

14 June 2015

Dear Mayor Bob Berry and Councillors,

We felt it necessary to contact you regarding concerns held by the majority of members of the Heritage Board.

Over the past several months interactions between the Heritage Board and the Resource staff have been less than cordial and have not contributed to successful outcomes for heritage in our community. The fact that a difficult decision had to be made regarding a significant Town heritage building was an added factor and it increased tensions and the poor communication and at times what has been perceived as blatant interference in decision-making did not contribute to successful and congenial outcomes.

Although the focus in the public eye has been directed to the Application for the Demolition for the former United Church it is important to emphasize that from the outset the Heritage Board has tried to address the request judiciously, but more importantly has tried to take a longer view than the Application for the Demolition Permit at hand. Our emphasis has been on process. We have tried to apply due diligence in our work as a Heritage Board with a cautious eye to the future and to the work of this or future Boards.

It must be noted that the Heritage Board has sent two letters to the Mayor and Council (see appendices) and to date we have not received any formal response to concerns that we have brought to your attention.

We hope that this document provides you with some information that perhaps you may not have obtained or been aware of and we look forward to your communication with us. The information on the following pages is sent with respect and is an attempt to inform the Mayor and Councillors fully of the difficulties the Heritage Board members have been encountering in the hope that the concerns that are noted therein are addressed fully. It surely is only right that our concerns are answered so that the Heritage Board can function successfully in order to fulfil the purposes for which it was created.

Best Regards,

Vanessa Bass



Azadeh Joulaie



Louis Beliveau



Jerry Hicks



Dr. Eugene Goodrich

*The main document, I would support it in the following way: Signed with a notation to the effect that since I was not a party to events before the March 17 meeting, I can neither confirm nor deny that this is a true account of what happened, but if even half of it is true, it would be grounds for not wishing to continue on the Board unless these issues are satisfactorily resolved. I would add that I can speak to the issue of what I thought the intent of the motion passed on Mar. 17 was, and my reaction to the alteration of the permit, as per attachment. Gene*



### **A chronological outline of events beginning April 2014**

As the Heritage Board members had not been advised of Mr. Burke's participation in regular Heritage Board meetings consequently they were surprised to learn that Mr. Burke along with the then Chair of the Heritage Board (Mr. David Bruce) had met with Mr. John Lafford sometime in April 2014 regarding the demolition application of the former Sackville United Church at 112 Main Street. There had been no consultation with the Heritage Board to take this step nor had this meeting been discussed by them.

**This, seemingly, was the start of both poor consultation with and communication between Resource staff (See Appendix 1) and Heritage Board members.**

On **15 August 2014**, Heritage Board members received an email from the Recording Secretary, Ms. Angela Hastie. This e mail arrived on the Friday before the regular meeting on Tuesday 19 August, 2014. The email included the Agenda for the Heritage Board Meeting on August 19, 2014 and John Lafford was listed as giving a presentation. The e mail subject and e mail body, however, did **not** indicate that Mr. Lafford was going to make a presentation in order to request a Permit for the Demolition of the former church. The proposed Agenda also did not refer to this application in the list of applications. Information that the Heritage Officer would send out would normally include a copy or copies of the up-coming request for a permit or permits to be considered by the Board.

The complete information about applications is sent to the Board normally by the Heritage Officer and not by the Secretary. The unprecedented way of communication regarding applications being sent by the Secretary and not by the Heritage Officer may have led to the fact that the Board members were not aware that the presentation on the Agenda was in fact an Application for a Demolition Permit. The Agenda e mail was sent to the Board with three attachments: the Agenda and two other files numbered as 3388.01 and 3389.01. The file names did not reflect the name of the Application or Applicant as would normally be the case when information was sent by the Heritage Officer, let alone an Application for a Demolition Permit. Over the week-end Heritage Board members received telephone calls and visits from those opposing the demolition of the former church. It appeared that these concerned Community members knew that there was to be an application for a permit to demolish the building. This situation was confusing to both Community members and Board members alike. When asked during the meeting on August 19<sup>th</sup> Mr. Lafford told the Board that he had made it clear on the request that he was seeking a Permit for Demolition and that he believed he had met the requirements and had sent the application a week in advance of the Board meeting on 12<sup>th</sup> August, 2014. Unfortunately the Board members received the forms on August 15<sup>th</sup> with inadequate information about this application.

During the meeting on 19<sup>th</sup> August, it became clear that the Board required more information about the Application, and Chair and members were unprepared to issue a permit. A decision was later made to call a meeting on September 11<sup>th</sup>, 2014.

At the same time the Heritage Board was told that their meetings should be open to the public. There were some comments made to the effect that an open meeting dealing with such an emotional issue might be challenging. This open meeting concept had not been the case before and since it had not

been fully discussed a Board member, Ms. Azadeh Joulaie, asked the following of Resource staff and Chair on August 20, 2014 *"We discussed the requirement for Heritage Board meetings and for all of the Town of Sackville meetings to be open to the public yesterday. Where can we find these document/regulations? This is aside from the clarifications which we are awaiting to receive in writing from the lawyer"* and *"Considering that the Heritage Board has never had a public meeting till yesterday, I would like to know the exact date that this regulation was adopted/approved by Town of Sackville."*

This information request, however, was not answered and, in fact, although Resource staff are typically expected to provide information and, if it is necessary, to research information that they do not possess and then supply answers to the Heritage Board, requests have not always been complied with. There have been instances when questions, asked by the Heritage Board members, have not been answered as requested or answered with some reluctance. For instance at the Heritage Board Meeting on August 19, Mr. Jamie Burke refused to give the Board members the name of the lawyer or the firm which had advised the Town to make Heritage Board meetings public (*meeting on Aug 19, 2014*). Members of HB had to ask many times before finally Mr. Burke gave them the name of the law firm. It seemed extraordinary to several Board members that this information should be withheld and it did not aid in the development of a good working relationship.

Since Ms. Cant's resignation communication with the Board has been generally poor or inadequate. The Board has stated on numerous occasions that the minute taking has been minimal and does not in a sufficiently adequate fashion reflect its deliberations. This is not the fault of the Recording Secretary as she is simply following instructions but as the Heritage Board is a body dealing with the heritage of our community it has found the minimal outline of discussions to fail in providing an appropriate record of meetings. In particular the record of discussions about what is considered an iconic architectural landmark seemed to be particularly lacking.

The minutes of September 11<sup>th</sup> 2014, a long and in fact, a very important meeting were insufficient and greatly summarized. That meeting dealt with only one application and included a presentation by Mr. John Duchemin who represented SPLASH. As well there were questions asked by members of the Board to the applicant, Mr. John Lafford. Whatever information that was exchanged in that meeting was very important in making a decision about the former church building. The minutes of the meeting had no useful information to provide to the following meeting (or, for that matter, for posterity considering the application was such an important heritage decision).

The Application for a Demolition Permit for the former Church was the first instance of a Heritage Board decision that put the present Section 8 of the By-law into practice. Anything that we discussed in this regard was a learning experience, hence the importance of detailed minutes being taken of the meeting. Also it could have been very good source of information for future revisions to the Heritage Board By-law.

It must be noted that if our By-law was a clear and well written one there would be no need for the perception that we needed to meet with a lawyer to help us understand it. However we were invited to

meet with the Town lawyer Mr. Chris Stewart on September 9<sup>th</sup>, 2014 and he reviewed the By-law and the Heritage Conservation Act and its relevance to our decision about the former church building.

This meeting with the lawyer provided us with no more information than we already possessed and unfortunately we were chastised somewhat by the Mayor for tardiness in our decision-making and it was clear that there was little acceptance that we were applying due diligence appropriately.

Councillor Corbett however did defend the Board in its diligent approach.

The Recording Secretary, Ms. Angela Hastie informed the Heritage Board in a regular meeting on September 16<sup>th</sup> 2014 that she had unfortunately erased the recording of September 11th meeting before the minutes were approved by the Heritage Board. The recording was "lost". This was frustrating as questions arose that could not be answered with any certainty or clarity. Consequently the Chair, Mr. David Bruce asked Resource staff to come up with a plan for a more effective way to keep the recordings of meetings.

The Heritage Board Minutes of October 21, 2014 indicate that: "*Jamie informed the board that he would be preparing new procedures for taking minutes and how they are distributed etc. He will do his best to have it completed within the next month.*"

To date the Heritage Board has not received any new procedures as promised or even an update in that regard. The problem of minutes and record keeping is an on-going issue for the Heritage Board.

On many occasions, Heritage Board members requested resource staff to seek advice from Saint John architect and Heritage Officer (now retired), Jim Bezanson regarding the demolition application of the former Sackville United Church at 112 Main Street. Mr. Bezanson was familiar with the church building and had previously carried out a short study on alternative uses for the building in 2012. This had been done with the co-operation of the Heritage Board and the Church representatives. The Church was then still owned by the Church members. There had been a meeting with representatives of the Heritage Board, the Church representatives and with Mr. Bezanson attending. Several suggestions for the repurposing of the building were discussed. It was made clear by the then Chair, Dr. Scobie, that a decision regarding the future of the Church was the responsibility of the church members but that conservation of the heritage building was encouraged by the Heritage Board.

As the Board in September 2014 had acknowledged that Mr. Bezanson had excellent familiarity with the building it made good sense to them to seek advice from him in that the new owner of the building was now seeking an Application for Demolition. Mr. Bezanson had been a major author in the "*Standards and Guidelines for the conservation of Historic Places in Canada*" a Federal, Provincial and Territorial publication. The advice sought was **not** to provide an argument for the protection of the church but was to glean from Mr. Bezanson's personal and professional knowledge of the demolition permit process. To the Board's knowledge the requests made for this professional advice were never brought to the Town Council and consequently never considered by Councillors.

The **Heritage and Conservation Act** says:

**53(3) A heritage board may**

***(c) engage consultants whose reasonable charges may be paid by the municipality.***

Subsequently the Board members were offered and relied on free advice they received from Mr. Murray Miller, a well-known and endorsed Heritage Architect. He applauded our careful approach in making a decision on the permit application. We were reminded by him of the Board's liability and as well the Town's liability in such matters and that a careful and not a hasty consideration was vital.

Further frustrations arose from the apparent lack of knowledge in handling RTIPPA matters by resource staff and this led to confusion and in some degree the resignation of Heritage Board members in January 2015. In one meeting Mr. Burke advised the Board that RTIPPA did not include third parties and in the next meeting he asked all Heritage Board members including third parties to submit their private email exchanges as part of the RTIPPA request. A subsequent conversation with the RTIPPA applicant proved that this had never been the case as the request had not identified the need for this information.

An Appeal to the Land and Assessment Appeal Board by Mr. John Lafford was filed on September 18, 2014. As the discussions on the Appeal process progressed, communications continued to be problematic.

The Appeal Board received information of this appeal on Oct 6, 2014. The Town of Sackville was notified of the appeal on November 5, 2014. The Heritage Board members, however, were not notified of the appeal until November 14<sup>th</sup>, 2014. The Appeal and all other documents associated with the Appeal were addressed to the Heritage Board however the package was not directed to the Chair to be opened.

Mr. Lafford later withdrew this appeal.

In the past eight months the Heritage Board's governance of its dealings with the public has been severely constrained and diluted. While the Heritage Board respected and continues to respect the Town Council's right and responsibility to review the Heritage By-law it was surprised to find out on 17<sup>th</sup> February 2015 that the By-law Committee which it is understood consists of the following people Councillor Ron Corbett, Councillor Bill Evans, Mayor Bob Berry, Mr. Phil Handrahan and Mr. Jamie Burke was embarking on a revision of the HB bylaw. With the exception of Councillor Corbett there was therefore only nominal involvement of the Heritage Board.

It must be noted that the **Heritage Conservation Act** says:

**53(3) A Heritage Board may (a) On its own motion investigate and prepare a report respecting the establishment of a municipal heritage conservation area or the making of a by-law under this Act,**

**(b) Recommend amendments to a municipal by-law under this or any other Act,**

**(d) advise the council on municipal heritage resource management, heritage policies and any other heritage conservation matters, and**

***(e) subject to the approval of the council adopt design and planning guidelines for the purpose of the issuance of municipal heritage permits by a heritage officer.***

While the Board recognises that their involvement in the review process is not required under the Act it was discouraging to learn that their recommendations were not being sought at all and it was noted that none of the members of the By-law Committee had experience in Heritage architecture. At the same time it was recalled that in the October 2014 Board meeting Councillor Corbett, when questioned about the need to review the By-law, had stated to Board members that the Heritage By-law was "*perfect and needed no revisions*".

In the past the Council of the Town of Sackville had respected the work of the *Advisory Committee on Heritage* and for the most part had accepted its recommendations regarding the development of the By-law. The **Sackville Heritage Board**, however, was not informed that their advisory role in reviewing the By-law was not required. Other than Councillor Corbett no other Heritage Board member was consulted nor asked to be involved in the revision process.

Another instance of poor communication was regarding the Town Grant. The Town of Sackville Heritage Board received a grant from the Town Council to help heritage property owners with restoration and renovation of their buildings within the heritage zones. The Resource staff, however, did not inform Heritage Board members of the availability and the formal establishment of the grant. Instead the Board learned of this through publication in the local paper. Learning of developments through the local newspaper was not the past practice. The flow of information to the Board and communication with the Heritage Board in general had been excellent while Rebekah Cant was the resource staff. The Heritage Grant, was approved and established by the Town Council, and after establishment the grant became the responsibility of the Heritage Board to administer. The Board members were delighted that the Council had taken this action to establish the grant but it was embarrassing to some Board members when they were asked about the Grant by community members and Board members did not know of its approval by the Town Council as they had never been informed of this.

Yet another instance of poor communication was the planning of Heritage Week events. These were planned by Mr. Jamie Burke during February 2015. It is appreciated by the Board that under the direction of the CAO that this was the first time in the history of the Town of Sackville that Heritage Week was celebrated, however the events seemed to have been planned hastily and without discussion or with the involvement of the Heritage Board members. The Tantramar Heritage Trust was asked to consider hosting the Open House at the Octagonal House on Friday 6<sup>th</sup> February 2015 with a request to respond to Mr. Kelly-Spurles by Monday 9<sup>th</sup> February in order that a notice could be placed in the local newspaper on Wednesday 11<sup>th</sup>. The Open House was arranged for Sunday 15<sup>th</sup>. The event was greatly rushed and saved only by the weather which caused a postponement to the following week.

The concept of an information session on heritage also was an excellent one but similarly the session at the Town Hall appeared to have been hastily organized. Again no attempt was made to involve the members of the Heritage Board. Under the chairmanship of Dr. Scobie the Board certainly would have been involved in its planning and preparation and would have been issuing invitations instead of being

in their receipt. Members of the Board have given freely and generously of their time and it would have been a small recognition of their dedication to the Town not only to be invited to be involved in the preparation of the event but also to be allowed to issue the invitations on behalf of the Town. Moreover the Board members noted that the content of the information placards asked those interested in Board membership to contact **not** the Heritage Officer or Chair of the Board but Mr. Burke. Once again the Board members were side-lined. To date the Board has not received any information of those who may have indicated an interest from Mr. Burke (with one exception).

The Heritage Board members have been concerned that information to the Town Council from the Resource staff has been inadequate or missing completely. Council Minutes did not mention the resignation of some Heritage board members. During the Open House and Heritage Day celebration Councillor Bill Evans told Board members that he had not been made aware of Dr. Erin Steuter's written resignation and this was over one month after her resignation. Seemingly both the Chair of the Heritage Board and the resource staff failed to forward this to the Council.

Nominations and new memberships to the Heritage Board were interfered with and were significantly altered by Mr. Jamie Burke and Councillor Ron Corbett (see the appended document on Nomination Issues-Appendix 2).

On April 20, 2015 Mr. Jamie Burke and Councillor Ron Corbett radically changed the Demolition Permit of the former Sackville United Church and did not notify Heritage Board members of the change. The regular Board meeting was scheduled for the next day, **April 21st**. The original permit (see Appendices) had been signed by the Sackville Heritage Officer and was dated **March 19<sup>th</sup>, 2015** and was an accurate reflection of the motion made by the Heritage Board at the **March 17<sup>th</sup>** meeting to allow demolition under certain previously agreed to conditions (see Appendix 3). Ms. Bredin normally signed permits that were issued by the Board. The revised permit was dated **April 20, 2015** (see Appendices) and was signed by the Chair of the Heritage Board. **The conditions mentioned on the original permit were not included.** It was understood by Board members in voting that the conditions were implicit. They were fully aware that co-operation between the Board and Mr. John Lafford and Mr. Joe Lafford had taken place under difficult circumstances but the conditions *had* been understood by the Laffords and had been successfully agreed to. It should be noted that the Heritage Officer, Ms. Kate Bredin, acted in full accordance with the Heritage Conservation Act and under the directions of the Heritage Board. **65(2) A heritage board may designate a heritage officer to issue municipal heritage permits.**

**65(3) A heritage officer shall issue a municipal heritage permit if he or she is satisfied that the application for the permit complies with the standards and guidelines established or adopted under paragraphs 53(3)(e) and 55(5)(a), if the officer is not so satisfied, he or she shall refer the application to the heritage board.**

Following the discussions that followed the Chair, Councillor Corbett, apologized for failing to inform the Board members of the changes.

During the meeting too on April 21<sup>st</sup> a Board member had reported that a heritage architect who had recently moved to Sackville had questioned the possibility of human remains in the former church



grounds and had suggested that this be investigated. Also a suggestion was made to require a bond of \$100,000 from the Lafford Company. The amount of the bond was the same as that required of the Mars Hill purchaser when previously negotiations for the sale of the building were taking place between the Lafford Company and the Mars Hill Church community. It seemed a reasonable and cautious requirement to make to protect the Town and the Board members should any human remains be discovered at a future date. The motion including the two condition suggestions was defeated. These conditions were not therefore attached to the successful motion to issue a Permit for Demolition.

When, following the successful vote on the motion to issue a Demolition Permit, the mover indicated that there were no motions attached to the Permit it was believed by the majority of those voting that he was referring to the recent suggested motions and not the motions implicit in the Permit. In the following days it became clear that this interpretation was not accepted by the successful mover although it was accepted by the seconder of the motion. This aroused strong feelings in the members of the Board as for some, a long and difficult process to accept those standard conditions (i.e. a salvage plan for the building) was contradicted and negated. The majority of the Heritage Board including the seconder to the motion Peter Manchester sent a signed letter with their concerns to the Mayor and Council. It is not known if the letter was circulated and read by Council but the Board members did not receive a reply nor was the letter acknowledged.

It was understandable therefore that many of the frustrations felt by Board members were loudly vocalized in the *in camera* meeting on April 21, 2015. After several months of criticism by public, Resource Staff and Town Councillors alike it was not surprising but rather to be expected that frustrations would be vocalized. Under "**Robert's Rules of Order**" by which the Board is guided (under the direction of the former chair, Councillor Corbett) there is no requirement for resource staff to be present at all meetings. Inter-personal disagreements between certain board members and one resource staff inflamed feelings and hindered the board's work and consequently one resource staff was asked to leave during the Board discussions. On the direction of Mr. Burke the remainder of the resource staff including the Heritage Officer followed.

The Heritage Board were therefore without the assistance of their Heritage Officer.

On 28 April 2015 CAO of Sackville Mr. Phil Handrahan advised HB members that:

*"Effective immediately, Town employees will no longer be attending Heritage Board meetings and will no longer issue heritage permits. Administrative assistance such as typing or photocopying may be obtained by contacting Jamie Burke. All proposed expenditures by the Board or its members must receive prior approval from Jamie Burke and all budget related matters will be administered by him."*

This order is clearly inconsistent with the contract of Heritage Officer which states as follows:

The Heritage Officer will:

3. Ensure adequate information on applications is supplied to the Board prior to their meetings.
4. Issue Municipal Heritage Permits in cases where the Heritage Board has given the Heritage officer authority (e.g. heritage paint colours and replacing asphalt shingles)
5. Issue Municipal Heritage Permits in cases decided by the Heritage Board.
9. Work closely with and under the direction of the Heritage Board, including attending all Board meetings, and informing the Board either at its meetings or by email between meetings of all actions taken.
10. Prepare a monthly report on actions taken prior to each regular meeting of the Board, including information on hours log (see item 19).
20. Prepare an annual report to the Heritage Board.
21. By mutual agreement, assist with programs and projects of the Board.

The decision to invoke such forbidding measures is unfortunate in the extreme and it is not clear to members if this has been done in consultation with Town Council or by staff alone.

Either way, the order is punitive and makes the work of the Heritage Board even more difficult. There has been little empathy for a group of community-minded people who have unstintingly given of their time. They have dealt to the best of their abilities with heritage issues and in particular have had to deal with an extremely difficult situation that accompanied a request to approve the demolition of an important heritage building in our community.

Without personal conflicts interfering with the decisions of the Board the meetings since April 20<sup>th</sup> have been held in a calm and productive environment and with effective results.

Accordingly the Board would like to call for the following to transpire:

- *the immediate re-instatement of normal communication and the ability to work with the Heritage Officer.*
- *the development of greatly improved communication methods by resource staff*
- *the clarification of rôles and responsibilities of the Board and the resource staff*

- *a public acknowledgement by the Mayor and Council that the Heritage Board has been working under extremely difficult circumstances*
- *The facilitation by the Mayor and Council in implementing the corrections needed to the Heritage By-law and their acceptance of the Board's rôle as an advisory body as described in the Heritage and Conservation Act.*

**Finally it is worthy of re-iteration to note that in all circumstances the members of the Heritage Board have striven in their actions to make appropriate and timely decisions, bearing in mind the Heritage Conservation Act, the Town Heritage By-law, their responsibilities and liabilities as well as the liabilities of the Town Council. Almost from the beginning of the discussions around the request to grant a Permit for Demolition it was apparent to the Board members that it was imperative that we accepted that our decision revolved around PROCESS, not solely for the fate of the former church but rather that the process would be executed correctly and with regard to those decisions that might have to be made by future Boards. Clearly the heritage of this Community is important to the Town Councillors, the CAO and the Community members. It is hoped sincerely that in reading these lengthy documents from members of the Heritage Board that the Town Council and CAO can comprehend and empathize with some of the frustrations and difficulties encountered by the Sackville Heritage Board and that remedies to the present situation can be sought with understanding and alacrity.**

**Appendices:**

Appendix 1- Heritage Board Resource staff

Appendix 2-Nomination Process Concerns

Appendix 3-Heritage Permit issued on March 18, 2015

Letter to Mayor and Council on February 10, 2015

Letter to Mayor and Council on April 23, 2015

Email of Dr. Goodrich to board members-RE: Demolition Permit

**The Resource staffs are as follows:**

The Recording Secretary is **Angela Hastie** and has been in this position for an extensive period of time and has been helpful in her assistance to the Heritage Board.

**Kate Bredin** joined as the Heritage Officer in July 2013 to replace the outgoing Heritage Officer Sarah Evans. Ms. Bredin has been diligent in her duties and at times, faced with difficult situations has maintained a calm and unruffled approach to applicants to the Board.

**Ron Kelly-Spurles**, Manager of Tourism and Business Development, joined as a resource staff in December 2013. Mr. Kelly-Spurles had been employed by the Tantramar Heritage Trust for some years and the Board was given to understand that with his background in heritage that he would be the replacement on the Heritage Board for the previous resource person Ms. Rebekah Cant who had resigned from her Town position.

**Mr. Jamie Burke** was hired by Town of Sackville in March 2014 as Senior Manager of Corporate Projects. He was first introduced to the Board in April 2014. There was no indication made to the Heritage Board at that time that he was going to be present at the Board meetings as a resource staff on an on-going basis. It was understood by Heritage Board members that he was being introduced to the Board as supervisor to the Manager of Tourism and Business Development and would attend meetings only if it was felt it was necessary for him to attend.

## Nomination Issues

It is felt by the members of the Heritage Board that the whole process of nominating to the Board has been interfered with and a lack of respect to HB members has been evident in the process.

The Nomination issues are:

The past practice of the Heritage Board to add new members has been in accordance with "Robert's Rules of Order" and was as follows:

- a Nominating Committee would form and solicit nominations
- nominees would be discussed regarding their suitability as members of the Board and would be ranked accordingly
- contact with those considered suitable would be made and if interested they would be recommended to the Heritage Board
- after approval by the Heritage Board the names would be sent to the Town Council for approval and ratification.

Recent history:

On October 2014, one Heritage Board member and the Chair (David Bruce) resigned. At the same time another member's term was due to expire in December 2014 therefore a Nomination Committee was formed in October 2014. The committee included: Vanessa Bass, Azadeh Joulaie and Jerry Hicks.

The Nominating Committee received 24 names both from members of the community and the other Heritage Board members. The Nominating Committee met three times and divided the nominations among themselves. Each member of the subcommittee contacted the names on the list. More than 20 people were contacted. The subcommittee also met in person with some of the people.

As the Heritage Board was in the middle of discussing a demolition application, and had been already accused of being biased by the applicant, the Nominating Committee strove to contact those who had indicated interest in Sackville's heritage (as per the Heritage and Conservation Act). The committee was diligent in ensuring that no-one who was considered was known to belong to a particular group. For example the Nominating Committee did not contact those who were known to be associated with SPLASH and they did not contact anyone whose name was associated with the demolition of any heritage buildings in the Town of Sackville.

It should be noted that the Committee spent at least 24 hours in total on this task.

On 18 November 2014, the Nomination Committee recommended the following three candidates:

1. Malcolm Fisher
2. Dr. Eugene Goodrich
3. Dr. Robert Cupido

These were considered excellent nominees. Dr. Goodrich and Dr. Cupido are historians and Mr. Fisher is a Sackville born and bred business owner.

The Committee also recommended the re-appointment of Vanessa Bass. (Vanessa Bass had checked with Councillor Corbett and had been told that her position on the Committee together with the Committee's recommendation for re-appointment was appropriate.)

The Nomination Committee suggested putting forth all four names to Council with a recommendation to expand membership to its maximum number of 11 members. The rationale for this was evident as during the summer – the high season for permits – members were often out of Town on vacation and achieving a quorum was often problematic. At other times in the year too illness, work, vacations had an effect on quorum.

The newly elected chair (Councillor Ron Corbett) asked to receive the following additional information on each candidate:

- how long had they have been residents of the Town of Sackville
- how they met the criteria under the Heritage Conservation Act

Although the Chair's request for this extra information is not required as per the Heritage Conservation Act nor by the Town of Sackville's by-law the Nomination Committee responded to those requests by sending short biographies of each person by email on 1 December 2014. This, it was believed, would give the Chair and resource staff enough time to present this request for approval to council, however Councillor Corbett replied to all on December 2, 2014 saying:

"Thanks for the file and all your work. I think we need to discuss this at the Board meeting in December since we didn't have time at the last meeting and it has been proposed that we expand the Board. Also, for our information would it be possible to have a list of all the names that were proposed as potential members and who were contacted. Again thanks. -Ron"

Councillor Corbett later indicated that the nominations could not go to council because the Heritage Board did not formally vote on the new names.

The Chair had not called for a vote but the Board had agreed informally with those names to be recommended and there had not been any objection to any name.

The Nomination Committee therefore announced the names again in 16 December 2014. On that day it was moved by Azadeh Joulaie and seconded by Vanessa Bass that a recommendation be made to Council to appoint Mr. Malcolm Fisher, Dr. Eugene Goodrich and Dr. Robert Cupido, and to re-appoint Vanessa Bass to the Heritage Board for a three year term beginning January 1, 2015. The Motion Carried.

In December 2014 another Heritage board member (Kirk Ferguson) also resigned from the board.

The list of nominations went to council in January 2015. From the Council minutes of January 2014 the Council was not made aware of any of the resignations. It did not accept any nomination except for the reappointment

of Vanessa Bass.

It was very disappointing to the Nomination Committee and the other members of the Heritage Board to discover that neither Councilor Ron Corbett nor the HB resource staff had informed the Council of the vacancies that had occurred. Had they done so it would have been clear that in January 2015 the Board was not expanding its membership but was simply replacing those who had resigned. As a result the membership of the Board decreased from 9 to 7.

The Nominating Committee had been aware that in the New Year there would be absentees to Board meetings and as a result had recommended an increased membership.

Councillor Corbett left the town in January 2015 for a two month trip to Hawaii, thus leaving membership of board to a bare minimum of 6. Another member was in California and a third was ill. As Chair, Councillor Corbett was aware that the Heritage Board quorum was 5. The failure to increase the membership of the Board which had been recommended by the Nominating Committee (anticipating the absenteeism in January) resulted in the Heritage Board meeting in January having to adjourn prematurely due to the fact that there was no quorum. In the view of members of the Heritage Board this was due to a failure of communication on the part of the Chair and the Resource staff to the Town Council and was considered negligent. The Heritage Board however was criticized publicly for creating a delay in the delivery of a Demolition Permit. Had the advice of the Nominating Committee been relayed properly to the Town Council the Permit to demolish the former Church would have been issued at the January meeting.

In January 2015 another board member (Dr. Erin Steuter) resigned from her position. There was a struggle to meet the quorum in February 2015 for the same reasons as in January (the Chair being on vacation and the small membership). Councillor Bill Evans indicated to a few board members in February that the resignation of Erin Steuter was not official because he had not seen her letter of resignation. Her letter, in fact, had been sent to all resource staff and to the Chair, Councillor Ron Corbett. Regardless, even in February 2015 the Council was not made aware of three HB members resignation and as such the Nomination Committee's recommendation was once more not considered.

In February 2015 a Resource staff, Mr. Jamie Burke, planned a Heritage open house on Heritage. This was an excellent concept and was commensurate with the Heritage Board's intentions – namely of educating the public on the Heritage Board and its rôle in the community. This was done without Heritage Board involvement or approval. When one member complained to him his response was interpreted as both condescending and dismissive.

On 25 February 2015 the Acting Chair of the Heritage Board sent a letter to request the replacement of the resigned membership. Perhaps as a result of that letter and the one-on-one discussions of Board members with some Councillors on March 09, the Heritage Board received an email from Jamie Burke saying: "that we expect Council to make several appointments to the Heritage Board at tonight's Council Meeting. I'll be sure to pass along the details after the meeting." Mr. Burke did not respond to HB members' emails as to who were on the list. According to Ron Kelly-Spurles the reason for the lack of response was that Mr. Burke was sick and that he had to leave Town Hall right after sending this email. However in the evening of that day Jamie send another email to Heritage Board to announce new members:

"All,

As promised, as of tonight's Council Meeting, the following individuals are now members of the Heritage Board:

- Eugene Goodrich
- Malcolm Fisher
- David Stewart

They will receive a welcome letter on behalf of the Mayor tomorrow and we'll look to get an orientation package out to them as soon as possible.

Thanks, -J. "

Mr. Phil Handrahan, Town CAO told Azadeh Joulaie that the names could not be shared with the Board as all motions that go to council should stay secret until council votes at that time motion becomes public. However the Heritage Board meetings by then were open to the public and the list of HB nominations already had been made publicly. Again, it is to be noted that nominations to the Heritage Board have never been dealt with in a secret way.

At this time it became known to Heritage Board members that Mr. Burke had contacted one of the candidates, Dr. Rob Cupido. On March 09, Dr Cupido wrote to a Board member and said:

".... I was called over the weekend by Jamie Burke and asked if I was still interested in serving on the Board. But here is the weird thing about his call--he said that he was calling in strict confidence and asked me not to tell anyone about it, especially not the members of the heritage board!! When I asked whether this request had come from the Heritage Board, he said no, it was coming from the town council which had the authority to make these decisions without consulting the board. I found this refusal of town council to consult with or even inform the heritage board of what it was planning very inappropriate, to say the least. To me, it perfectly symbolizes everything that is wrong with the relationship between council and the board. So I told him that under the present circumstances and given the lack of support of the council for the work of the heritage board, I was not prepared to serve on the board at this time. I reluctantly agreed not to discuss Burke's phone call until tonight's council meeting, but I certainly no longer feel under any obligation to remain discreet about it. Do you find this method of proceeding as disturbing as I do? Best, Rob "

Finally the three resignations were replaced with three new members but unfortunately the addition of David Stewart to the board was not what the Board expected. Mr. Stewart's name had been considered by the Nominating Committee as he had been a former member of the Heritage Board however his extremely close association with the demolition of another Sackville heritage building (Mount Allison's Memorial Library). He was considered to be an unwise choice by the Nominating Committee and his appointment would provide further inflammatory remarks in an already concerned group in the community. Conclusions would be drawn by vocal opponents of the demolition of the former church. Consequently he was rejected as a nominee by the Committee.

Similarly names of SPLASH members had been submitted and were deemed to be unwise choices. Two knowledgeable historians and a local born and bred business man were in the view excellent possible members of the Heritage Board by the Nominating Committee and the Heritage Board as a whole.



The process of Mr. Stewart's selection as a Board member is not clear. David Stewart told Kate Bredin that he had joined the Board because a few Council members contacted him. A Councillor said that Mr. Stewart's nomination came to Council as per Councillor Bill Evans' recommendation. Mr. Phil Handrahan and Mr. Jamie Burke told Heritage Board members that Mr. Stewart had indicated interest in sitting on board during the open house. The Heritage Board or its Nominating Committee has not been advised of any other names that were received by Mr. Burke and, despite the request for biographies etc that Councillor Corbett had cited in the Board meeting Councillor Corbett did not provide one for Mr. Stewart. There was no rationale from the Chair why Mr. Stewart's name was added as a member of the Heritage Board.

The Nominating Committee had taken a great deal of time to carefully select what were considered to be appropriate candidates. They were certainly aware of the right of the Council to appoint one member and that member they understood, with the Council's approval, could be Ms. Bass. They were aware that their nominees, supported by the Board as a whole had to be ratified by the Town Council. What was disconcerting was that a very appropriate nominee was discounted and that the rôle of the Nominating Committee and that of the Heritage Board seemed to be eroded in such an unfortunate manner.

In a time of such discontent when the Heritage Board was being criticized in public for using "stalling tactics" etc. regarding decision-making about the Permit for Demolition of the former church, it was further annoying and upsetting that no reference was made to the Nomination Committee's careful considerations and their rationales for nominees.