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## Rural Municipality of West River Council Meeting

<b>Meeting No</b>	32	<b>Chair</b>	Helen Smith-MacPhail
<b>Meeting Date</b>	Thursday, November 10, 2022	<b>Phone</b>	902-675-7000
<b>Start Time</b>	7:00 PM	<b>E-mail</b>	admin@westriverpe.ca
<b>Location</b>	Afton Community Center	<b>Session</b>	Public
<b>Present</b>	Mayor Helen Smith-MacPhail, Deputy Mayor Robert Clow, Councillor Lori Ashley, Councillor Pam Baglole, Councillor Stephen Gould, Councillor Shaun MacArthur, Councillor Aaron MacEachern, Councillor Sharon Slauenwhite, Councillor Chad Stretch, Councillor John Yeo		
<b>Also</b>	Laala Jahanshahloo – CAO, Kelly Taylor- Admin		
<b>Regrets</b>	Councillor Sabrina Loughran		

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- **Call to order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:05 pm.

- **Approval of Agenda**

It was moved by Councillor Chad Stretch and seconded by Deputy Mayor Robert Clow; the agenda was approved as circulated.

**Motion Carried**

- **Declarations of Conflict of Interest**

No conflict of interest was declared.

- **Approval of Minutes**

It was moved by Councillor Pam Baglole, seconded by Councillor Lori Ashley; the minutes of October 13, 2022, Council meeting was approved as circulated.

**Motion Carried**

- **Business Arising from Minutes**

→ Mayor sent a letter regarding the land use issue and unauthorized development of PIDs 201509 and 201517 in Fairview, Queens County, to Minister Darlene Compton, Minister Steven Myers, and Minister Cory Deagle on November 22, 2022. This letter stated the RMWR's concerns, questions and request that involve multiple provincial departments as follows:

- Concerns

- Department of Agriculture and Land - Significant development activity has been occurring recently on both properties, including road construction and stockpiling of materials and a significant change in land use
- Department of Environment, Energy and Climate Action - On PID 201517, disturbance of soil, vegetation, and the riparian boundary within the protected buffer zone along the shore of the West River
- Department of Transportation and Infrastructure - What appears to be the establishment of a new access to Route 19 that indicates a significant change of use from the previous farm access for that PID and extensive development is in progress, including consolidation of the two properties (subdivision), a change of use, and intensification of the farm access.
- We believe allowing this development without following proper procedures and process is a disservice to the following:
  - ✓ The developer/land owner - who should have clear parameters for their project
  - ✓ The public/residents– who should have confidence and evidence that the Province is enforcing and adhering to planning regulations and procedures
  - ✓ The municipality that will soon be passed the torch of jurisdiction and will be responsible for ensuring compliance for future developments in

our communities. A task made so much harder when this example of what appears to be blatant contravention of law and procedure is permitted to continue without consequence.

- Questions
  - How will we and other similar municipalities be able to enforce our Official Plan and Land Use Bylaws if the Province does not discourage premature development activities and development decisions are rendered after the fact?
  - What is to prevent this from becoming the norm for land use across the Island?
- Request
  - All Departments act now to stop any further activity at this location pending further investigation and proper processes being followed

#### ● **Mayor Report**

- ➔ Mayor, congratulations to the new Council, and Thank you to the Interim Council for all their hard work.
- ➔ Thank you to Bev MacIsaac for doing a fantastic job as MEO for the November 7, 2022, Municipal Election.
- ➔ Mayor appreciated the residents' commitment to engage in municipal Government as RMWR had a great turnout of voters in Ward 1 and 6.
- ➔ Following WRC#31, Mayor discussed the letter's content regarding the SPA amendments. It was decided to send a duplicate letter to the Minister of Fisheries & Communities and the Minister of Agriculture & Land and copy other recipients in each letter

#### ● **CAO Report**

- ➔ CAO presented a summary of the election result and thanked the interim Councillors that will be leaving.
  - The advance poll was held on Saturday, November 5, 2022, at Afton Community Center.
  - On November 7, 2022, the election ran from 9:00 am to 7:00 pm for Wards 1 and 6 at Afton Community Center.

- Acclaimed seats
  - Mayor - Helen Smith-MacPhail
  - Ward 2- Ryan Roggeveen
  - Ward 3- John Yeo
  - Ward 4 - Lillian MacCannell
  - Ward 5 - Shaun MacArthur
- Elected by voters
  - Ward 1- Aaron MacEachern
  - Ward 6 - Steve Pollard
- ➔ CAO received concerns from residents about construction activities occurring on PIDs 201509 and 201517 in Fairview. After CAO could not find any permit posted on the provincial decision website, on November 2, 2022, the Planning Board Chair contacted the Provincial Planning Manager to make enquiries accordingly. On November 7, 2022, the Manager of Provincial Planning responded, "Provincial Planning has not provided any approvals, preliminary or otherwise, for this proposed development to date. Any road construction being undertaken is at the owner's discretion and not at the direction of the Government. We are aware and are currently reviewing the matter."
- ➔ Council unanimously passed a motion to write a letter to Minister Darlene Compton, Hon. Minister Steven Myers, and copy Premier King, Director of Land, Peter Bevan-Baker, MLA New Haven-Rocky Point, and Mark McLane, MLA Cornwall-Meadowbank. Moved by John, seconded by Shaun.

- **Canada Day Celebration Committee Report**

- ➔ Chair Robert Clow presented the minutes of June 20, 2022, Canada Day Celebration Committee at WRC#28.
- ➔ Approval of Minutes

It was moved by Deputy Mayor Robert Clow, seconded by Councillor Shaun MacArthur; the minutes of June 20, 2022, Committee meeting was approved as circulated.

**Motion Carried**

- **Emergency Measures Committee Report**

- Chair Shaun MacArthur noted the Committee met on November 2 and presented a summary of the meeting's report.

- Approval of Minutes

It was moved by Councillor Shaun MacArthur, seconded by Councillor Pam Baglole; the minutes of November 2, 2022, Committee meeting was approved as circulated.

**Motion Carried**

- **Finance Committee Report**

- Chair Stephen Gould noted the Committee met on November 3 and presented a summary of the meeting's report.

- Approval of Minutes

It was moved by Councillor Stephen Gould, seconded by Councillor John Yeo; the minutes of November 3, 2022, Committee meeting was approved as circulated.

**Motion Carried**

- Councillor Stephen Gould left the meeting. 8:30 pm.

- **Planning Board Report**

- Chair Sharon Slauenwhite noted the Committee met on November 1 and presented a summary of the meeting's report.

- Approval of Minutes

It was moved by Deputy Mayor Robert Clow, seconded by Councillor Sharon Slauenwhite; the minutes of November 1, 2022, Committee meeting was approved as circulated.

**Motion Carried**

- **Properties Committee Report**

- Chair Chad Stretch noted the Committee met on November 8 and presented a summary of the meeting's report.

➔ Approval of Minutes

It was moved by Councillor Shaun MacArthur, seconded by Councillor Aaron MacEachern; the minutes of November 1, 2022, Committee meeting was approved as circulated.

**Motion Carried**

● **External Committee Report**

➔ Communities 13 held the AMG on November 2, recognized Bonshaw as part of Communities 13 and are working on their bylaws to include them. They also had the Election of Officers, and Deputy Mayor Robert Clow has been elected as a Member at Large.

➔ Mayor thanked Councillor Stephen Gould for his commitment and contribution as the RMWR's representative at the FPEIM. After the newly elected Council takes office, a new member must be appointed to fill the vacant seat at the Federation of Prince Edward Island Municipalities Board of Directors.

● **Resolutions**

➔ **MOTION#2022-93**

**Moved by Councillor Stephen Gould**

**Seconded by Councillor John Yeo**

**WHEREAS**

The RMWR has 100% of the Gas Tax Fund (currently CCBF) committed to the ongoing projects of Afton Recreation Centre Expansion (27.1.1), Bonshaw Community Cultural Centre Upgrades (32.1.1), Mutter Park Upgrade (57.1.1), and Upgrades to Canoe Cove Park (58.1.1), and

**WHEREAS**

The CCBF funds will be sent to RMWR in installments of \$94,582.00 on December 2023 and \$98,695.00 on December 2024, and

**WHEREAS**

Pursuant to Reserve Funds Bylaw #2021-15 Section (6) Clause (6.3), all withdrawals from the Reserve Fund must be approved by a resolution of the Council, and

**WHEREAS**

The Council received the recommendation of the Finance Committee regarding borrowing from the "Community Priority and Contingency Reserve Fund" to keep the required cash flow for all the ongoing capital projects funded by Gas Tax, and

**WHEREAS**

The Council concurs with the recommendation of the Finance Committee,

**BE IT RESOLVED**

The Rural Municipality of West River authorizes the Chief Administrative Officer to withdraw \$100,000 from the "Community Priority and Contingency Reserve Fund," transfer it to the Municipality's Gas Tax Bank Account and replace it as soon as the CCBF instalments for 2022-23 and 2023-24 have been received.

**CARRIED 9-0**

➔ **MOTION#2022-94**

**Moved by Councillor John Yeo**

**Seconded by Councillor Stephen Gould**

**WHEREAS**

The Council received the recommendation of the Finance Committee regarding the 2022 Municipal Election Expenses, and

**WHEREAS**

The Council concurs with the recommendation of the Finance Committee, and

**WHEREAS**

Pursuant to Reserve Funds Bylaw#2021-15 Section (6) Clause (6.3), all withdrawals from the reserve fund must be approved by a resolution of the Council,

**BE IT RESOLVED**

The Rural Municipality of West River authorizes the Chief Administrative Officer to withdraw money from the "Elections Reserve Fund" to pay any election-related expenses over \$5000.

**CARRIED 9-0**

→ **MOTION#2022-95**

**Moved by Councillor John Yeo**

**Seconded by Councillor Stephen Gould**

**WHEREAS**

The Council received the recommendation of the Finance Committee regarding the received 2021-2022 Municipal Capital Expenditures Grant, and

**WHEREAS**

The Council concurs with the recommendation of the Finance Committee, and

**WHEREAS**

Pursuant to Municipal Government Act Section (152) (5), a Council shall establish procedures to authorize and verify expenditures that are not included in its financial plan,

**BE IT RESOLVED**

The Rural Municipality of West River approves allocating \$33,725.50 received MCEG#2021-22 to a new expenditure item for the ongoing RMWR Capital Projects and replaces it as soon as the CCBF instalments for 2021-22 have been received.

**CARRIED 9-0**

→ **MOTION#2022-96**

**Moved by Councillor Stephen Gould**

**Seconded by Councillor Chad Stretch**

**WHEREAS**

The Rural Municipality of West River submitted funding applications for the Small Project Component of the Enabling Accessibility Fund Program for the Bonshaw Community Center Improvement Project on October 27, 2022, and

**WHEREAS**

The Council received the recommendations of the Finance Committees regarding the Small Project Component of the Enabling Accessibility Fund Program, and

**WHEREAS**

The Council concurs with the recommendations of the Finance Committees,



**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Mayor and Chief Administrative Officer to sign the necessary contracts and documents of the Small Project Component of the Enabling Accessibility Fund Program Agreement on behalf of the Municipality.

**CARRIED 9-0**

**→ MOTION#2022**

**Moved by Choose an item.**

**Seconded by Choose an item.**

**WHEREAS**

**BE IT RESOLVED**

**CARRIED 9-0**

**→ MOTION#2022-97**

**Moved by Councillor Shaun MacArthur**

**Seconded by Councillor Stephen Gould**

**WHEREAS**

The Rural Municipality of West River received the Department of Fisheries and Communities funding approval for the Emergency Jobs Initiative (EJI) Program to help with Hurricane Fiona's cleanup on October 25, 2022, and

**WHEREAS**

The Council received the recommendations of the Finance Committee and the Emergency Measures Committee regarding the Emergency Jobs Initiative Program, and

**WHEREAS**

The Council concurs with the recommendations of the Finance Committee and the Emergency Measures Committee,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Mayor and Chief Administrative Officer to sign the necessary contracts and documents of the Emergency Jobs Initiative (EJI) Program contract on behalf of the Municipality.

**CARRIED 9-0**

→ **MOTION#2022-98**

**Moved by Councillor John Yeo**

**Seconded by Councillor Chad Stretch**

**WHEREAS**

The Council received the recommendations of the Finance Committee and the Properties Committee regarding the Mutter Park access road to Ball Diamond and Soccer Field clean up after Hurricane Fiona, and

**WHEREAS**

The Council concurs with the recommendations of the Finance Committee and the Properties Committee,

**BE IT RESOLVED**

The Rural Municipality of West River accepts the East Coast Timberjack proposal to clear the access road to Ball Diamond and Soccer Field in Mutter Park at the cost of \$4250.00 plus HST.

**CARRIED 8-0**

→ **MOTION#2022-99**

**Moved by Councillor Sharon Slauenwhite**

**Seconded by Deputy Mayor Robert Clow**

**WHEREAS**

The Council received the recommendations of the Planning Board Committee regarding an Addition to Reserve Proposal (ATR Proposal) to the Rocky Point Reserve No.3 from Abegweit First Nation, and

**WHEREAS**

The Council concurs with the recommendations of the Planning Board Committee,

**BE IT RESOLVED**

The Rural Municipality of West River declares no concern regarding the ATR Proposal from Abegweit First Nation of adding lands identified as Lot 56 (PID1105741), Lot 55 (PID1105766), Lot 54 (PID1105758), and Lot 53 (PID1105774) to the Rocky Point Reserve No.3.

**CARRIED 8-0**

→ **MOTION#2022-100**

**Moved by Councillor Chad Stretch**

**Seconded by Councillor Shaun MacArthur**

**WHEREAS**

Pursuant to Motion #2022-76 and Motion #2022-86 approved Capital Budget for the Bonshaw Community Centre Upgrade Project of April 1, 2022-March 31, 2023, has been increased to \$412,933, and

**WHEREAS**

Pursuant to Motion #2021-55, the project admin approved the change order No. 2 and change order No. 3, and,

**WHEREAS**

The Council received the recommendations of the Properties Committee to add these change orders to the signed contract, and

**WHEREAS**

The Council concurs with the recommendations of the Properties Committee,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River accepts adding the attached Change Orders (CO#2) at the cost of \$ 59,000.00, including HST and (CO#3) at the cost of \$ 22,600.00, including HST, to the Bonshaw Community Cultural Center Improvement Project signed contract and authorizes the CAO to execute it.

**CARRIED 8-0**

- **Other Business**

- The appellant of case #LA22016 requested a letter from Council RMWR to be represented at IRAC in response to the record and submission from the Minister's Lawyer. Council does not feel comfortable engaging with IRAC at this point. However, the CAO could send an email informing the appellant that the Province did not consult or inform RMWR regarding this subdivision approval despite RMWR requesting that they be informed about any major developments that may be on the books.

- **Questions from the Audience**

- Nil.

- **Adjournment**

- The meeting adjourned at 9:30 pm.
- The next meeting is to be determined after the new Council takes office.

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HELEN SMITH-MACPHAIL \_\_\_\_\_ LAALA JAHANSHAHLOO \_\_\_\_\_  
MAYOR CHIEF ADMINISTRATIVE OFFICER