

MEMORANDUM

TO: Municipal Council

FROM: Gregory Herrett, CPA, CA - Chief Administrative Officer
Allen Cole, JD – Director of Protective Services

DATE: February 26, 2025

RE: **Report to Municipal Council on the actions of the Chief and Acting Chief of the Collingwood & District Volunteer Fire Department subsequent to the Poison Lake Incident**

Incident Background

On Friday evening February 21, 2025, a snowmobile accident occurred in the Poison Lake area of rural Cumberland County. A man in his 20's was reported to be seriously injured. As part of the emergency response the Collingwood & District Volunteer Fire Department CDVFD, along with other first responders were dispatched to the scene.

For purposes of this report, the Municipality has relied solely on information released by the RCMP in determining fact related to the events at the incident scene. The RCMP will, through their processes, eventually make final determination of these facts.

The key fact, for purposes of this report, is contained in the official RCMP media release of Monday February 24, 2025: "The driver of the snowmobile, a 28-year-old Springhill man, was struck by a fire truck while being attended to in the roadway."

Sadly, this young man passed away. Our sincere condolences are extended to his family, friends and community.

This incident and one that followed have sparked outrage in the community and created serious concerns regarding the leadership of the Collingwood & District Volunteer Fire Department.

In reading this report it is important to note that fire departments in Cumberland County are operated as independent societies. Chiefs are elected by the membership of the departments and are responsible for the day-to-day operation of their departments. Chiefs and other officers are not appointed nor approved by the Municipality. A bylaw does allow for the discharge of a chief in certain circumstances. The Municipality provides operating and capital funding to these departments, but Chiefs and members are not employees of the Municipality.

Notification of incident and reporting of details of the Poison Lake incident

For purposes of conclusions related to the actions of Cotton and Bishop, the Municipality relied mainly on informal conversations with the local RCMP and telephone and in-person conversations with Cotton and Bishop and other responding members of the CDVFD as well as multiple public reports of a further incident on Monday February 24, 2025.

This report speaks to the actions of two members of CDVFD in the hours and days subsequent to the incident. At varying times through the hours and days subsequent to the incident Jerrold Cotton and Andrea Bishop were each, Chief or Acting Chief of the CDVFD.

Cotton and Bishop were both riding in the CDVFD rescue truck that responded. As noted previously, the RCMP have concluded that the victim was struck by the fire truck.

The Municipality was not proactively informed of this incident by CDVFD. A member of Council was informed in the community of the incident Saturday morning February 22, 2025. The Council member contacted Bishop who shared that they had attended the scene and that the young man had passed away. Given that it was a snowmobile incident and guessing that perhaps it happened off-road, the Council member asked whether they were able to reach the scene with the truck. She responded that they were able to reach the scene with the truck but did not mention the fact that there had been any contact on the roadway between the fire truck and the victim or his snowmobile.

The member of Council reported this information to the CAO Saturday morning. The CAO immediately contacted the Director of Protective services with direction to verify the information. As well, as it became obvious that the incident had not yet been reported to the Municipality's insurer the CAO directed that the insurers be notified. This was done immediately.

Director Cole and the CAO remained from that point forward, in constant contact through the weekend and on Monday, with the department, the RCMP and Mayor Gilroy as the details of the incident became available, evolved and developed.

Director Cole was informed on Saturday by local RCMP that all details were not yet verified but it appeared that the fire truck "clipped" the snowmobile at the scene as it was arriving and that as part of the investigation, both the snowmobile and the fire truck had been seized.

Director Cole contacted Bishop who advised that the truck had "clipped" the snowmobile but not the victim. Director Cole met later that day, in-person, with Cotton and Bishop who maintained that they did not strike the victim. He asked Cotton to step aside from all duties with the CDVFD pending the outcome of the investigation and Cotton agreed. Bishop was designated by the CDVFD to be Acting Chief.

Based on the informal RCMP conversations and the conversations with Cotton and Bishop, the Municipality issued a media release on Sunday February 23, 2025 notifying the public of the incident, expressing condolences to the family and friends of the victim and indicating that the incident was under investigation and that Cotton had stepped aside from all duties in the department pending the outcome of the investigation.

Later on Sunday February 23, 2025 it was learned that the RCMP responded to a media request by email indicating that the fire truck struck the victim. They confirmed this position on



Monday February 23 with an official media release. This was contrary to the information previously provided and the Municipality sought an explanation from the RCMP who responded that the circumstances had changed.

This of course prompted the Municipality to contact Cotton and Bishop who maintained that the victim was not struck. One responding member of the CDVFD that Director Cole spoke with on Monday, shared their opinion that it was "possible" that the truck slid into the victim on the way by.

Medical call Monday February 24, 2025

On Monday morning February 24, 2025, the CDVFD was dispatched to provide medical assistance at a residence in its coverage area. Acting Chief Bishop chose to have Cotton, who had agreed to step aside from all departmental duties, drive her to the scene. Family members observed Cotton in the truck delivering Bishop. The family advised CDVFD members responding that their assistance was not required.

Governance and authority

Fire departments in Cumberland County are operated as autonomous & independent societies. Chiefs and other officers are not appointed nor approved by the Municipality. Chiefs are elected by the membership of the departments and are responsible for the operation of their departments. Chiefs and members are not employees of the Municipality.

Options

Option 1 - Discharge of Cotton and Bishop

Authority

In 2024, the Municipality enacted a By-Law to Establish and Regulate the Fire Departments in the Municipality of the County of Cumberland. The By-Law came into effect in February of 2024. It does not have retroactive application prior to that date. Prior the effective date of this bylaw the Municipality did not have the authority to discharge a Fire Chief. Included in this new bylaw is a Code of Conduct. It is excerpted below:

18. All Members of a Fire Department shall be of good character and shall:

(a) Conduct themselves with decorum when on duty and be courteous and respectful when dealing with the public.

(b) Not engage in any activity that is illegal, or might reasonably be expected to bring their Fire Department into disrepute.

(c) Not engage in any activity while on duty, that can reasonably be expected to tarnish, impair or otherwise negatively impact the reputation of the fire service in the Municipality.

Section 19 provides the authority for discipline should a member or Chief be found to breach the Code of Conduct:

19. Any Member who breaches the Code of Conduct in Section 18 of this By-Law may be

subject to disciplinary action, up to and including discharge, in accordance with the procedures of the Fire Department to which they are a member, or in the absence of such

procedures, by the Fire Chief of the Member's Fire Department. In the case of a Fire Chief

who has breached the Code of Conduct or who fails to fulfill the duties of their office, disciplinary action, up to and including discharge, shall be by Council upon the recommendation of the Director of Protective Services and the CAO.

Breach of the code of conduct

Based on the information contained herein, it is, in the opinion of the authors, apparent that both Cotton and Bishop have breached the code of conduct set out in Section 18 of the By-law.

Specifically:

- 1) They were not COMPLETELY truthful in reporting their knowledge of, nor the details of, the incident in which the fire truck struck the victim. They had multiple opportunities to raise the prospect that the truck COULD have hit the victim. They failed to do so in a timely and forthright fashion. In fact, they repeatedly claimed that the truck did not strike the victim.
- 2) Given the well-known outrage in the community, they knew, or they ought to have known, that Cotton appearing at a medical call after publicly agreeing to step aside pending the investigation was inappropriate in the extreme. These actions, by Cotton appearing and by Bishop allowing it as Acting chief, display both an obvious disregard for the gravity of the situation and extremely poor judgement.

Both of these actions “can reasonably be expected to tarnish, impair or otherwise negatively impact the reputation of the fire service in the Municipality” in contravention of paragraph 18(c) of the bylaw.

Discipline

As they were at various times both Chief of the department, their discipline must be administered by Council, on the Recommendation of the Director of Protective Services and the CAO. Given the potentially extreme negative impact on reputation on the fire service, the authors submit that discharge from their positions as Chief is warranted in accordance with paragraph 19 of the bylaw.

Option 2 – Revocation of the Registration and disbandment of CDVFD(temporary or permanent)

It should be noted that prior to enactment of the above noted bylaw in 2024, revocation and disbandment was the only option available to the Municipality to deal with Chiefs or departments who were deemed to be acting or operating in appropriately.

Authority

All fire departments in Nova Scotia are required to “register” with their municipality. Paragraph 11 of the Municipality’s Fire Service Department Registration Policy appears below:

“The Municipality may withdraw, in whole or in part, the registration of a fire department upon the recommendation of the CAO if the CAO is no longer satisfied the department is capable of providing the services covered by its registration...”

This option was considered. It would have required the expansion of the call coverage area of the Oxford, Springhill and Westchester fire departments and revision of the mutual aid and dispatch protocols. More importantly though, it is effectively a “shut down” of the department with all of the potential implications on response times, the protection of persons and property, the ability to attract and retain volunteers and, perhaps, insurance rates for property owners. While it remains an option for the Municipality should the discharge of the Chiefs prove to be problematic, it is not recommended at this time.

Conclusion and recommendations

This report represents the findings and recommendations of the Director of Protective Services and the Chief Administrative Officer as required by paragraph 19 of the By-Law to Establish and Regulate the Fire Departments in the Municipality of the County of Cumberland.

As the options were evaluated, a number of principles were top of mind:

- Respect for the victim and family
- To ensure the community is safe
- To ensure continuity of service
- To uphold the integrity of the fire service
- To uphold the integrity of the Municipality

It is important remember that this report and these recommendations, while they are very serious, are relevant only to the actions of Cotton and Bishop subsequent to the emergency response to the Poison Lake incident. All finding of fact, potential charges and liability are the responsibility of the police, the justice system and the courts.

Recommendations:

- Discharge Jerrold Cotton, pursuant to section 18 and 19 of the By-law.
- Discharge Andrea Bishop, pursuant to section 18 and 19 of the By-law.
 - Direct staff to recover all municipally owned property from Jerrold Cotton and Andrea Bishop.
 - Direct staff to notify Bishop and Cotton to remove all signage from personal vehicles that allude to the Collingwood Fire Dept.
 - Arrange Cotton and Bishop to be excluded, indefinitely, from the property at 59 Wentworth Collingwood Road by way of a notice under the Protection of Property Act.
 - Direct staff to, as soon as possible, change the locks at 59 Wentworth Collingwood Road and ensure the new Chief has access to keys for distribution to members.
- Direct staff to arrange for an external review of the incident and report back to Council