



Rural Municipality of West River Committee of the Whole Meeting Minutes

Meeting No	2023-01	Time	7:00 PM
Session	Regular - Public	Date	Thursday, February 2, 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 7:05 PM.

- **Adoption & Approval of Agenda**

The following topic was added to the circulated agenda by Councillor Shaun MacArthur:

- **EMO.2023.1.1 - ERC and Upcoming Weather Forecast**

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

- **Declarations of Conflict of Interest**

Councillor Lillian MacCannell recused herself from item FIN.23.1.6, citing a conflict of interest as the Director of the Canoe Cove Community Association.

- **Informational Items**

- **OTR.23.1.1 - Mayor's Presentation - Coalition for the Protection of PEI Land**

Decision Type: Information

Status: Received

Background:

OTR.2023.1.2

Description:

Mayor made a presentation regarding the Fairview land development issue on January 28, 2023 (Appendix 1.1, attached hereto, forming a part of this minutes).

▪ **PLB.23.1.1 - Environmental Protection Order**

Decision Type: Information

Status: Received

Description:

On January 16, 2023, RMWR received a letter from Municipal Affairs providing information regarding the new Environmental Protection Order and clarifying the moratorium on new developments in buffer zones, including a copy of an environmental protection order issued by the Hon. Steven Myers, Minister of Environment, Energy and Climate Action, provides additional guidance to the moratorium announced by the Minister on December 1, 2022 (Appendix 1.2, attached hereto, forming a part of this minutes).

▪ **WRC.23.1.2 - Collaborating to Improve Municipal Administrative Capacity**

Decision Type: Information

Status: Received

Description:

The Municipal Affairs will send representatives to attend the next Committee of the Whole meeting on March 9, 2023, to discuss "Collaborating to Improve Municipal Administrative Capacity" between PEI's municipalities.

▪ **PLB.23.1.1 - OP&LUB - Update**

Decision Type: Information

Status: Received

Description:

Mayor Helen Smith-MacPhail, requested the former Councillor and Chair of PLB, Sharon Slauenwhite, to bring the new Council update regarding the status of RMWR's OP&LUB. Sharon Slauenwhite gave a short history of this project as it waits for the Minister of Agriculture and Land's approval.

- **EMO.23.1.1 - ERC and Upcoming Weather Forecast**

Decision Type: Information

Status: Received

Description:

Councillor Shaun MacArthur statements that the Afton Community Center will be ready to operate as Warming Center if required.

- **Recommendation Items**

- **WRC.23.1.1 - Council and Committee Meetings - Time Limit and Time Extension**

Decision Type: Action

Status: Recommended

Background:

Procedural Bylaw # 2021-01, Section (6.5).

Description:

The Committee recommended that the Council adopt a 90-minute time limit for any regular Council and Committee meeting with a maximum 30-minute extension subject to a unanimous vote in favor of the motion to extend the session.

- **FIN.23.1.1 - 2023 Non- Commercial & Commercial Tax Rate**

Decision Type: Action

Status: Recommended

Background:

Municipal Government Act Section (160) (1). Previous years' tax rates are as follows:

Tax Rate (per \$100 of assessment)	2020	2021	2022
Fire Due Non- Commercial	\$0.07	\$0.0775	\$0.0775
Non- Commercial (Afton, Bonshaw, Meadowbank, and West River)	\$0.16	\$0.16	\$0.16
Non- Commercial (New-Haven Riverdale)	\$0.19	\$0.19	\$0.19
Fire Due Commercial	\$0.07	\$0.16	\$0.16
Commercial (Afton, Bonshaw, Meadowbank, and West River)	\$0.16	\$0.16	\$0.2425
Commercial (New-Haven Riverdale)	\$0.19	\$0.19	\$0.2725

Description: The Committee recommended that the Council approves keeping 2023 property tax rates the same as 2022 for both Commercial and Non-Commercial properties in the former communities in its boundaries.

▪ **FIN.23.1.2 - 2023-24 Financial Plan**

Decision Type: Action

Status: Recommended

Background: Municipal Government Act Section (150) (1). No negative feedback was received from the public meeting held on January 31, 2023.

Description: The Committee recommended that the Council adopts the proposed Financial Plan for 2023-2024.

▪ **FIN.23.1.3 - MCEG 2021-22 – CCBF**

Decision Type: Action

Status: Recommended

Background:

Motion#2022-95, Motion#202-07, Schedule C of the Gas Tax Agreement (Eligible and Ineligible Expenditures), misplaced documents during the amalgamation prevents confirmation of compliance with Section (2)(d) of Gas Tax Agreement (Eligible and Ineligible Expenditures). On February 2, 2022, the PEI Infrastructure Secretariat informed the CAO that the CCBF AER Reconciliation Form shows \$13.00 overcommitted funds. No further CCBF payments will be made until this \$13.00 has been de-committed from a project.

Description:

The Committee recommended that the Council approve de-committing \$13.00 from Gas Tax Project#57.1.1 (Mutter Park Upgrade) and transferring the \$33,725.50 received from MCEG#2021-22 (allocated for the ongoing Capital Project) to the Gas Tax bank.

- **FIN.23.1.4 - Black Fly Program 2023 - Proposal**

Decision Type: Action

Status: Recommended

Background:

The former community of New Heaven-Riverdale started the Black Fly Program in 1996, and the property owners are paying \$0.03 more for their property tax to cover it.

Description:

The Committee recommended that the Council accept the proposed offer from Atlantic Bug Busters Company for the Black Fly Program at \$15,250.00, HST included.

- **OTR.23.1.2 - Welcome Sign**

Decision Type: Action

Status: Referred

Background:

MOTION #2021 -128

Description:

The item was referred to CAO to get a quote for ten signs, estimate the project's cost and start looking for funding opportunities. It should be brought back for more discussion as soon as funding becomes available.

- **HR.23.1.1 - Abuse, Neglect and Harassment Policy**

Decision Type: Action

Status: Recommended

Background: Municipal Government Section (68) (2) (a), Occupational Health And Safety Act Chapter (O-1.01), Workplace Harassment Regulations, which came into force on July 1, 2020.

Description: The Committee reviewed the proposed Abuse, Neglect and Harassment and recommended that the Council approves it as Abuse, Neglect and Harassment Policy 2023-01.

- **OTR.23.1.3 - Snow Clearing - Rte. 19 Rocky Point to DeSable**

Decision Type: Action

Status: Recommended

Background:

The Rural Municipality of West River has recently received several complaints from residents regarding the performance of Island Coastal Services Ltd's snow clearing and sanding operations for the Route 19 loop from Afton Community Center to Rocky Point back to the Nine Mile Creek intersection.

Description:

Deputy Mayor will draft a letter, and Mayor will send it to the Island Coastal Services Ltd to express the concern and copy the Acting Assistant Director of Highway Maintenance, MLA New Haven-Rocky Point, and MLA Cornwall-Meadowbank

- **OTR.23.1.4 - Recognition of Volunteers in RMWR**

Decision Type: Action

Status: Referred

Description:

The item was referred to the Administrative Assistant to plan a public event in the summer. There will be a public announcement to reach out to the community to ensure all the residents have the opportunity to be informed. Volunteers from the Fiona Warming Centre will be invited; community organizations will also be contacted so they can invite their own volunteers.

- **FIN.23.1.5 - Grant Request**

Decision Type: Action

Status: Noted / Filed

Description: The grant request from Canoe Cove Community Association was noted and filed as the Committee members (except Councillor Lillian MacCannell recused herself) decided to make recommendations at the next meeting (March 9, 2023) to take time to consider the item more thoroughly.

- **HR.23.1.1 - Planning Board Committee**

Decision Type: Action

Status: Recommended

Background:

Planning Act Section (9), Municipal Government Act Section (90), and Motion#2020-21.

Description:

The Council for the Rural Municipality of West River extends the term of the Planning Board appointed under Motion#2020-21 until the accomplishment of any outstanding or required tasks related to the completion of the Municipality's Official Plan and Land-Use Bylaw project subject to shuffling the structure of the Committee as follow:

- Mayor Helen Smith-MacPhail (Chair)
- Councillor John Yeo (Member)
- Sharon Slauenwhite (Member)
- Bob Clow (Member)

- **HR.23.1.1 - Participation of Resident as Subject Matter Experts**

Decision Type: Action

Status: Referred

Background:

The CAO has received three emails from residents expressing their interest in participating as Subject Matter Experts on the Planning Board Committee.

Description:

The item was referred to CAO to inquire about the selection process of SMEs in the same classes (MGA Section 11) of Municipalities in PEI and report back.

- **Questions from Audience and Public Input**

- A New Heaven Riverdale resident had the following requests.
 - The CAO will contact SJM to receive a copy Public Engagement Survey of the OP&LUB.
 - The CAO will contact Atlantic Bug Busters Inc for information about the chemical used to control the Black Fly population and its impact on habits.

- **Adjournment**

- Councillor John Yeo motioned to adjourn the meeting at 9:45 PM.
- The next meeting will be on March 9, 2023.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor _____

Chief Administrative Officer _____

Appendix 1.1



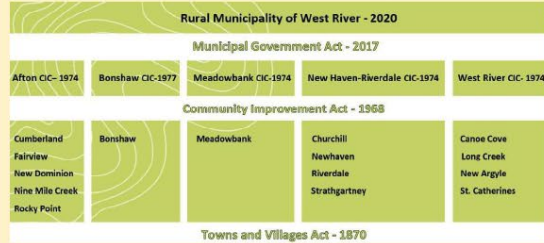
Rural Municipality of
WEST RIVER



Mayor - Helen
Smith-MacPhail



The Rural Municipality of West River



Timeline -

2017 - 2020 - West River Working Group formed with Councilors representing the Rural Municipalities of Afton, Bonshaw, Meadowbank, New Haven-Riverdale and West River.

April 2018 - August 2018 - Municipal Growth Study

January 2019 - Proposal submitted to IRAC for restructuring of the 5 communities.

September 2020 - Rural Municipality of West River was amalgamated.

There was an interim council and mayor that was to be in place until the Nov. 2022 Municipal Election.

Land Use Planning in the RM of West River

In the amalgamated Rural Municipality of West River there were two different entities that controlled land use and planning

The former Rural Municipality of New Haven-Riverdale had an official plan and land use bylaw that was dated in 2010 with amendments in 2012, 2015 and 2021.

- Development permit applications are reviewed and approved or denied by the RM of WR Planning Board.

Appendix 1.1 (Continued)

Land Use Planning in the RM of West River

The other 4 rural municipalities land use and planning comes under the Prince Edward Island Planning Act.

This means that residents must apply for development permits through the Provincial Planning Department.

Official Plan and Land Use Bylaw

As a newly amalgamated Rural Municipality one of the first items on the 'to do' list was to develop an official plan and land use bylaw that encompassed the whole municipality.

This process was started in July, 2021 and was completed in September of 2022.

The draft official plan is currently with the Provincial Government waiting for approval.

COMPLETED ACTIVITIES

Type	Date	Format
1. Community Survey	July - Oct. 21	Online
2. Public Session #1 - data and issue gathering	October 13, 21	Public Meeting
3. Stakeholder & Rightsholder Engagement: Megan L. Neary, Provincial Planning, Watershed Outreach, Environment, Climate Change, Public Safety, Tourism, Heritage, Agriculture Invitations: Fed of Ag. Fishermen's Association, TIA/PEI	July - Dec. 21	Emails, phone calls, in person meetings
4. Report: Background, What We Heard, Issues & Opportunities	Dec - March	Available online
5. Public Session #2 - Key themes and directions for Official Plan	January 25, 22	Online
6. Public Session #3 - Presentation of first round of draft documents, followed by comment period and mail-out to property owners	March 2, 22	Hybrid (in person and on-line)
7. Public Open House - Public Session #4 - Revised drafts	April 28, 22	Drop in open house, pre-recorded presentation
8. Review of drafting for consistency of policy and standards	May-Aug 22	Final drafts available online and at the municipal office

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West River

Issues that have presented themselves

- Lack of communication between the Provincial Planning Department and the Rural Municipality
- In November 2021, the Chair of the Planning Board, the CAO and the Consultant working with the Rural Municipality met with the Provincial Planning Board to discuss transparent communication, and the transfer of permits or works in progress that would have to happen when the Municipality's Official Plan and Land Use Bylaw was complete.
- It was agreed that there should be communication going forward.

In September, 2020 the Rural Municipality became aware of activity on land in Fairview, PEI.

We sent an inquiry into the Provincial Planning Department and were informed that this activity was going on without proper permitting.

In fact, the communication stated that there had not been an application put forward and that there was no approval either preliminary or

There were reports from the landowner of a 'verbal agreement'.

A letter was sent to the Minister of Agriculture and Lands on November 23, 2022 with concerns about the change in land use and what appeared to be a multi lot development.

A reply was received on December 15th stating that there have been no approvals.

Another update was received this week stating that stated that there were no approvals either preliminary or final that had been granted for this subdivision.

Appendix 1.1 (Continued)

May 2022



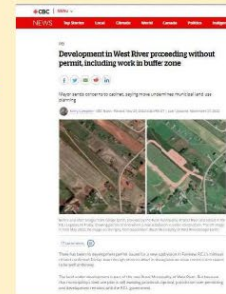
September 2022



November 2022



[Development in West River proceeding without permit, including work in buffer zone | CBC News](#)



<https://www.cbc.ca/news/canada/prince-edward-island/west-river-development-permits-1.6675166>



['How has this happened without any process being followed?': Development work in Fairview, P.E.I. began with no permit | SaltWire](#)



Appendix 1.2



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

Fisheries and
Communities

Pêches et
Communautés



Division des affaires municipales
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

January 16, 2023

Laala Jahanshahloo, CAO
Rural Municipality of West River
1552-B Rte. 19
New Dominion, PE COA 1H6

Dear Laala,

This letter has been sent to all Municipalities with Planning Authority to provide information regarding the new Environmental Protection Order and clarifying the moratorium on new developments in buffer zones.

Please find enclosed, a copy of an environmental protection order issued by the Hon. Steven Myers, Minister of Environment, Energy and Climate Action which provides additional guidance to the moratorium announced by the Minister on December 1, 2022.

This order relates to the *Environmental Protection Act*, R.S.P.E.I 1988, Cap E-9, Sections 3, 7, and 7.1 and applies to: all persons, corporations, or governments owning coastal or riparian zone properties in Prince Edward Island and proposing to carry out new development in the watercourse and/or wetland boundary and its legislated buffer zone.

Within the environmental protection order there are several exceptions that should be reviewed by your planning staff and/or planning board.

If you have any questions, please contact: Department of Environment, Energy and Climate Action by telephone 902-368-5044 or email DeptEECA@gov.pe.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Jenkins".

Danny Jenkins
Manager

Encl.

Tel/Tél. : 902 620 3558 PrinceEdwardIsland.ca Fax/Télé. : 902 569 7545

Appendix 1.2 (Continued)

CANADA
PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER OF the
Environmental Protection Act,
R.S.P.E.I. 1988, Cap E-9, Sections
3, 7, and 7.1 (herein "the Act")

ENVIRONMENTAL PROTECTION ORDER

TO: All persons, corporations, or governments owning coastal or riparian zone properties in Prince Edward Island and proposing to carry out new development in the Watercourse and/or Wetland boundary and its legislated buffer zone

WHEREAS in the last decade the Province of Prince Edward Island has seen a significant increase in coastal and riparian zone development into areas which are increasingly at risk from the impacts of climate change;

WHEREAS the rates of coastal and riparian zone erosion are expected to rise as climate change pushes up sea levels, expands average wave heights, and increases storm frequencies and intensities;

WHEREAS the installation and subsequent protection of coastal and riparian zone infrastructure may have negative impacts on the natural environment;

WHEREAS the placement of any residential, commercial, institutional, or municipal infrastructure, including shoreline protection measures in the watercourse and/or wetland boundary and legislated buffer zone is regulated under the *Environmental Protection Act* Watercourse and Wetland Protection Regulations;

AND WHEREAS I believe on reasonable and probable grounds that an act or omission of a person or corporation may be a threat to the environment and that it is necessary and advisable for the protection of the environment;

I THEREFORE ORDER, pursuant to sections 7 and 7.1 of the *Act*, the prohibition of any new residential, commercial, institutional, or municipal development and its associated erosion control activities in the watercourse and/or wetland boundary and legislated buffer zone by natural persons, corporations or municipalities owning coastal or riparian zone properties in Prince Edward Island.

This Order shall not apply to any Watercourse and Wetland and Buffer Zone Activity permits, or Watercourse, Wetland and Buffer Zone Activity Contractor Licensing Registrations, that were

Appendix 1.2 (Continued)

issued prior to December 1, 2022 from the Minister of the Department of Environment, Energy and Climate Action.

This Order shall not apply to residential, commercial, institutional, or municipal landowners who have existing critical infrastructure (e.g. dwelling, business, water/wastewater systems, septic system, etc.) and need to protect it from coastal or riparian zone erosion.

This Order shall not apply to residential, commercial, institutional, or municipal landowners who have had their existing erosion control structures damaged as a result of Hurricane Fiona and need them repaired.

This Order shall not apply to any Provincial Government Department on PEI which must install or maintain erosion control structures for the protection of public infrastructure, or must carry out work associated with the repair, replacement or maintenance of wharfs, harbours, bridges, culverts and roads in the coastal and/or riparian zone.

This Order shall not apply to any Federal Government Department on PEI which must install or maintain erosion control structures for the protection of public infrastructure, or must carry out work associated with the repair, replacement or maintenance of wharfs, harbours, bridges, culverts and roads in the coastal and/or riparian zone.

This Order shall cease to have effect on the date that a new coastal zone policy is adopted, unless sooner revoked by the Minister.

Dated at Charlottetown, in Queens County, Province of Prince Edward Island, this 11th day of January, 2023.



Steven Myers
Minister
Department of Environment, Energy and Climate Action