



Rural Municipality of West River Council Meeting Minutes

Meeting No	2023-01	Time	7:00 PM
Session	Regular - Public	Date	Thursday, January 25, 2023
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Center
Adoption status	Approved	Contact Person	Laala Jahanshahloo - CAO
Attendance	Mayor Helen Smith-MacPhail, Deputy Mayor Aaron MacEachern, Councillor Ryan Roggeveen, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Shaun MacArthur, Councillor Steve Pollard, Laala Jahanshahloo - CAO, Kelly Taylor - Administrative Assistant.		
Regret	Nil		
Guest	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:00 PM.

- **Adoption & Approval of Agenda**

The following topic was added to the circulated agenda by Councillor John Yeo:

- **EVT.2023.1.1 - Canada Day 2023**

The agenda was approved as circulated, including any added items. It was moved by Councillor John Yeo and, seconded by Councillor Shaun MacArthur, unanimously carried.

- **Declarations of Conflict of Interest**

No conflict of interest was declared.

- **Delegations & Public Input**

A community member congratulated the new Council and made inquiries regarding the welcome sign to RMWR. The CAO was directed to add this item to the Committee of the Whole's meeting on February 2, 2023, agenda for more discussion.

Peter Bevan-Baker, District 17 MLA, congratulated the first elected Council of RMWR.

- **Adoption of Previous Meeting's Minutes**

The minutes of November 10, 2022, Council meeting was approved as circulated. It was moved by Councillor Lillian MacCannell and, seconded by Councillor Shaun MacArthur, unanimously carried.

- **Business Arising from the Minutes**

- **PLB.2023.1.1 - Correspondence Regarding Unauthorized Developments in Fairview**

Decision Type: Action

Status: Motion Carried (6-0)

Background:

The Mayor wrote a letter to the Minister of Agriculture Land on November 22, 2022 (Appendix 1.1, attached hereto, forming a part of this minutes).

Description:

The Minister of Agriculture and Land responded to the Mayor's Letter on December 12, 2022 (Appendix 1.2, attached hereto, forming a part of these minutes). The letter only mentioned one of the two PIDs included in the Fairview Subdivision. The Mayor called four times and tried to reach out to the Minister of Agriculture Land without success.

Decision:

The Council asked the Mayor to make a phone call to Premier King and follow up with a letter addressing this issue. It was moved by Councillor Steve Pollard and seconded by Deputy Mayor Aaron MacEachern.

- **PLB.2023.1.2 - Correspondence Regarding Special Planning Area**

Decision Type: Action

Status: Motion Carried (6-0)

Background:

WRC#31 – Minutes of October 13, 2022, Council meeting.

Description:

The Council reviewed and finalized the response to the Minister of Fisheries and Communities' letter dated October 3, 2022 (Appendix 1.3 attached hereto, forming a part of this minutes) regarding the Special Planning Area (SPA) amendments.

Decision:

The Mayor will send the letter and copy to the Deputy Minister of Fisheries and Communities, Director of Municipal Affairs, Executive Director of PEI Federation of Municipalities, Peter Bevan-Baker, MLA New Haven-Rocky Point, and Mark McLane, MLA Cornwall-Meadowbank. It was moved by Councillor Lillian MacCannell and seconded by Councillor John Yeo.

- **Informational Items**

- **WRC.2023.1.1 - Deputy Mayor Appointment**

Decision Type: Information

Status: Received

Background:

Municipal Government Act - Section (91)

Description:

Mayor Helen Smith-MacPhail appointed Councillor Aaron MacEachern as Deputy Mayor.

- **WRC.2023.1.2 - New Council Training**

Decision Type: Information

Status: Received

Description:

The CAO held orientation workshops for the newly elected Council on January 4, 2023, and January 12, 2023.

- **EMO.2023.1.1 - Food Prepaid Card**

Decision Type: Information

Status: Received

Background:

EMO#7 – Minutes of November 2, 2022, Emergency Measures Committee.

Description:

\$1,000 cash cards have been purchased from the received donation to ERC during Fiona to prepare for future EMO activation.

- **FIN.2023.1.1 - ACOA - Project 219227 Amendment**

Decision Type: Information

Status: Received

Background:

The CAO requested amending the signed agreement for project No 219227 on December 19, 2022.

Description:

On December 22, 2022, ACOA approved the requested amendment and applied it to the original agreement of March 10, 2022.

- **FIN.2023.1.2 – NHR Tax Assessment**

Decision Type: Information

Status: Received

Background:

On January 3, 2023, the CAO requested the Taxation and Property Records Division to review and advise the reason for the change of WR (New Haven-Riverdale) Commercial assessment from \$1,022,800.00 (March 2022) to \$982,300 (January 2023) and the Non-Commercial assessment from \$40,064,500.00 (March 2022) to \$40,729,900 (January 2023).

Description:

The Taxation and Property Records Division explained that the NHR Non-Commercial's increase could be due to new construction progress inspections. The building permit may have been

approved in previous years or through ownership changes. The commercial assessment decrease was due to decreased utility distribution system assessments.

- **FIN.2023.1.3 - Fiona - Emergency Jobs Initiative Funding**

Decision Type: Information

Status: Received

Background:

Motion#2022-97

Description:

According to the signed contract with Employment Development Agency, the CAO submitted the required documents and received the payment on December 8, 2022.

- **FIN.2023.1.4 - EV Charger Funding Program**

Decision Type: Information

Status: Received

Background:

Motion#2022-61, Motion#2022-62, Motion#2022-63, and Motion#2022-64

Description:

According to the signed contract with Efficiency PEI, the CAO submitted the required documents after completing both projects on January 13, 2023.

- **FIN.2023.1.5 – Funding Request - Adding Shower to Bonshaw Community Center**

Decision Type: Information

Status: Received

Background:

Minister Fox visited the Bonshaw Community Center improvement project on October 13, 2022, and promised to provide funding for adding a shower as this center will be the second ERC of the Municipality after completion.

The CAO sent the quote and the drawing on November 28, 2022. A follow-up email was sent on December 16, 2022, as the received quote was valid until December 24, 2022. It was emphasized that ongoing construction does not include this addition.

Description:

CAO contacted the Rural Development Office directly on January 10, 2023, and requested them to review the possibility of providing funding for this add-on.

▪ **FIN.2023.1.6 - PEI DFAP - Fiona Claim#1**

Decision Type: Information

Status: Received

Background:

Motion#2022-85

Description:

Following the letter of intent on October 13, 2022, the CAO submitted the first claim to receive funding from the PEI Disaster Financial Assistance Program to the Department of Justice and Public Safety on January 20, 2023.

▪ **HR.2023.1.1 - New Staff**

Decision Type: Information

Status: Received

Description:

The CAO has hired an Administrative Assistant and a General Manager from January 1, 2023.

▪ **PLB.2023.1.3 - Atlantic Infrastructure Management Network - Climate Cohort**

Decision Type: Information

Status: Received

Description:

On November 16, 2022, the Municipality signed a letter of support and commitment and sent it to the Atlantic Infrastructure Management Network (AIM Network) for receiving asset management technical assistance.

- **PTY.2023.1.1 - Afton Community Center Project - Progress Report**

Decision Type: Information

Status: Received

Background:

Motion#2022-41 and Motion#56

Description:

The Council reviewed the current status of the Afton Community Center project.

- **OTR.2023.1.1 –FPEIM Semi-Annual Meeting**

Decision Type: Information

Status: Received

Description:

The Municipality's representatives will attend the FPEIM Semi-Annual Meeting on February 11, 2023, hosted by the Rural Municipality of St. Peter's Bay.

- **OTR.2023.1.2 – Invitation from Coalition for the Protection of PEI Land**

Decision Type: Information

Status: Received

Description:

The Mayor was invited to speak about "Fairview Development" at the second forum of "whose land is it anyway?" hosted by Coalition for the Protection of PEI Land on January 28, 2023. The Mayor informed the Councillors on January 16, 2023, and received their support before accepting the invitation.

- **OTR.2023.1.2 – Order of Prince Edward Island**

Decision Type: Information

Status: Received

Description:

The Order of Prince Edward Island is now accepting nominations for 2023.

- **EVT.2023.1.1 - Canada Day 2023**

Decision Type: Information

Status: Received

Description:

The CAO has requested funding for the 2023 Canada Day Celebration from the Canadian Heritage Funding Program on October 11, 2022.

- **Discussion Items**

- **WRC.2023.1.3 - Municipality's Bank Accounts Authorized Signers**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-01

Moved by Councillor Lillian MacCannell and **Seconded by** Councillor Shaun MacArthur

WHEREAS

Pursuant to MOTION #2020- 01, the Mayor and Chief Administrative Officer were authorized to sign the required banking documents of the Municipality's bank accounts at the Charlottetown Branch of Provincial Credit Union, located at 281 University, and

WHEREAS

In accordance with Municipal Government Act Section (91) (1), the Deputy Mayor, in the absence or incapacity of the Mayor, exercises all the powers and carries out the Mayor's duties, and

WHEREAS

On December 7, 2022, the first elected Council took office, and the former Deputy Mayor, one of the authorized signers of the banking documents, was not among the returning council members,

BE IT RESOLVED

The Council of Rural Municipality of West River authorizes Mayor Helen Smith-MacPhail, Deputy Mayor Aaron MacEachern, and Chief Administrative Officer Laala Jahanshahloo to sign the required banking documents for all the Municipality's bank accounts at the Charlottetown Branch of Provincial Credit Union.

▪ **WRC.2023.1.4 - Governance Structure**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-02

Moved by Deputy Mayor Aaron MacEachern and **Seconded by** Councillor Ryan Roggeveen

WHEREAS

In accordance with Municipal Government Act Section (2) (e) (iii), it is the duty of the Council to establish committees of the Council, and

WHEREAS

Pursuant to Procedural Bylaw (2021-01) Section (23.1), the Council, by resolution, may establish committees that will consider, discuss and debate matters of Council interest before such issues are forwarded to the Council for decision, and

WHEREAS

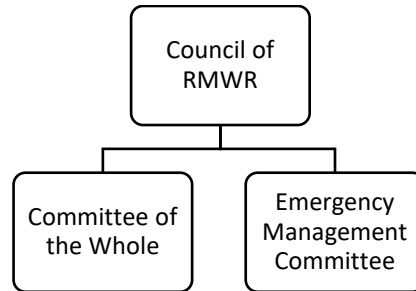
The interim Council (September 2020 to December 2022) followed the Standing Committees/Council model and held 32 Council meetings, 22 Properties Committee meetings, 21 Finance Committee meetings, 21 Planning Board Committee meetings, 7 Emergency Measures Committee meetings and 5 Canada Day Celebration Committee meetings, and

WHEREAS

The newly elected Council reviewed the Council/Committee of the Whole governance structure and the lessons learned from more than 100 meetings of the Interim Council in the orientation and workshop sessions held in January 2023,

BE IT RESOLVED

The Council of Rural Municipality of West River adopts the Council/Committee of the Whole/ Emergency Management Committee as its governance structure.



▪ **WRC.2023.1.5 - Committees of the Whole Appointment**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-03

Moved by Councillor John Yeo and **Seconded by** Councillor Shaun MacArthur

WHEREAS

Under the Municipal Government Act Section (2) (e) (iii), it is the duty of the Council to appoint persons to committees of the Council, and

WHEREAS

According to Motion#2023-02, the Council adopted to establish the Committee of the Whole, and

WHEREAS

Following the Municipal Government Act Section (90) (1), the Mayor is a member of each Committee established under Motion#2023-02 with the right to vote per Municipal Government Act Section (90) (2),

BE IT RESOLVED

The Council of Rural Municipality of West River approves the Committee of the Whole appointments as follows:

- Mayor Helen Smith-MacPhail (Chair)
 - Deputy Mayor Aaron MacEachern (Member)
 - Councillor Ryan Roggeveen (Member)
 - Councillor John Yeo (Member)
 - Councillor Lillian MacCannell (Member)
 - Councillor Shaun MacArthur (Member)
 - Councillor Steve Pollard (Member)
- **WRC.2023.1.6 - Emergency Management Committee Appointment**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-04

Moved by Councillor John Yeo and **Seconded by** Councillor Lillian MacCannell

WHEREAS

Under Municipal Government Act Section (2) (e) (iii), it is the duty of the Council to appoint persons to committees of the Council, and

WHEREAS

According to MOTION#2023-02, the Council adopted to establish the Emergency Management Committee, and

WHEREAS

The standing Committee's structure must comply with the Municipal Emergency Management Program Bylaw (2021-06) Section (10.1), and

WHEREAS

Pursuant to Motion# 2021-47 and Motion# 2021-48, the Council appointed an Emergency Coordinator and a Deputy Emergency Coordinator, and

WHEREAS

Following Municipal Government Act Section (90) (1), the Mayor is a member of each Committee established under Motion#2023-02 with the right to vote per Municipal Government Act Section (90) (2), and

WHEREAS

Pursuant to Motion#2021-122, the Rural Municipality of West River's Emergency Plan was adopted by the Council after receiving approval from PEI EMO, the Department of Justice and Public Safety, and

WHEREAS

In case of a local or provincial emergency declaration, the Municipality's Emergency Operations Centre team should be assembled under the Municipality's Emergency Plan,

BE IT RESOLVED

The Council of Rural Municipality of West River approves the following appointments.

- Emergency Management Committee:
 - Councillor Shaun MacArthur (Chair)
 - Mayor Helen Smith-MacPhail (Member)
 - Councillor Lillian MacCannell (Member)
- Emergency Operations Centre Team:
 - Mark MacFadyen (Municipal Emergency Coordinator)
 - Councillor Shaun MacArthur (Municipal Deputy Emergency Coordinator)

- Mayor Helen Smith-MacPhail (Public Information and Communications)
- Councillor Lillian MacCannell (Human Resource)
- Chief Administrative Officer Laala Jahanshahloo (Finance and Administration)
- Administrative Assistant Kelly Taylor (Social Services)
- General Manager Eric MacArthur (Transportation)

▪ **WRC.2023.1.7 - Committees of the Whole Appointment**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-05

Moved by Councillor Steve Pollard and **Seconded by** Deputy Mayor Aaron MacEachern

WHEREAS

Under Municipal Government Act Section (110) (3), the Council shall establish and publish, by electronic means and one other means of public notification, an annual schedule of meetings for the conduct of its business, of which at least six meetings each year shall be open to the public, and

WHEREAS

The date, place or time of a scheduled Council meeting could be changed by complying with Section (7.4) of the Procedural Bylaw (2021-01),

BE IT RESOLVED

The Council for the Rural Municipality of West River adopts a monthly meeting schedule for its regular public meeting on the fourth Thursday of each month except for July, August, and December.

▪ **FIN.2023.1.7 - 2023-24 Financial Plan - Public Meeting**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-06

Moved by Councillor Shaun MacArthur and **Seconded by** Councillor Lillian MacCannell

WHEREAS

The Council had an in-depth discussion and finalized the proposed draft of the 2022-23 Financial Plan, and

WHEREAS

Under Section 151 (1) of the Municipal Government Act, not less than two weeks before adopting its financial plan, the Council shall give public notice and hold a public meeting with respect to the financial plan,

BE IT RESOLVED

The Council for Rural Municipality of West River will hold a public meeting on January 31, 2023 (Afton Community Center 5:30 PM) to present the Financial Plan.

▪ **FIN.2023.1.8 - 2020-21 AER Adjustment**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-07

Moved by Councillor John Yeo and **Seconded by** Councillor Shaun MacArthur

WHEREAS

On November 8, 2022, the PEI Infrastructure Secretariat contacted the CAO regarding an issue with the former Community of West River's 2020-21 AER found by their auditor. PEI Infrastructure Secretariat's system showed 2019/20-second installment was paid on April 30, 2020, but PEI Infrastructure Secretariat missed to include the \$11,488 in the original 2020/2021 AER of March 2021, and

WHEREAS

The PEI Infrastructure Secretariat sent a revised version of the former Community of West River's 2020-21 AER, showing the \$11,488 added to the amount of received funds from the

province and requested the CAO to review and sign/seal the revised AER in order to correct this discrepancy from PEI Infrastructure Secretariat's end, and

WHEREAS

On December 14, 2022, PEI Infrastructure Secretariat informed the CAO that no further CCBF payments of \$ 240,567.50 will be made to West River until the CCBF AER Reconciliation form, which includes the revised 2020/2021 AER, is signed off on, and

WHEREAS

The former Community of West River's 153-Day Financial Statement (Ending August 31, 2020) done before amalgamation by Fitzpatrick & Co does not support the revised draft of 2020-21 AER (page 6 - Deferred Contribution), as the received Gas Tax amount by August 31, 2020, is \$34,464, the same as March 31, 2019, and

WHEREAS

According to Motion #2020-14, the former Community of West River's bank accounts, including the Gas Tax Account, have been closed, and

WHEREAS

During the amalgamation and some of the former communities' documents, including the former Community of West River's Gas Tax bank statements of April 2020, were misplaced,

BE IT RESOLVED

The Council for Rural Municipality of West River necessitates authorizing the CAO to sign the revised version of the former Community West River's 2020-21 AER and acknowledging the receiving of \$11,488 as the 2019/20-second installment.

- **PLB.2023.1.4 - Development Officer – Liability Insurance**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-08

Moved by Councillor Shaun MacArthur and **Seconded by** Councillor Steve Pollard

WHEREAS

According to EC2020-485 Section (13) (h), the Official Plan and Bylaws adopted within the boundaries of the Rural Municipality of New Haven-Riverdale shall remain in effect only within the boundaries to which they apply until such time as the new Official Plan and Bylaws are approved by the Minister of Agriculture and Land, and

WHEREAS

Under Motion #2020-10, Robert Griffith was appointed as the Development Officer for the Rural Municipality of West River, and

WHEREAS

Following Motion #2022-82, the Council approved the proposed 2022 Official Plan, and the 2010 Municipality of New Haven-Riverdale Official Plan will be repealed upon the approval of the 2022 Official Plan for the Rural Municipality of West River by the Minister of Agriculture and Land, and

WHEREAS

By Motion #2022-88, the Council approved the 2022 Land Use Bylaw, Bylaw # 2022-04, and

WHEREAS

The final package of the 2022 Official Plan and Land Use Bylaw was submitted to Municipal Affairs on October 17, 2022, to receive the Minister's approval, and

WHEREAS

The CAO received the Development Officer, Robert Griffiths, retirement letter on July 11, 2022. Citing, he is winding down his consulting service, with West River being his sole client as of June 30, 2022. Also, he will not maintain his professional membership and errors and omissions insurance after December 31, 2022, and

WHEREAS

The Development Officer, Robert Griffiths, agreed to continue as Municipality Development Officer as per Motion #2020-10 until the 2022 Official Plan and Land Use Bylaw receive the Minister of Agriculture and Land's approval,

BE IT RESOLVED

The Council for Rural Municipality of West River approves covering Robert Griffiths, Development Officer, under Municipality's liability insurance.

▪ **PTY.2023.1.2 - Inman Park Fiona Recovery - Fence Replacement**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-09

Moved by Councillor John Yeo and **Seconded by** Deputy Mayor Aaron MacEachern

WHEREAS

On October 13, 2022, the Letter of Intent for PEI Disaster Financial Assistance for uninsured damages as a result of the Post-Tropical Cyclone Fiona event to Municipality's owned properties included a \$30,000 estimate for Inman Park repair, and

WHEREAS

The CAO followed Purchase Policy#2022-03 Section (8) and only received one quote, and

WHEREAS

The Council assessed the scope of work of the received proposal also reviewed it budget-wise,

BE IT RESOLVED

The Council for Rural Municipality of West River accepts the proposal from Eastern Fence Products (Appendix A, attached hereto, forming a part of this resolution) to replace the fence at Inman Park at the cost of \$13,300.00 plus HST as a part of the Fiona Recovery initiative.

▪ **PTY.2023.1.3 - Mutter Park Fiona Recovery - Tendering Clean-up and Reforestation**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-010

Moved by Councillor Steve Pollard and **Seconded by** Councillor John Yeo

WHEREAS

On October 13, 2022, the Letter of Intent for PEI Disaster Financial Assistance for uninsured damages as a result of the Post-Tropical Cyclone Fiona event to Municipality's owned properties included a \$1,500,000 estimate for Mutter Park repair, and

WHEREAS

Contemplating the scale of the damage and required recovery intervention and according to Section (7.1) of the Procurement Policy#2022-04, a bidding process must be followed for the acquisition of Goods and Services with a value of more than \$30,001.00, and

WHEREAS

According to Procurement Policy#2022-04 Section (7.2), all the tenders, RFQs, or RFPs must be approved by the Council after receiving the responsible Committee's recommendation,

BE IT RESOLVED

The Council for Rural Municipality of West River authorizes the CAO to start preparing the tender documents process for the clean-up and reforestation of Mutter Park as a part of the Fiona Recovery initiative.

- **PTY.2023.1.4 - Bonshaw Community Center Improvement Project- Change Orders No. 5**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-11

Moved by Councillor Shaun MacArthur and **Seconded by** Councillor Lillian MacCannell

WHEREAS

Pursuant to MOTION #2022-95, \$33,725.50 was allocated to fund ongoing RMWR Capital Projects in 2022-2023, and

WHEREAS

According to Motion #2021-55, the project admin approved the change order No. 5, and

WHEREAS

The Council evaluated the scope of work of the change order No. 5 and its eligibility to allocate funding provided,

BE IT RESOLVED

The Council for the Rural Municipality of West River accepts adding the Change Order No.5 (Appendix A, attached hereto, forming a part of this resolution) at the cost of \$26,550.00 plus HST to the Bonshaw Community Cultural Center Improvement Project signed contract and authorizes the CAO to execute it.

- **OTR.2023.1.4 - Appointing Representative - Afton Community Center and Bonshaw Community Center Board of Directors**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-012

Moved by Councillor John Yeo and **Seconded by** Councillor Ryan Roggeveen

WHEREAS

The Afton Community Center and Bonshaw Community Center buildings are Municipality owned properties, and

WHEREAS

According to EC2020-485 Section (13) (k), the operation of the Afton Community Centre will continue in accordance with the requirements set in the incorporating documents for the Afton Community Centre Board of Directors until such time as the Council for the restructured Municipality decides otherwise, and

WHEREAS

According to EC2020-485 Section (13) (l), the operation of the Bonshaw Community Center will continue in accordance with the requirements set in the incorporating documents for the Bonshaw Community Centre Board of Directors until such time as the Council for the restructured Municipality decides otherwise, and

WHEREAS

The Council wants to keep the operation of Afton Community Center and Bonshaw Community Center for the time being in accordance with the requirements set in the incorporating documents for their Board of Directors, and

WHEREAS

The Council allocated an annual grant for Afton Community Center and Bonshaw Community Center for their operational cost,

BE IT RESOLVED

The Council for the Rural Municipality of West River approves the following appointments:

- Deputy Mayor Aaron MacEachern as the Council representative on the Afton Community Center Board of Directors.
- Councillor Shaun MacArthur as the Council representative on the Bonshaw Community Center Board of Directors.

▪ **OTR.2023.1.5 - Appointing Representative to the FPEIM Board of Directors**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2023-013

Moved by Councillor Lillian MacCannell and **Seconded by** Councillor John Yeo

WHEREAS

According to the FPEIM Constitution, when a caucus seat for an elected representative, except the President, becomes vacant with six months or less remaining in the term of office, the Board shall invite the Municipality that held that seat to designate a member of their Council to fill the vacancy, and

WHEREAS

As a result of the November 7, 2022, Municipal election, a seat previously held by Councillor Stephen Gould would be vacant, and

WHEREAS

On November 12, 2022, the Federation of Prince Edward Island Municipalities requested that the Council appoint a member to the Board of Directors to fill the vacant seat of the elected representative,

BE IT RESOLVED

The Council for the Rural Municipality of West appoints Mayor Helen Smith-MacPhail to fill the vacant seat on the FPEIM Board of Directors until April 24, 2023.

- **OTR.2023.1.6 - Riverdale Sign and Lane Drainage problem**

Decision Type: Action

Status: Referred

Description: On January 20, 2023, the CAO received an email from a resident regarding drainage problems on the side of the road and replacing the Riverdale sign.

Decision:

The Council reviewed this issue and directed the CAO to inform the resident to reach out to the Department of Transportation and Infrastructure, as the Rural Municipality of West River does not have any authority over the road and community signs.

- **OTR.2023.1.7 - Bonshaw Community Center - Merry Pop-Ins Rental Request**

Decision Type: Action

Status: Deferred

Description: On January 20, 2023, the Mayor and CAO and Mayor received an email from Merry Pop-Ins Daycare as they are interested in becoming a long-term tenant after the Bonshaw Community Center Project has been completed.

Decision:

The Council reviewed the MPI's request and directed the CAO to inform them as the Bonshaw project is not complete yet, and there is no definite completion date set for this project, that the RMWR cannot commit but will continue to entertain the request as the project progresses.

- **OTR.2023.1.8 - Collaborating to Improve Municipal Administrative Capacity**

Decision Type: Action

Status: Accepted

Description: Municipal Affairs requested a date to make a presentation regarding collaborating to improve municipal administrative capacity.

Decision:

The CAO will inform Municipal Affairs that it can be scheduled to be part of the Committee of Whole on March 9, 2023.

- **HR.2023.1.2 - CAO - Annual Performance and Contract Review**

The CAO left the meeting at 9:30 PM. Councillor John Yeo made a motion seconded by Councillor Lillian MacCannell to close a part of the Council meeting according to the Municipal Government Act Section (119) Clause (d). The motion carried unanimously. CAO rejoined the meeting at 9:50 PM at the Mayor's request.

- **Adjournment**

- Councillor Shaun MacArthur motioned to adjourn the meeting at 10:00 PM.
- The next meeting will be on February 15, 2023.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor _____

Chief Administrative Officer _____

Appendix 1.1



November 22, 2022

TO:
Hon. Minister Darlene Compton,
Hon. Minister Steven Myers, and
Hon. Minister Cory Deagle,

Dear Madam and Sirs,

The Rural Municipality of West River seeks assistance from each of you, to enlighten the West River Council on what appears to be development and subdivision activities happening in our municipality that have not been formally approved to proceed. Each of your departments has a role to play in ensuring regulatory compliance and approvals are in place. The Rural Municipality of West River is opposed to such activities being allowed to continue without proper approvals and processes being followed. To do otherwise will set a dangerous precedent that may affect other Island communities in the future.

In response to concerns the municipality has received from residents, enquires have been made to the Manager of Provincial Planning and a Land Use and Planning Act Specialist with the Department of Agriculture and Land about construction activities occurring on PIDs 201509 and 201517 in Fairview, Queens County. Attached to this correspondence are Google Maps aerial photos of the subject properties shown as of May 2022 and September 2022.

The Rural Municipality of West River has concerns that involve multiple provincial departments. All of these issues can be seen on the aerial photos.

- Department of Agriculture and Land –
 - significant development activity has been occurring recently on both properties including road construction, and stock piling of materials.
 - 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.
 - Based on the photos, it appears extensive development is in progress which would include consolidation of the two properties (subdivision), a change of use, and intensification of the farm access.

The Rural Municipality has significant concerns that in response to our enquiries, the Municipality was advised by Planning Division staff as recently as November 10th, 2022, that the Dept. of Agriculture and Land was aware of the construction activities on PIDs 201509 and 201517, **but that no approvals, preliminary or otherwise, have been provided for this 'proposed development'** ('proposed' seems an inappropriate term given that development is already well underway) and as of that date, the Dept. of

1552-B Rte. 19, New Dominion, PE C0A 1H6 · 902-675-7000

westriverpe.ca

Appendix 1.1 (Continued)



Agriculture and Land was reviewing the matter. No mention was made of whether or not a Dept. of Environment permit was in place for the work within the buffer zone, or a Department of Transportation and Infrastructure permission was given for the apparent change of use for the farm access that is being relocated and widened on Route 19.

We believe allowing this development without following proper procedures and process is a disservice to:

- a) the developer/land owner - who should have clear parameters for their project
- b) the public/residents- who should have confidence and evidence that the Province is enforcing and adhering to planning regulations and procedures
- c) to 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.

It bears repeating, this sets a very dangerous precedent – the Rural Municipality of West River will soon have authority to regulate land use in our municipality.

- 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?

We respectfully request that your Departments act now to stop any further activity at this location pending further investigation and proper processes being followed.

All concerned will benefit from a transparent, fair, and complete process.

Respectfully,

A handwritten signature in black ink that reads "Helen Smith-MacPhail".

Helen Smith-MacPhail
Mayor of the Rural Municipality of West River

cc: Hon. Dennis King, Premier
Brian Matheson, Deputy Minister – Agriculture and Land
Brad Colwill, Deputy Minister – Environment, Energy and Climate Action
Bob Creed, Deputy Minister – Transportation and Infrastructure
Glenda MacKinnon-Peters, Director of Land
Peter Bevan-Baker, MLA New Haven-Rocky Point
Mark McLane, MLA Cornwall-Meadowbank

1552-B Rte. 19, New Dominion, PE C0A 1H6 · 902-675-7000

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Appendix 1.1 (Continued)



May 2022



September 2022



November 2022

1552-B Rte. 19, New Dominion, PE C0A 1H6 · 902-675-7000

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Appendix 1.2



**Agriculture and
Land**

Office of the Minister

PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

**Agriculture et
Terre**



Bureau du ministre

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

December 12, 2022

Helen Smith-MacPhail, Mayor
Rural Municipality of West River
1552-B Route 19
New Dominion, PE C0A 1H6

Dear Ms. Smith-MacPhail:

Thank you for your letter dated November 22, 2022 outlining your concerns regarding activities currently underway at PID#201509 located within the Rural Municipality of West River.

I can confirm that an application was received for a proposed subdivision of the property. The application is currently undergoing a formal evaluation process to address transportation, environmental and planning criteria, which will determine whether the proposal can proceed.

I understand and appreciate your interest in this as we work to finalize the official plan for the Rural Municipality of West River, which is a very important tool that will guide development in the area for years to come.

I would like to thank you for raising your concerns and I look forward to continuing to work together.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Compton", with a long horizontal flourish extending to the right.

Hon. Darlene Compton
Minister of Agriculture and Land

Tel /Tél.: 902 368 4820 princeedwardisland.ca Fax /Télec. : 902 368 4846

Appendix 1.3



Office of the Minister
548 Main Street
PO Box 1180, Montague
Prince Edward Island
Canada C0A 1R0

Fisheries and
Communities

Pêches et
Communautés



Bureau du ministre
548, rue Main
C.P. 1180, Montague
Île-du-Prince-Édouard
Canada C0A 1R0

October 3, 2022

Helen Smith-MacPhail, Mayor
Rural Municipality of West River
1552-B Rte. 19
New Dominion, PE C0A 1H6

Dear Mayor Smith-MacPhail,

Thank you for your letter of September 8, 2022.

We have raised your concerns with the Department of Agriculture and Land with respect to a lack of consultation regarding recent changes to the Planning Act Subdivision and Development Regulations.

We agree that transparency and communication are vitally important to provide effective land use planning, both within and outside of municipal planning authority.

Government is currently embarking on initiatives to foster increased interdepartmental collaboration on important issues such as these. We are hopeful that increased transparency and communication will result and assist in alleviating concerns like these in the future.

Best regards,

A handwritten signature in blue ink, appearing to read "Jamie Fox".

Jamie Fox
Minister

CC Darlene Compton, Minister - Agriculture and Land
Brian Matheson, Deputy Minister - Agriculture and Land
Glenda MacKinnon-Peters, Director – Agriculture and Land
Christine MacKinnon, Director – Municipal Affairs
John Dewey, Executive Director – Federation of PEI Municipalities
Peter Bevan-Baker, MLA – New Haven-Rocky Point
Mark McLane, MLA – Cornwall-Meadowbank

Tel/Tél. : 902 838 0983 princeedwardisland.ca Fax/Télé. : 902 838 0972

Appendix A – Motion 2023-09

EASTERN FENCE PRODUCTS

21 W.B. MacPhail Dr., Cornwall, PE, C0A 1H5



Quote # 22-601

January 9, 2023

Rural Municipality of
West River
152 B Route 19
New Dominion, PE
C0A 1H6
Atten: Laala
Email: admin@westriverpe.ca

We are pleased to submit our quotation for the supply and installation of commercial fencing. Should you have any questions regarding the size or gauge of materials we have proposed, do not hesitate to contact us.

- Supply and install
 - Remove and dispose of existing posts
 - Supply and install new 2 3/8" Galvanized posts and dome caps
 - Posts to be driven
 - Based on re-using existing chain – chain to be attached to posts with fence bands – not drilled like currently in place in existing posts
 - Based on 350m or 1150'
 - Posts to be driven approx. 10 apart
 - **\$ 38.00 per meter**
- **All taxes are extra at 15%.** Price is valid for 30 days only.
- All underground services to be located by the owner/ general contractor prior to our arrival on site (Maritime Electric, Bell Aliant/Eastlink, and Water & Sewer). Eastern Fence Products will not be held responsible for damages to unlocated utilities. Prices reflect the installation of materials in normal soil and on a cleared line. Extra charges will apply for rock conditions.
- Snow removal by others, not included.

Eastern Fence carries complete Workers Compensation coverage and Liability Insurance to protect our employees as well as you our customer. The establishment of property lines and procurement of building permits is the sole responsibility of the customer.



902.368.2927

TOLL FREE: 1.800.725.6456

FAX: 902.629.1700



pei.sales@easternfence.ca



Appendix A – Motion 2023-11

Standard Construction Document CCDC 2 2020

CHANGE ORDER

Work: “Bonshaw Community Center Improvements”, 25 Green Road, Bonshaw,
PEI PID 402917, for the Rural Municipality of West River.
title and location

Change Order No.: 5

Date: January 11, 2023

Reference: Contract CCDC 2 2020

Consultant: W. D. Lawrence Architecture Inc.

Owner: Rural Municipality of West River

Contractor: Ridgeline Construction Ltd

Pursuant to paragraph 6.2.2 of GC 6.2 – CHANGE ORDER in CCDC 2 – 2020, the following is an amendment to the *Contract* stating the agreement between the *Owner* and the *Contractor* upon a change in the *Work* and the adjustments in the *Contract Price* and *Contract Time*.

Description:

Amount of original Contract	\$	272,941.00
CO #1: Doors/hardware	\$	57,394.00
CO #2: Drywall	\$	59,000.00
CO #3: Rebuild main entry	\$	22,600.00
CO #4: Build ramp (pending, not yet approved)	(\$	<u>97,800.00)</u>
Previously Revised Contract amount	\$	411,935.00
CO #5:		
1. Add shower area	\$	<u>26,550.00</u>
Total	\$	438,485.00
Revised Contract amount	\$	<u>438,485.00</u>

