

The Rural Municipality of Malpeque Bay
November 18, 2020
Regular Council Meeting – 7:00pm
Kensington Town Chambers

Present: Mayor Paul Brown, Deputy Mayor Herb Clark, Councillors Ghislaine Duplain, Wayne Crosby and Ted Andrews

Regrets: Brian McKinnon

CAO: Joanne McCarvill

Due to Covid restrictions no residents were in attendance.

1. **Call to order**

The meeting was called to order by Mayor Brown at 7:10 pm.

2. **Agenda**

Motion 2020:51 *It was moved by Councillor Duplain and seconded by Councillor Andrews that the Agenda be approved as circulated.* **MOTION CARRIED**

3. **Disclosure of Conflict of Interest** There were no conflict of Interest items on the Agenda

4. **Approval of Minutes**

Motion 2020:52 *It was moved by Deputy Mayor Clark and seconded by Councillor Crosby to accept the minutes of the November 18, 2020 meeting as circulated.* **MOTION CARRIED**

6. **Business arising from minutes**

CAO McCarvill identified that the Kensington Seniors Paving Complex project had been completed and encouraged members of Council to take an opportunity to visit the site.

Mayor Brown thanked Deputy Mayor Clark and his nephew, Jansen Clark, for taking down all four municipal signs for the winter. This was done to avoid possible damage from ploughs. The signs are being stored on Deputy Clark's property.

The Black Horse Corner Project committee has been granted an extension until July 2021 to complete the restoration project.

The Speed Radar sign was taken down for repairs and is back up and operational.

CAO McCarvill identified that she had received an email from Stephen Szwarc, P.Eng. Director Highway Maintenance Division with TIE (Transportation, Infrastructure and Energy) who indicated that he sent the request to widen Thunder Cove Road to TIE's Environment division

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who have identified that there are further applications/approvals needed if this work is to proceed. They will be discussing it over the winter season.

A discussion followed regarding the email received from the request of Dawn MacDougall (Supervisor of Land Administration Properties Section) to Risk Management and Insurance division of TIE and their response to the possibility of stairs being installed at Thunder Cove Beach. Below is their response.

"Hi Dawn,

We've reviewed the request and we do not feel that Government should accept liability for the stairs that the municipality are proposing. As Government would not own, maintain or inspect the stairs it would not be prudent to accept responsibility for them.

We also believe that installing stairs would be considered an invitation to the public, where as at the moment those frequenting the beach would be doing so at their own risk. There is a much greater duty of care owed to the public when you actively invite (or even appear to invite) them onto property.

If the municipality would still like to proceed with the stairs , and accept the associated liability for their use, we do not have any issue with that arrangement. We would like to see an agreement in place with Government that stipulates the usual indemnification and Commercial General Liability requirements and in particular, we would want to ensure a CGL limit of \$5 mil, Government added as an Additional Insured and a cross liability clause.

If there are any questions or concerns, please don't hesitate to contact me.

Risk Management and Insurance

3rd Floor, Shaw Bldg., South"

The CAO was directed to write a letter to the Ministers of the Departments of Transportation, , Tourism, Environment and Public Safety expressing Council's disappointment with this response.

It was noted that the Provincial Government had advertised Thunder Cove and Tea Cup Rock in their publications and as such were issuing an invitation to the public and have a responsibility to ensure that the reasonable safety of both Tourists and Residents.

Council maintains its willingness to purchase a set of stairs for Government through its Gas Tax Funds making Government the owner of the infrastructure and the associated liability for their use. Placement of the stairs would be on Crown owned land.

Mayor Brown thanked Councillor Crosby for his good work with the Bicycle Lane project and asked him for an update.

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Councillor Crosby identified that he has successfully recruited one member of Council and three area residents to form a committee with a mandate to develop and create a Bicycle Lane on Route 20. Councillor Duplain has agreed to participate, and Residents Jeremy Stiles, Barry Murray and Terry Braun have all indicated their excitement in assisting Council in the development of a Bike Lane with a mandate to develop a Bike Lane on Route 20, to create a map designed to lead all cyclists safely to the Confederation Trail system as well as signage. It is anticipated that some residents of Malpeque Bay may use this lane to get to/from work helping the municipality contribute to the Province's goal of being a Carbon neutral province by 2040.

Councillor Crosby recently participated in a hosted by the Federation of P.E.I. Municipalities on the Provincial Active Transportation Fund (ATF) and was encouraged to discover that the municipality's project meets most of the criteria necessary to access funds that are available. The deadline for submissions for funding for the Spring of 2021 is December 4th and so he is working towards completing the application for funding.

Motion 2020: 57 It was moved by Deputy Clark and seconded by Councillor Andrews that Councillor Crosby be appointed by Mayor Brown as Chair of the Bike Lane Committee, and that Councillor Duplain, Jeremy Stiles, Barry Murray and Terry Braun be appointed by the Mayor as committee members. **MOTION CARRIED**

7. Financial Statements for the Year Ended March 31, 2020

CAO McCarvill noted that an omission of a Motion had occurred in accepting the financial statements as presented earlier this year.

Motion 2020:53 It was moved by Councillor Duplain and seconded by Councillor Andrews to accept the audited Financial Statements for the Year Ended March 31, 2020 as circulated. **MOTION CARRIED**

8. Draft EMO Agreement

Mayor Brown read a Draft EMO Agreement as prepared by the CAO based upon a template from the department of municipal affairs. A discussion followed regarding the need and legislation for a municipal EMO plan noting that entering into a Emergency Mutual Aid Agreement with the Town of Kensington and the Red Cross would form the basis of the Rural Municipality of Malpeque Bay's EMO Plan.

The CAO will contact the Red Cross via Jamie MacKay to discuss the steps necessary to enter into such an Agreement and any fee which may be associated with the service.

Motion 2020: 54 It was moved by Councillor Crosby and seconded by Deputy Clark to seek legal advice to formalize an Emergency Mutual Aid Agreement/Letter of Understanding with the Town of Kensington using the document as read at this meeting as a template. **MOTION CARRIED**

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9. Donations

Mayor Brown identified that based on Bylaw 2018:002, donations were being issued to the Malpeque Bay Credit Union Tree of Hope Campaign in the amount of \$250.00, a donation of \$250.00 to the Kensington Lion's Club Christmas Hamper program and a \$500.00 donation to the QEES Breakfast program.

Motion 2020: 55 Councillor Duplain moved that a donation of funds be made to the local chapter of the Canadian Red Cross in the amount of \$2,000.00 The motion was seconded by Councillor Crosby. **MOTION CARRIED**

10. Other Business

Safe Restart Agreement will provide financial assistance for reopening municipal services in PEI. Mayor Brown identified that there was funding available to all municipalities on PEI to help and that there was a Confirmation of Municipal Services and Agreement to Participate as well as a Council Resolution necessary to access this funding.

Motion: 2020:56 Date Passed: November 18, 2020
Moved by Deputy Mayor Clark and seconded by Councillor Duplain **MOTION CARRIED**

WHEREAS the Safe Restart Agreement will provide financial assistance for reopening municipal services in PEI to support critical needs for transit, protection of public health and safety, prepare for potential future waves of the COVID-19 virus, and further support the safe reopening of economies across Canada.

AND WHEREAS a signed agreement to participate reflects the municipality's understanding on shared objectives and terms established by the Safe Restart Agreement between the Government of Canada and the Province of PEI.

AND WHEREAS the Safe Restart Agreement requires a formal resolution outlining participation in the program.

BE IT RESOLVED that the Council authorize the Rural Municipality of Malpeque Bay to execute the "Confirmation of Municipal Services and Agreement to Participate".

This Motion 56 carried by the Council of the Rural Municipality of Malpeque Bay on November 18, 2020 is certified to be a true copy.

11. The meeting was adjourned by Mayor Brown at 9:35pm - Next meeting Jan. 13, 2021.

Paul Brown, Mayor
Rural Municipality of Malpeque Bay
Dated: November 18, 2020 at Kensington, PE

Joanne McCarvill, CAO
Rural Municipality of Malpeque Bay