

March 4, 2024

William Cormier

The Honourable Brad Johns, Chair
Standing Committee on Law Amendments
Presented in Person

Dear Minister Johns and Committee Members:

RE: Misinformation RE: Consolidation in Antigonish

There has been a consistent challenge with the circulation of misinformation throughout the exploration of consolidation, which continues today. Perhaps it is symptomatic of our modern world, but it continues to create challenges when communicating and engaging the public. I will provide you with a few specific examples.

Opponents of Consolidation under the banner of "Let Antigonish Decide", circulated a flyer in the fall of 2022 to solicit support for a petition in opposition to consolidation, attached, containing, or inferring multiple points of misinformation, specifically:

- **Employment status of Town employees questioned.**
Employment and labour laws are clear on the treatment of employees these types of situations. Employees and councillors have been provided information related to these processes. Further, the fifth guiding principle enshrines that the Town and County, "value our existing municipal staff, and the blending of Town and County employees will recognize the value, knowledge and dedication of our current staff and every effort will be made to retain staff and to provide new opportunities." This approach has been borne out in Bill 407.
- **The Dissolved Town of Antigonish will have no representation.**
The approach to consolidation of equal representation on a Transition Committee has been maintained by the municipalities and the Department throughout the process and is borne out in Bill 407. Future representation of communities was also enshrined as the sixth guiding principle (attached) and an August 25th, 2022 memo to Councils which was posted on the consolidation website.
- **The Town's electric utility would be sold.**
Continued ownership and investments in the utility and green energy initiatives was a central issue in our discussions of consolidation and addressed in the seventh guiding principle.

- **There would be significant changes to fire departments.**

At the beginning of this process a commitment was made by Councils that changes to funding and the operation of volunteer fire departments is not a part of any discussions on consolidation. The Town and County will only discuss changes to volunteer fire services during this process if a request is made by the fire departments. This was shared with fire departments directly and subject of a Fact Sheet available throughout the process (attached).

Yet, opponents to consolidation continued to raise misinformation related to the Councils expressed intention, including in this flyer. County Councillor McNamara also shared similar information directly with local fire chiefs, which I will table. This information is available publicly in a FOIPOP release on the County's website.

As we all know, changes to rural fire departments aren't something to be taken lightly, which is why we took the approach we did.

Beyond this flyer, multiple other mistaken information and misinformation continue to spread throughout the community on the topic of consolidation.

Taxes will go up / Unfair Taxation

Perhaps the most common refrain we've heard during this process is that taxes will go up due to consolidation, or rural residents will have to pay for Town services. Both of these comments are untrue and have continuously been repeated.

Before consultation even began, councils agreed to enshrine a user-pay model of fair taxation into its fourth guiding principle: residents and businesses should only be taxed for services and infrastructure they have access to. Property tax rates and infrastructure debt should utilize area tax rates and utility fee approaches that exist today wherever possible.

Further, multiple forms of financial assessment were also completed to provide some assurance that taxes would not increase due to consolidation.

Councillor threatened with legal action, fines and jail.

It has been repeated often, and as recently as the Premier's Town Hall just prior to the fall sitting, that the County's CAO threatened a County Councillor if they participated in the vote on consolidation. This is a serious allegation and completely false.

As evidence of this falsehood, in an email available publicly in a FOIPOP release from the councillor in question, Harris McNamara to Anne Marie McKeough, in which Councillor McNamara states, "I do want to clarify Point 3 [which relates to the potential conflict of interest] as I have not been threatened."

In the end, this councillor received three legal opinions, two paid for by the County and one by the Department of Municipal Affairs and participated in Councils confirmation vote on January 30, 2024.

Admission of Misinformation

In a letter to the editor of the Port Hawkesbury Reporter, Terry Penny, who spoke to this committee earlier today and has represented Let Antigonish Decide online and in court stated, "While some mis-phrasing may have caused questions and concerns about the future of electrical utilities, water and sewer issues, taxes and representation to appear as statements of fact, or exaggeration of fears there was never an intent to misinform," and I will table that letter.

This is a clear admission that, intentionally or not, opponents of consolidation under the banner of Let Antigonish Decide misinformed the public on each of these issues.

Figure 1 - LAD Fall 2022 Flyer

We Have a Right to Decide Our Future

How this Challenge to Democracy Began

- With the backing of the Government of Tim Houston, the Mayor and Warden pushed a vague *Consolidation* plan, rife with unfounded promises.
- A sham consultation process provided no substantive fiscal or community-based analyses.
- Residents' repeated calls for a *plebiscite* vote were denied by the Mayor and Warden.

A New Twist to Prop-up an Ill-conceived Idea: Dissolving Town of Antigonish

- Now, *dissolving* of the Town of Antigonish and *assimilating* it into the County has been proposed.
- This 'game changer' will occur with *no consultation and accountability* to residents.
- Why? To avoid an expensive RCMP funding formula of \$1 million/year – a problem wholly created by the Mayor's and Warden's poor planning and flawed process.
- The financial and legal implications of this cost-avoidance strategy are entirely unknown and unproven.

It's No Longer a 'Marriage of Equals'

- With dissolution, the Town of Antigonish will cease to exist; it will be absorbed by the County, which maintains its current legal name and status.
- Antigonish will have no legal status once it is dissolved.
- A dissolved Antigonish can have no representatives (Councillors) to negotiate a merger on its behalf, *if and until the County votes to accept this new merger.*

Fallout of Dissolution for the Town of Antigonish

- After the Town ceases to exist, it cannot be an employer. The County, however, must honour its existing contracts. How will job contracts, union affiliations, and severance pay be handled?
- Will the Town adopt the County's model of fire protection, as the government-mandated town model will not be mandatory? How will equipment costs and jobs/salaries be handled?
- After merging, a fair ratio of Town and County Councillors is required. Hence, the number of Town Councillors needs to be greatly reduced to give proportional representation to each former entity.
- The merged municipality could sell the Town's electrical utility to NSPI, resulting in an increase in Town's utility rates.

Fallout of Dissolution for the County of Antigonish

- The County will need to absorb the Town's liabilities, potentially involving tens of millions of dollars.
- The County will need to give over its considerable reserve funds to the joint entity.
- The "fringe" areas of Antigonish, which use Town services, will potentially see tax increases.
- Changes will be required in how public services are supplied. Some may have to be contracted out, with assets redistributed, and roles changed.

What Now?

- There is a need to *rethink and delay* (How will the two Municipalities be governed in the future?)
- Elected officials have a duty to properly inform and be guided by their electorate.
- An unelected transition team is unacceptable. A new election is essential, one in which all Councillors run on the issue of a merger of the two Municipalities.
- Failing this, *the people must decide through a plebiscite vote.*

Visit www.letantigonishdecide.ca for further information

Join our Facebook group at
<https://www.facebook.com/groups/letantigonishdecide/>



Guiding Principles for Potential Consolidation



ANTIGONISH Our Community

Experience with other municipal mergers has shown that it is important to be clear at the outset about the reason to consider a merger and to set in place some Guiding Principles for key decisions. Councils for both municipal units sat together early in the exploration process and developed these Guiding Principles to reflect what is important to our community. They also provide insight into what is top of mind for Councillors.

Objective for the Potential Consolidation of Town and County

Consolidation is being considered to explore the creation of a stronger local government and a unified voice to improve municipal services, community development, economic opportunities, and the quality of life for everyone in Antigonish.

Guiding Principles

- 1. Take a regional approach to municipal services:** Work creatively, deliberately, and visibly to improve municipal services, economic development, tourism, culture, and community infrastructure for all residents and businesses in the Antigonish region.
- 2. Build vibrant individual communities:** Promote community identity in rural, urban and First Nations communities, so the whole municipality will be stronger.
- 3. Communicate regularly about progress and decisions:** Communications with residents, businesses, councils, and staff should be frequent, transparent, and inclusive.
- 4. Continue fair taxation and user pay approaches:** Residents and businesses should only be taxed for services and infrastructure they have access to. Property tax rates and infrastructure debt should utilize area tax rates and utility fee approaches that exist today wherever possible.



- 5. Value our existing municipal staff:** The blending of Town and County employees will recognize the value, knowledge and dedication of our current staff and every effort will be made to retain staff and to provide new opportunities.
- 6. Ensure fair representation for urban and rural residents:** District boundaries should ensure every voter has the same electoral power as every other voter, balance rural and urban interests, and recognize local communities of interest.
- 7. Enhance environmental sustainability:** Ownership of the Antigonish electric utility is central to expanding green energy options and reducing our carbon footprint. Build upon the success of initiatives and partnerships with the Alternate Energy Resource Authority and the Municipality's Energy Management Plan.

Summary: The Town and County are exploring a possible merger to one new municipal unit. They have developed a clear objective for this process, and some Guiding Principles to provide a transparent framework for consolidation.

For more information, contact: Info@antigonish.ca

Figure 2 - Consolidation Guiding Principles

Figure 3 - McNamara Email re: Fire Departments



Harris McNamara [REDACTED]

Antigonish County & Antigonish Town - Consolidation - Effects on Fire Departments
2 messages

Harris McNamara [REDACTED]
To: Carol MacEachern [REDACTED]

Mon, Apr 4, 2022 at 3:35 PM

Carol;
Not too bad of a storm today, at least so far. I would like to pass on my comments to Danny about the meeting on Wednesday evening for Fire Chiefs from Antigonish County with the Mayor of Antigonish (Laurie Boucher), Warden of Antigonish County (Owen MacCarron) and Brighter Communities (Consultants) that will say that nothing will change with independence of Fire Departments. This is not the case as they can promise this but in future the new Municipality will have oversight, three examples I would like to bring to your attention;

The Greenwich Fire Department near Kentville was shut down in March of this year by the Kings Municipality without warning to the Greenwich Fire Department volunteer members or the chief, just came in and said your closed down. The decision has been reversed by the Kings Municipality on Friday (March 10) due to outcry from the fire service and the public. The Mayor said it was a mistake and result of fire report done by municipality.

The second situation I have learned is, there was a "fire review" of the fire service with the intention of seeing where "opportunities" can be identified done by West Hants after consolidation, I don't know what opportunities were identified but this does indicate oversight by the municipality taking away independence of local fire departments.

In our area, there is a report in the front page of the newspaper "the Reporter" dated March 23rd, 2022 where there was a conflict between two fire departments but both wanted to continue operating independently and did not want the municipality citing fire departments independence.

The independence may not be in jeopardy now, however a review of the fire service in the new municipality could result in different policies and requirements on fire departments, you never know what you get in elections. This is oversight. There are other issues that I will speak to you and Danny about that affect District 9 much more than the fire departments.

Just for information.

Harris

Carol MacEachern [REDACTED]
To: Harris McNamara [REDACTED]

Mon, Apr 4, 2022 at 10:24 PM

Harris,

The conflict on the Reporter was 2 departments that have a Board of Directors. The one in Isle Madame were unable to make any decisions the board made them. Caused a huge mess.

Omg I knew there were going to be issues! This amalgamation is going to visit Antigonish and we will get the shaft! You know how NSHB is in Halifax now we'll look at our health care down East going down the tube and quickly.

Thanks for your email I printed it off for Danny to see.

Antigonish Volunteer Fire Departments and Possible Consolidation



ANTIGONISH
Our Community

There are 9 volunteer Fire Departments located within the Town and County. They play an important role in fire protection and emergency services. They are also important community partners and organizers.



Guiding Principle(s)

- [1. Take a regional approach to municipal services](#)
- [2. Build vibrant individual communities](#)
- [3. Support a strong economy](#)
- [4. Continue fair taxation and user pay approaches](#)

The Town of Antigonish Volunteer Fire Department is funded directly by the Town and the County-based volunteer fire departments are funded through an Area Fire Levy. As the discussions continue about the potential for consolidation, there may be questions about what might change around fire service if a municipal merger should take place.

A history of strong municipal support for volunteers

The Municipal Government Act provides local governments with the ability to provide fire service directly or to support external volunteer organizations that do so. The Town has funded a volunteer fire department for many years, and these costs are included in the annual operating and capital budget.

In 2021-22 the Town operating budget for fire protection was about \$300,000. The Town supports the volunteer Chief and the Department, but the Chief is not an employee of the Town. Operating within annual budgets, the volunteers determine what the organization of fire services looks like on a year-to-year basis.

These critical emergency and community organizations are organized in response to the needs of their communities.



For the volunteer departments serving the County, there is also a history of long-term financial support to each volunteer organization through the mechanism of Area Fire Levies. The County paid approximately \$1,094,000 to County Fire Departments.

Figure 4 - Fire Departments & Consolidation

Departments

Antigonish County Volunteer Fire Department

North Shore Volunteer Fire Department

District 2 - Town Fire Department

Four Valley's Fire Department

Pomquet Emergency & Rescue Services

Tracadie Volunteer Fire Department

St. Andrews & District Volunteer Fire Department

Auld's Cove Volunteer Fire Department

Havre Boucher & District Volunteer Fire Dept.

Area rates are also provided for external departments in St. Mary's and Merigomish.

These critical emergency and community organizations are organized in response to the needs of their communities. The County collects and remits the Area Fire Levy to assist these groups, but it does not impose standards and procedures. The volunteer fire departments further support one another through the Strait Area Mutual Aid Association.

Will the relationship between municipal governments and volunteer fire services change?

Changes to funding and the operation of volunteer fire departments is not a part of any discussions on consolidation. The Town and County will only discuss changes to volunteer fire services during this process if a request is made by the fire departments.



Summary: Volunteer Fire Service is important to all communities in both the Town and County. Whether operated directly in the Town or funded by Area Fire Rates in the County, these volunteer organizations understand their community needs and respond accordingly. They do not operate in isolation and have lots of experience through in their communities and support one another through mutual aid. It is important for municipal funding of volunteer fire service to be continued in the same manner. There is no reason to change this system because of a possible municipal consolidation.

For more information, contact: Info@antigonish.ca

Figure 5 - Email re: McNamara Conflict of Interest



Harris McNamara <harris.mcnamara@gmail.com>

Consolidation Letter

2 messages

Anne Marie McKeough
To: Harris McNamara [REDACTED]

Sun, Apr 24, 2022 at 7:08 PM

Hi Harris:

I'm attaching a draft of the letter I'm preparing for the Halifax Chronical Herald. It's only a first draft and I'd be very grateful for your input in terms of content, voice, tone, and/or wordsmithing. Bunny is going to look at this letter after you do.

I thought I'd also contact Portia Clark and Pam Berman to see if they're interested in this issue. I have a call into Anne Marie Long to see how we might work together on any radio coverage. I got her number from Gary Mattie and called her on Saturday, but haven't heard back from her yet

Bye for now,

Anna

Halifax Chronical Herald Consolidation Letter.docx
17K

Harris McNamara [REDACTED]
To: Anne Marie McKeough [REDACTED]

Mon, Apr 25, 2022 at 10:17 AM

Ann;

Thank you for your support, it is so much appreciated! I have had a few calls from out of province / country that have property in the county wondering what is going on. There is a site on facebook (Meta) titled "Antigonish Town and County Residents in favour of a plebiscite" and in 2 days they have over 600 members, have a look. With regard to your potential article for the Herald and other publications, I believe it tells the story in a concise way and is respectful to all.

I do want to clarify Point 3 as I have not been threatened. I was contacted by the Warden (Owen McCarron) and CEO (Glenn Home) requesting a meeting on March 29, 2022 by phone. We agreed to meet at the municipal office the next day (March 30, 2022) where I was informed that in the County Solicitor's (Marc Dunning) opinion I was in a "potential conflict of interest" as my daughter was on the Senior Management Team for Antigonish Town. I was given the "conflict of interest" law and among items highlight in yellow was penalty for being in conflict of interest if I do not declare a conflict and excuse myself from the vote. The maximum penalty is 25K, default would result of up to a year in jail and I could not run for council for 10 years. It was followed up the same day with this in writing, not from the lawyer but from the county CAO (Glenn Home). I inquired how residents from District 9 will be represented and was informed that residents could call other councillors, this is not acceptable! I have retained a lawyer and he thinks they do not have a case. The problem is it's just an opinion, my lawyer says you can get different opinions from different lawyers and he suggests go to court and let judge decide. I am now evaluating if it's worth a long drawn judicial fight and the costs associated with legal representation. You mention District 4 Councillor Shawn Brophy received a letter and he is in the same situation as myself, I can say confidently that "vote now and plan later" strategy has been a theme for me, haven't heard this from Shawn, he is very quiet but wants to vote. Of note there may be other potential conflicts. I was told of another situation two weeks ago which may arise. This means if Shawn and I declare a conflict that 20% of the county will not be represented, if a third arises then 30% of the county will not be represented.

Sorry for being long winded but I want you to know the whole story.
Can you text me Maureen's number? I had it but never put in my phone.

Have a great day and please do not hesitate to call if you have any questions at all.
Harris

Figure 6 - Penny Letter to the Editor

LETTERS TO THE EDITOR

Misinformation: The objection is to process not consolidation

As the community awaits the decision of Supreme Court Justice Gauthier on the application from residents to quash the motion of the Municipality of the County of Antigonish Council to consolidate our communities outside of the provisions of the Municipal Government Act, the summer months have seen the communities of Antigonish inundated with Op-Eds and glossy videos promoting consolidation.

These opinion and video materials were presented with a sometimes subliminal, sometimes direct message that there is a concerted effort afoot to oppose consolidation through the sharing of misinformation.

"Considerable effort by some members of our community to share inaccurate information about what consolidation will mean for residents." Op-Ed, August 21, 2023, The Register.

The response to a question as to why the promotional videos were needed since councils have already determined the consolidation direction for our communities, was "important that the misinformation is corrected." (Town Facebook page response, August 24, 2023). To deliberately interpret the efforts of the Let Antigonish Decide group as opposition to consolidation is misinformation. The members of Let Antigonish Decide have always been clear: our opposition is to the process and consolidation.

When exploring a change in governance structure or direction, it is critical to examine both the benefits and challenges inherent in that change. A change is never 100 per cent positive or negative. Leadership lies in the ability to lay open and share with residents the complete picture and then, by weighing the benefits against the risks and challenges, deciding on the future direction. The process used, the engagement sessions, to share consolidation information failed to provide the risks and challenges side leaving the information presented incomplete.

In September of 2021 both councils voted in favour of exploring consolidation. For the next several months, staff were designated to gather consolidation information from sources councils believed to be the experts and authorities on consolidation. In the spring of 2022, councils took the positive results of their research and investigation on a road show called the "Engagement Sessions." Designed to limit public exchange of thoughts and questions and instead focused on a 1:1 marketing campaign, these engagement sessions left many residents feeling their perspective was insignificant, with no voice in the future direction of their community.

In regard to the risks and challenges that might be encountered with consolidation, many questions were raised and remained unanswered. The fact sheets, mailed to every household and presented as posters in the engagement sessions were one sided, with no reference or

acknowledgement of risks and challenges. The questions of many residents were responded to with "the new council will decide that" or better yet, "the transition team will decide that." Unacceptable responses to those seeking clarity of information.

In the early days of the process of community poster presentations offered as engagement sessions on consolidation, the disappointment of some residents in the lack of interactive community sessions and the lack of balanced information presented, may have contributed to the frustration of some. When frustrated and feeling unheard, sometimes the sharing of questions and concerns can be misinterpreted as fact rather than supposition. The original "green sheet" often quoted as being full of lies and misinformation, was created as the result of the unanswered questions raised by residents at community town hall meetings. While some mis-phrasing may have caused questions and concerns about the future of electrical utilities, water and sewer issues taxes and representation to appear as statements of fact or exaggeration of fears, there was never an intent to misinform.

Throughout the spring of 2022, the perceived lack of an open exchange of thoughts, beliefs, truths and information about consolidation led residents to either questioning the process invoked by the mayor, the warden, their councils and CAO's. This grassroots group, known as Residents Against a Rushed Consolidation Process, gathered, in an effort, to seek more information and to question the decision to gather public response through the engagement sessions rather than a plebiscite. With the October 20, 2022, motion to request special legislation to enact consolidation approved by the slimness of majorities by both councils, the group refocused on demanding a vote.

Yes, councillors are elected to do what they think is best for their community but, and this is a big but, their powers and abilities are directed by the Municipal Government Act. If they are wanting to act outside the mandated powers of this act, they need an elected platform to guide their actions. It is abundantly clear to all that this did not happen. Indeed, the election in the fall of 2020, held in the midst of the pandemic, offered little to no candidate canvassing, and no proposed platforms on consolidation.

The engagement sessions were expected to be an opportunity for open, honest discussion on consolidation. It was an opportunity for the mayor and warden and the councillors to gather public thoughts and opinions before they made their decision; yet the words of one town councillor implied that his, if not others, approached the engagements sessions with a fixed decision in mind.

As stated in response to Facebook discussions "I heard nothing (in the public engagement sessions) that would cause me to change my mind." These words despite the

summary report of Brighter Solutions, the very company hired by the town and county councils to conduct and evaluate the engagement sessions, stating "In general, we heard that there was an underlying lack of confidence in the overall process, the municipal leaders and the relationship between the town and county." I would suggest that that comment alone should have given pause in the decision.

In the months since the government decision to not introduce the requested special legislation requested by both councils, the town and county have made a concerted effort to engage residents by sharing written opinions and perspectives and glossy videos with catchy music proclaiming the accolades of consolidation while maligning the expression of objection to the process as opposition to consolidation.

The recent Op-Eds written by councillors, former mayors and wardens and MLA, all expressed their opinion that consolidation is the only way forward for our communities. Well guess what? They may be right. But, and again this is a big but, all of these Op-Eds are simply opinions with very little, if any, evidence offered to support that opinion. The opinions expressed have been presented as fact. I would call that misinformation.

Is consolidation the right move for our communities? That has been the question from the beginning. Some feel the questions has been answered. The majority crave answers to legitimate questions and a voice in how we are governed in the future. Those who spread the misinformation that the Let Antigonish Decide members are responsible for spreading misinformation about consolidation are deliberately trying to portray Let Antigonish Decide as against consolidation rather than people against the process that was used to push consolidation forward.

A reputable polling firm based in Ottawa confirmed that only 14.9 per cent of the affected population accepted the process while 78.4 per cent wanted a vote. These people, together with the 4,210 signatures on the petition asking the government to refrain from introducing special legislation to consolidate the communities, and the approximately 1,700 members of the Facebook group united in their quest for residents to have a voice in the future design of their communities ARE NOT AGAINST CONSOLIDATION, they are against the process used to get to this point. Even the mayor herself said in an October 31, 2022, interview with CBC's Tom Murphy, "If we could go back and change things, we would." If these words were sincere, there has been ample time to change the process chosen.

In the efforts to promote consolidation outside of the MGA, please stop spreading misinformation.

Terry Penny
Antigonish, NS