



**EXTRAORDINARY MEETING**

**Minutes – 19 September 2019**

- Present:** Lisa Cornelissen (Chair), Fiona Beattie, Victoria Read, Maree Roy, Cr Pam Colenso, Cr Pip Maynard.
- In Attendance:** Mayor Viv Napier, Harry Wilson (Chief Executive), Jennie Mitchell (GM Corporate Support), Bryce Neems (Amenities Manager), Karen Yates (Policy & Property Co-ordinator), Angela Williams (Committee Advisor).
- Conduct of Business:** The meeting was conducted in public in the Supper Room, the Waihinga Centre, Texas Street, Martinborough on 19 September 2019 between 6.00pm and 6.41pm.
- Also In Attendance:** Christine Webley, Bob Petelin, Cynthia Maynard and Aidan Ellims.

**PUBLIC BUSINESS**

**1. APOLOGIES**

*MCB RESOLVED (MCB 2019/68) to receive apologies from Miss Arnold-Barron.  
(Moved Beattie/Seconded Cr Maynard)* Carried

**2. CONFLICTS OF INTEREST**

No conflicts of interest were declared.

**3. PUBLIC PARTICIPATION**

Mrs Cornelissen outlined the meeting protocols, timings for public participation speakers and advised that the meeting would be run strictly in accordance with Standing Orders. Mrs Cornelissen encouraged speakers to stay and observe the remainder of the meeting, advised no comments from the floor would be taken thereafter and asked that the public respect the Standing Orders and allow the Board to deal with the matters at hand. Mrs Cornelissen advised that Mrs Webley had been given permission to record the meeting.

**DISCLAIMER**

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### 3.1 Christine Webley

Mrs Webley spoke to the recommendations in the report, recommended only the bare minimum of work is undertaken to retain and preserve the Estate and that there is no urgency for long term decisions. Mrs Webley suggested the maintenance schedule be more specific over the next ten years, referred to the 18 July meeting where the Board noted that a consultation process with the community may be likely on future options and that she would be writing to Council to request further investigation into the 10-year financial summary in the report.

### 3.2 Bob Petelin

Mr Petelin advised he had not read the report and spoke to his interest in Pain Farm, including the numerous times that selling Pain Farm came up in Council and the newspaper article by the previous Mayor stating Pain farm was never on market to sell but he felt the intention was there. Mr Petelin suggested monies received from rental be placed in a special account and be part of a Martinborough trust for the children as stated in the will. Mr Petelin advised that he read that there was no money to repair the building and asked what happened to the money over last 15-20 years and requested that the current Council do something sensible.

### 3.3 Cynthia Maynard

Mrs Maynard spoke to the report, referred to the older generation of Martinborough who remembered the Pain's and the magical memories of playing at the farm. Mrs Maynard felt the 'decay' has only occurred in the last 20 years and asked how this happened, what was going to be done and that the financial report was vague and inadequate. Mrs Maynard agreed with the previous speakers, that all monies are recorded accurately and that the farm is held in trust for present and future generations of Martinborough children and that any option to sell the Estate be removed.

### 3.4 Aidan Ellims – Pain Farm Estate

Mr Ellims thanked officers for the report and good recommendations but felt the report did not go far enough to answer the questions around insufficient funds to bring the Estate back to an appropriate standard and how it got into the current condition. Mr Ellims raised concerns that Council had not fulfilled due process regarding conflicts of interest especially in regards to Victoria Read. Mr Ellims stated that the gifting of \$200k to the Waihinga Trust was an injustice and not a community wish and that there was a need for change in both the Board and Council to protect the Estate. Mr Ellims referred to previous meeting minutes where no conflicts of interest were recorded and requested no further decisions about Pain Farm be made by the current Community Board or the Council.

Mrs Cornelissen thanked everyone for being at the meeting and for those that shared their views.

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#### 4. CHIEF EXECUTIVE AND STAFF REPORTS

##### 4.1 Pain Farm Report

Mrs Cornelissen thanked officers for preparing the report and advised that the questions raised at the Community Board meeting on 18 July 2019 (Appendix 1) and directed to the Board be responded to as follows:

*"The last request from this Board to provide project funding was in May 2016, over three years ago. All funding distributions have been approved by Council, and committed to, they cannot be reversed or taken back. We cannot tie the hands of the incoming community board regarding future funding distributions. Having spoken to my Board members I am confident in saying that this Board will not be recommending sale of any part of the Estate, however we cannot tie the hands of a future Community Board or Council by saying that all or part of the Estate will never be sold.*

*In response to questions of negligence, we agree with Council's conclusion in this report that the standard of service for the maintenance of the homestead and cottage has been unsatisfactory for some time. We support the steps that Council is taking to ensure this doesn't happen again, particularly with regard to the commitment for regular inspections and reporting on the farm, house and cottage and the work that is either completed or scheduled.*

*Given the acknowledgement from Council that the standard of service has been unsatisfactory and in light of the fact that the funds from the Pain Farm bequest are often spent on improving Council assets I will be proposing two resolutions for discussion later in this meeting, regarding the fees paid to Council for Corporate and In House Professional Services, and the cost allocation model that is used to determine these fees.*

*We see no need or benefit to taking legal action, which would simply cost the Pain Farm Estate and Ratepayers legal fees which would be better spent on the House and Cottage."*

Mrs Cornelissen asked members if there were any questions prior to reviewing the recommendations outlined in the report. Cr Maynard asked for clarification and reasoning about Mr Ellims statement in his public participation address about conflicts of interest made, in particular, that no conflicts of interest had been recorded from the 30 May 2016 meeting.

Mrs Cornelissen advised that as she did not have the papers referred to available at this time, that she would respond in writing after this meeting. With no other questions or clarifications arising from the report, Mrs Cornelissen moved to the recommendations before the Board.

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Mr Ellims requested from the floor that Cr Maynard's question be answered. Other comments from the public were voiced regarding the lack of due process around a conflict of interest relating to Victoria Read and until that was addressed, that no further decisions be made by this Board.

Mr Wilson advised that due process requires gathering the relevant information to be able to make a decision; when an accusation has been made, it is necessary to understand what the nature of the alleged conflict of interest actually is. This would be further investigated as indicated earlier by the Chair. Mr Wilson further advised that the allegation was immaterial to the recommendations in the report which relate to the maintenance of Pain Farm Estate.

Mrs Cornelissen advised it was important to act sooner rather than later to get the necessary repairs and maintenance underway as waiting until December and the first fully operational meeting of the new Board would be too late. Mrs Cornelissen however, would put before this Community Board the suggestion of setting aside the long-term future decisions until the new Board was in place.

The public were advised that if further comments from the floor did not cease they would be asked to leave.

*MCB RESOLVED (MCB 2019/69) to receive the Pain Farm Report.*

*(Moved Beattie/Seconded Cr Colenso)*

Carried

The Board discussed each recommendation from officers and additional recommendations as advised earlier by Mrs Cornelissen. The Board agreed to defer 1a. as it pointed to longer term decisions, and that any further action would be left to the new community Board:

1. *The Pain Farm homestead, cottage and surrounding land be retained by the Council and:*

a. *that at the end of the current tenancy agreement, the homestead and cottage be rented out for residential purposes under separate tenancy agreements.*

*MCB RESOLVED (MCB 2019/70) that:*

b. *Officers report to the next full Community Board with a maintenance schedule for the homestead, cottage and surrounding land.*

*(Moved Cr Maynard/Seconded Roy)*

Carried

c. *Whilst work is being undertaken on the house and cottage, that officers report to the Board at each meeting (6 weekly) on the progress of maintenance until the work is completed, and*

*Thereafter, officers report 6 monthly on the condition of the homestead, cottage, surrounding land, and farm.*

*(Moved Cr Colenso/Seconded Beattie)*

Carried

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2. The repairs and maintenance work to bring the homestead and cottage up to an acceptable standard for rental purposes be undertaken as a matter of priority.  
(*Moved Cr Colenso/Seconded Beattie*) Carried
3. The exterior painting of the homestead be undertaken as the next priority and that the Board recommends Council approves up to \$30,000 for this work.  
(*Moved Cornelissen/Seconded Cr Colenso*) Carried
4. That Council review the overhead cost allocation model for the Pain Farm.
5. That following this review, that Council consider whether any overhead allocations for the last three years should be credited back to the Pain Farm account.  
(*Moved Read/Seconded Cornelissen*) Carried

## 5. COMMUNITY BOARD MINUTES

### 5.1 Martinborough Community Board Minutes – 18 July 2019

Following the 22 August 19 meeting of the Board, the minutes were not approved as a true and correct record as a request was made to include an additional statement pertaining to Pain Farm.

*MCB RESOLVED (MCB 2019/71):*

That the minutes of the Martinborough Community Board meeting held on 18 July 2019 be confirmed as a true and correct record subject to the addition of the following sentence at the end of Section 4. Pain Farm (Agenda Item 6.6 brought forward):

*'Mr Wilson advised that it was not the intention of Council to sell Pain Farm Estate.'*

(*Moved Cornelissen/Seconded Roy*) Carried

Meeting closed at 6.41pm.

**Confirmed as a true and correct record**

.....Chairperson

.....Date

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