saying they can issue permits off reserve
- No formal report from third round of engagement but do have notes; will send them
- Will wait to see what third round of engagement notes say; will then develop a list of questions for Council
- Want to be presented with options in terms of the structure
- Concerns about the committees and who is on them and how they were chosen
- They were told in order for something to be a community law, it had to come from community members; but they were the ones elected by community members to represent the community
- People who do not consume were included in the process – everyone should have a voice at the table
- Not everyone had enough input
- Question about whether they should have their own band-owned store?
- Sipekne'katik is putting one on reserve; would it violate their head lease for the Power Centre?
- May want to connect with Sipekne'katik's solicitor
- Start with the Health Canada, but then move to the Nation-to-Nation
- Would be an “economic development outlet” not necessarily limited to cannabis.

## 7.7 Colour of Right – Common Band Lands (Solicitors were still present for questions)

Councillor brought forward a motion for discussion that was made back in May 2023.

- Could there be any legal liability as per destruction of property if there are businesses fully established?
- Lawyer confirmed that it is definitely something Band Council has the authority to do
- If there are structures in place and it was reserve land before these were constructed, there would be no obligation for compensation for developing that land
- Under the *Indian Act* there is no provision to provide compensation
- If they have Band Council authorization to use this land
- A question whether these structures and businesses could be grandfathered in
- One shop believes that they have a CP with the house adjacent to the shop; discussion ensued that there is no CP for the shop there is one for the house only
- Councillor also has this shop, and he is arguing that his business is communal and says that he has every ground to argue in the courts, and he advised that he will do so
- He says he will not allow anyone to come and take his land, says that he is using the land, that it is federal land and that he is providing a betterment to the community
- He states that this motion should be moving forward, not going back and take everyone's businesses back
- Says he is ready to fight this
- An issue of conflict of interest from the first vote meaning those that have businesses and that have benefitted will be reviewed to see if some Council members should be asked to leave
- Councillor questions another Councillor on whether they would see this motion move forward, discussion showed that it would be bylaw that would follow through on this motion that has been passed by Council
- Councillor would have to rescind her original motion.

## 7.8 Tobacco Allocation Discussion

- Part of the recording from June 27, 2023, meeting was played for Chief and Council. The section was regarding the tobacco quota allocation. It was clear that a motion was discussed, voted on and passed at this duly convened meeting in June 2023 and was missed being put in these minutes (Motion is documented below after listening to the recording).
- ***"MOTION: A motion was made by Councillor Anissa Blackmore and seconded by Councillor Chris Googoo in which quota's would be returned back to the band following a death of the quota holder, or if a retail outlet changes hands or goes out of business. This quota would then be available to those community members that meet the regulation and qualify to have a quota. This list of individuals would be included in a lottery for the available quota.***

**CARRIED**

**Voting in Favour 4: Councillors Anissa Blackmore, Chris Googoo, Garrett Gloade; Alex Cope**

**Voting Against 2: Councillors Ward Markie and James Stevens**

**Absent 3: Councillors Dana Sylliboy, Natasha Bernard and Zachary Julien**

**Conflict of Interest 3: Councillors Carley Gloade; Lisa Marshall and Stephen Marshall**

- This motion was brought up today by Councillor who felt this motion was worded in a way that a quota that was allocated to a community member would have to be returned to the Band under the specific circumstances (death, business closing, business selling) and could be allocated to someone completely new if they meet all of the requirements on the government regulations
- Councillor as the seconder of this motion, requested today to rescind their part in the Motion, based on their change of view. What this means is that this motion is now “dead”. Councillor feels that the tobacco quota policy around transfers should be removed and states that for families that have built up their businesses their entire lives, that it would not be fair not to allow them to transfer the business to their children if a business is sold or an owner passes away or some unexpected event happens; Councillor has an option to bring forward a new motion worded differently regarding the transferring of tobacco quota, at the next duly convened meeting
- In the meantime, Section 4 of the Tobacco Allocation Policy which was approved needs to be changed; Section 4 currently states that no transfers are allowable.

**8.0 ADJOURNMENT:** Meeting was adjourned by consensus at 2:04 pm

**8.1** Next meeting date: Half day meeting on December 13, 2023, as Chief and Council General Meeting to be held right after the CMM Assembly at the Glengarry, Truro, NS, which starts at 9 am

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