

# Amherst Town Council

## Special Meeting

### Minutes

Date of Meeting: Monday, August 08, 2016  
 Location: Council Chambers, Town Hall

Members Present: Mayor Robert Small  
 Deputy Mayor Terry Rhindress  
 Councillor George Baker  
 Councillor Frank Balcom  
 Councillor Lisa Emery

Members Absent: Councillor Robert Bird

Staff Present: Greg Herrett, CAO  
 Ian Naylor, Police Chief  
 Vince Arbing, Treasurer  
 Bill Schurman, Director Recreation  
 Rebecca Purdy, Executive Assistant

Others Present: Brian Creighton, Town Solicitor

---

#### 1. CALL TO ORDER

Mayor Small called the meeting to order at 4:30 PM and read the following prepared statement.

“Good afternoon everyone and welcome to our special meeting. Today’s meeting has only one item on the agenda – a letter from Hal Davidson regarding some remarks alleged to have been made by Councillor Baker.

“While today’s meeting is public, there are no presentations by members of the public. I would also advise that we have Mr. Creighton, our solicitor, present and while we will try to avoid it, it is possible that at some point during our meeting we may need to confer privately with him to receive legal advice. This is referred to as an in-camera meeting and is authorized under Section 22 (2) of the Municipal Government Act when receiving legal advice. Should this be necessary we’ll ask all members of the public present to retire to the lobby and wait until Council returns to regular session. Again – this may not be necessary but in the event that it is, I want everyone to understand the process. No decisions will be made in-camera – they are required to be made in a public session.

“Notwithstanding any decision that Council is about to consider, it is my opinion that this matter has been dealt with in a “timely” and “appropriate” manner.

“The fact that the issue was brought to the Mayor’s attention and discussed with Councillor Baker on July 18<sup>th</sup> and then followed up with a Special Meeting of Council the same week demonstrates the urgency and importance that both Council and Town Administration have taken regarding this matter. Both staff and Council members returned from vacation to discuss this matter. In addition, because of the nature of the issue, the attendance of both Town Solicitor and Police Chief highlights the importance that Council and Town Administration have taken on this matter.

“During the In-Camera meeting of Council it was determined that we had not received a complaint, so we pursued the issue of authority of Council on these matters. Our solicitor provided a preliminary view of his opinion during the meeting and Council requested a formal review and response be provided to Council on this issue of authority to discipline members of council on matters like this. We received the formal opinion week of July 29<sup>th</sup>.

“I want to thank the resident of Amherst, Mr. Hal Davidson for having the courage to bring forward this formal complaint dated August 2<sup>nd</sup>, so that we can address it, in a formal manner and not through any other in-direct comments made by the general public or through social media.

“This being said, it is important to state that Mr. Baker’s comments reflect negatively on Mr. Baker and do not reflect the views, values and ethics of the Town of Amherst, Mayor and Council and Town Administration. The Town of Amherst has been and will continue to be a huge supporter of diversity in our Town and greater community.

“The Town of Amherst is very proud of our support and will continue to support and work towards eliminating racism and hatred which continues to exist in our society.

“With all that said, I’ll call the meeting to order. There is no need for Council to approve the agenda as this is a special meeting and the only item on the agenda was the subject of the call of the meeting.

“The CAO has prepared and distributed a memo to Council on this issue and has also provided a copy of Mr. Davidson’s letter. I’ll first ask the CAO to briefly summarize his memo. Once he’s done that I’ll ask Council to turn its mind to the “Actions for Council to Consider” on Page 5 of Mr. Herrett’s memo and I’ll entertain any motion that members wish to put forward. We’ll proceed to discuss and vote on these motions. I will remind the members of Council that all comments must be directed to the chair.”

**2. REQUEST FOR DECISION**

**2.1. Correspondence from Hal Davidson**

CAO summarized his memo included in the agenda, which provided the background and actions for Council to consider.

**Moved By: Councillor Lisa Emery**

**Seconded By: Deputy Mayor Terry Rhindress**

**That staff be directed to develop a policy on all forms of discrimination, the process to follow in dealing with complaints of discrimination, and possible actions that may be taken.**

**Motion Carried**

**Moved By: Councillor Lisa Emery**

**Seconded By: Councillor Frank Balcom**

**That Council accept the advice of the Town Solicitor and agree that the issue is beyond the scope of Council’s authority to address**

**Motion Carried**

**Moved By: Councillor Frank Balcom**

**Seconded By: Deputy Mayor Terry Rhindress**

**That the matter be referred to the Amherst Board of Police Commissioners for its review**

**Motion Carried**

**3. ADJOURNMENT**

**Moved By: Deputy Mayor Terry Rhindress**

**Seconded By: Councillor George Baker**

**To adjourn at 5:00 PM**

---

Gregory D. Herrett, CPA, CA  
Town Clerk and CAO

---

Robert Small  
Mayor