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To: [Mark Phillips](#); [Abraham Zebian](#)
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Subject: Windsor Flood Zone Resident Buy-Out program
Date: July 8, 2024 7:22:35 AM

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Without prejudice

Justice Gail L. Gatchalian... further ruled that municipal employees did not follow clear and proper procedures when considering changes to the by law that would allow the day camps to go ahead. [<https://www.cbc.ca/news/canada/nova-scotia/court-overturns-rezoning-pisiquid-canoe-club-1.7091205>]

Perhaps, yet again, you are intending to unfold another governance and operational [staff/citizen] embarrassment?

You were commissioned to undertake, in what any of the growing numbers following the Windsor Flood Zone Facebook page would conclude to be, a very simple and straightforward exercise; Motion passed:

COUNCIL DIRECT STAFF PROVIDE A SUMMARY WRITTEN REPORT AS TO WHAT POTENTIAL BUYOUT OPTIONS MIGHT LOOK LIKE FOR HOMES THAT HAVE SUFFERED WITH THE COMBINED SEWER OVERFLOW EVENTS WITHIN THE REGION.

Now I'm sure "we can agree to disagree", however, a potential 'buyout options report' that does not include/ consider the following, negates due diligence and/ or reveals the limits of one's capacity to undertake such:

1. Present a version of a buyout option specific to and derived from those citizen's whose homes are 'suffering',
2. Should not be laced with obvious bias [directing Council toward not deciding anything that would impune the Municipality, ie. create legal liability]. The motion did not ask for your opinion[s]. A CAO acting in good faith would know to keep such to themselves. You were to present 'potential buyout options', it is the elected officials responsibility to debate, weigh and determine outcomes - yours, to present factual, complete, unbiased content and information.
3. Again, in reference to your obvious bias, steering governance away from actually ever doing the right thing [a feat you and others have rather painfully accomplished for 3 years now], you 'lie by omission' to accomplish this outcome. Mainly, attempting to shift the narrative from the truth, of the facts, and approved Motion... categorically, this Motion was never about the Municipality needing the properties for anything, certainly, to address the Windsor Flood Zone issue. This Motion is only about the citizens whose homes are suffering from repeated flooding. It has EVERYTHING to do with the Municipalities legal responsibility, to ACT... or be found liable of negligence:

[Municipalities Act, 286 municipal government 1998, c. 18] 514; No liability:

- A municipality, village or inter-municipal corporation created pursuant to Section 60, and its officers and employees, are not liable for damages caused:
 - (a) directly or indirectly, by
 - (i) the operation, maintenance, repair, breaking or malfunction of wastewater facilities, a stormwater system or a water system, **or unless the damages are shown to be caused by the negligence of the municipality, village or inter-municipal corporation created pursuant to Section 60 or its officers or employees;**
 - (b) by the discharge of sewage or water into premises from a municipal sewer **unless the discharge was caused by the improper construction, or neglect in the maintenance of, the sewer or a failure to remedy a matter that was known, or reasonably should have been known, to the municipality, village or inter-municipal corporation created pursuant to Section 60 and should reasonably have been repaired.**
 - A point you will recall I clearly, definitively made to Council, in your presence, during my presentation in 2021; 36 months ago.
 - And includes, the part of the Act you recently failed to disclose, in the CAO's comments to Council, with respect to Councillor Ivey's Report about Amanda's email request: sewer tax exemption.
4. You and Council already knew none of us wants to leave our homes. Yet, had you done your due diligence beyond the ease of a pat Google search, you would have understood the demographic profile of 'those suffering'; before suggesting in your report, "for example a \$200,000 buyout cap". You would know none of us are in a position to take that offer. To ignore the facts of the real estate market, mortgage & interest rates, the costs associated to **relocate**... and imply we could recreate the houses & property we have worked, in some cases full careers, to make into homes for our families, with that amount of money, is an insult to common sense and normal intelligence.
5. And this is the crux of the matter, and had you focused on the singular most important word in the Motion, '**suffering**', even 3 years ago, West Hants Regional Municipality has a legal responsibility to the citizens living in the Windsor Flood Zone. And because WHRM has long since known, and failed within a reasonable amount of time to do ANYTHING, that relieves the suffering, it is liable due to negligence. The failed motions, failed studies, failed pump initiative, failed emergency plan, failed responses, failed ongoing maintenance, failed prioritization, failed to act, failed leadership, "failure on my watch", along with all the combinations and permutations of available evidence in support of these failures, is our proof.
- None of which forms the basis or premise of your report. Your bias obviously has the singular purpose of a] making sure the Municipality is 'saved-harmless' of liability while minimizing cost and not setting a precedence, b] ignoring the Municipalities legal responsibility to its citizens, c] serves to manipulate and prejudice Councillor discussions and d] callously shifts our 'suffering' elsewhere, having to **relocate**.

For the record, given no fix will be forthcoming soonest, the only Option is the Relocation Option; anyone of good-will can see that.

Recently, during a Council meeting one of our neighbors could not contain their frustration due to the malintentions you and others in leadership continue to support. They were told they could say anything they wanted but not to attack the character of anyone in the room. But character, in the context of dealing with people's suffering, is the only thing in question. Not precedence and fear of accountability, financial and otherwise. You see, if people of integrity, those who live a principle-centered life, were governing and operating this Municipality, we would not be 3 years down the road, with still having no-thing tangible done to alleviate our suffering. The hard facts of responsibility, let alone 'doing the right thing', would have long since been debated, solutions and decisions made, crisis averted, suffering gone. But that is not the path current leadership has chosen. Are we not on the precipice of having leadership cost the Municipality far more than just having done the right thing in the first place, or even having tried?

One has to wonder how and why people such as yourself find their way into roles specific to public service. You have demonstrated time and time again that you consider the 'entity' of the West Hants Municipality of far greater importance than anything remotely resembling care-of the citizens. You don't seem to grasp the concept that the entity's mere existence, and your job, is solely based on serving the citizens. Could it be the well-worn 'rumors' surrounding your departure from the Town of Kentville may be manifesting again, here, right before our very eyes?

You in Municipal leadership live in a bubble. One day, soon I hope, that bubble bursts in a way all of your ways & means come into the light.

Peter J Moore

'Conscience; truth's greatest witness.'