

The Rural Municipality of Malpeque Bay  
August 1, 2018  
Regular Council

Present: Jamie Crozier, Herb Clark, Ghislaine Duplain, Trent Caseley, Paul Brown

Regrets: Tyler Pickering, Myles Hickey

Administrator: Joanne McCarvill

Invited guests: Honourable Richard Brown, Minister of Communities, Land and Environment, Matthew MacKay, MLA, and 20 residents attended the meeting.

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

2. **Agenda**

**Motion 2018:19** It was moved by Councillor Trent Caseley and seconded by Councillor Ghislaine Duplain that the Agenda be approved as circulated. **MOTION CARRIED**

3. **Disclosure of Pecuniary or other Conflict of Interest**

There were no items on the Agenda

4. **Minutes**

**Motion 2018:20** It was moved by Councillor Ghislaine Duplain and seconded by Deputy Mayor, Herb Clark to accept the April 11, 2018 minutes as circulated. **MOTION CARRIED**

5. **Business arising from minutes**

There was no business arising from the minutes.

6. **Code of Conduct for Members of Council 2018-001, Rules Governing Conflict of Interest for Members of Council 2018-006, Proceedings of Council 2018-007, and Municipal Elections Proceedings 2018-008**

**Motion: 2018:21** Moved by Councillor Ghislaine Duplain, Seconded by Deputy Mayor Herb Clark “Be it resolved that 2018-001 Code of Conduct for Members of Council, 2018-006 Rules Governing Conflict of Interest for Members of Council, 2018-007 Proceedings of Council and 2018-008 Municipal Elections Proceedings Bylaws be hereby read a first time. **MOTION CARRIED**

**Motion: 2018:22** Moved by Councillor Paul Brown Seconded by Deputy Mayor Herb Clark “Whereas Bylaws 2018-001 known as Code of Conduct for Members, 2018-006 known as Rules Governing Conflict of Interest for Members, 2018-007 known as Proceedings of Council and 2018-008 known as Municipal Elections Proceedings were read a first time at this Council meeting;

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Be it resolved that the 2018-001 known as Code of Conduct for Members, 2018-006 known as Rules Governing Conflict of Interest for Members, 2018-007 known as Proceedings of Council and 2018-008 known as Municipal Elections Proceedings be hereby approved. **MOTION CARRIED**

**8. Introduction of Minister Richard Brown**

Mayor Jamie Crozier introduced and welcomed Minister Richard Brown, Minister OF Communities, Land and Environment to the meeting.

The Minister recognized Matthew MacKay, MLA, thanking him and the community Council for the invitation to speak to the meeting.

Minister Brown identified that he had read the Municipal Draft Official Plan and commended Council and the community for their efforts in preparing the Plan. He believes it is a good model for other communities and welcomes the opportunity to sit down with Council to bring the Plan to fruition.

The Minister indicated the purposes for establishing the new Municipal Government Act (MGA) including providing a legal framework and foundation for the continuation and establishment of municipalities; to provide councils with the authority and powers to fulfil their purposes in accordance with the Act; to provide councils with the flexibility to respond to the different needs and changing circumstances within their municipality; and to ensure that councils are accountable to the people they serve and to the Government of Prince Edward Island.

Mayor Jamie Crozier read the first question for the Minister:

Question - "Will the government force the Municipality to open and staff an office that is not needed?"

*The Minister identified that his Department was willing to work with smaller municipalities to establish and possibly tweak legislation to reflect the reality of staffing an office within municipal boundaries. He reviewed the timeline for the establishment of municipal offices suggesting that the Province has until 2022 to review and develop possible amendments to the MGA. He noted that it may be possible for municipalities to continue to provide current services while Planning may be able to continue to be offered as a service by the Province with the caveat that community councils would be involved in the approval of permits based upon its Official Plan. The Provincial Planners would review the applications for completeness for the community council, but the final decision to issue a permit would be up to council who would hold public meetings for community input.*

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Question - "If the answer is yes to #1; how does the government justify the increase in municipal tax rate (which would be a waste of tax payer's money) for a service that is not needed?"

***The Minister reiterated the Province's willingness to work with communities.***

Question - "Will the unincorporated areas be forced to join a municipality?"

***Minister Brown indicated that communities that do not wish to amalgamate would not be forced into amalgamation; current discussions with various communities on the Island have been debated and reported in the media, the issue is complex and requires careful consideration and transparency.***

Question - "The new act made it mandatory that councillors, the chairperson/mayor and any and all committee members be paid a taxable remuneration, meaning we will have to issue T-4's and we are no longer allowed to volunteer. What was the logic behind this? As a follow up to this question:

- Was a provincial "tax credit" ever discussed?
- Does this not make us "employees" of the municipality and its residents?"

***The Minister identified that community councils could continue to volunteer in the position of councillor or mayor.***

*Mayor Crozier identified that the municipal Remuneration Bylaw provides a small stipend to councillors and the mayor and the remuneration was a decision of council. One of the reasons for implementing the small stipend (\$50.00/meeting for councillors or \$75.00/meeting for the Mayor) was as an incentive to get new people to sit on council.*

Question - "Background; Recently Joanne requested information from the department of highways, simply to confirm or deny a rumour that there was an application by a private entity to close a road in our municipality. The response was there was no such application but when we pushed a bit harder, the rumour was in fact true. This is very troubling and I believe at this time we have a request for access to information with regard to other issues concerning our municipality. Question:

- Would this type of thing ever happen in larger municipalities where the upper level of government simply processes requests and doesn't pass it on to the lower level ie: the municipality? And as a follow up:

- In the creation of the new act, was there ever discussion of information being forwarded to municipal councils if they are directly affected by decisions being made by upper levels of government without the need to request it, simply as a matter of being responsible and courteous?"  
The road in question is the Hanna Road in Indian River and the application to close the road has been withdrawn.

***The Minister identified the cooperation and respect that MLA's have for one another even though they are from different parties. Matthew MacKay echoed this sentiment. The general rules of government should provide for consultation with municipalities concerning items such***

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*as possible road closures. The Minister noted that he is willing to support the community's Official Plan.*

Question - What are the advantages of being part of a municipality?

*The Minister noted that one of the top reasons for being part of a municipality was to protect an owner's property; development is controlled to protect the investment of a property owner; people have a voice; they can get involved in council; a municipality provides services such as fire protection.*

Question - "With the new act now legislated, is there a full list of responsibilities we, as municipal councillors, have to refer to so that we know the limits of our jobs and the limits of our municipal government, in relation to that of the provincial government? As a follow up;

- Is there a plan to make it easier for Island residents to access this information so that they will better understand the difference between the levels of government and in fact the advantages/disadvantages of living in communities under municipal government rule?"

*The Minister identified that there were specific section of the MGA that deal with Council responsibilities.*

(The MGA identifies the role of Council in Part 4 – Municipal Government Division 2 – Powers and Duties of Council Members Section 86. 1 – 91.5 (b). In addition, the Bylaws read this evening, Proceedings of Council and Code of Conduct for Members of Council, are rules governing the conduct of council. Section 3 (a-e) identifies the purpose of a council include, but is not limited to, providing good government in its municipality; providing services, facilities or other things that the council considers necessary or desirable for all or part of its municipality; providing for stewardship of the municipality's public assets; developing and maintaining its municipality as a safe and viable community; and encouraging and enabling public participation in matters affecting the municipality) Section 180 Division of General Jurisdiction (a) – (u) identifies general jurisdiction to pass bylaws and provide services.

One resident thanked the Council for its good work noting that their efforts were appreciated.

There was discussion on a number of topics including the Special Planning Area (Princetown Point – Stanley Bridge); The Thompson Report; The Carver Report; Land Use; Irrigation pump noise (it was identified that some pumps had been changed from diesel to electric which seems to have corrected the noise issue); the noise complaint on the Crafer Road (the pump will be looked into by Long River Farms); encouraging and supporting Young Farmers to get involved in local Agriculture; Wind Farms; Cabot Park; tree planting; Kensington North Watershed's Association discussion with Long River Farms regarding the velocity of water running downhill on the Crafer Road and possible solutions to reducing the velocity with the development of berms.

The summer student hired by the municipality, Brooke Johnston informed the meeting of the Facebook account she had developed for the Rural Municipality of Malpeque Bay. She indicated that

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she had suggested a Facebook Contest as a way of encouraging traffic to the page by providing a Gas card as incentive for people to like and share the page. The Mayor approved the contest idea and a \$50.00 gas card was purchased.

Minister Brown was asked to make the draw from the contest entries. The name drawn was Patrick MacLellan. The gift card was given to his father Clair who was in attendance at the meeting.

Mayor Crozier thanked the Minister for attending the meeting and for the information he provided. He further thanked him for his willingness to help council complete the Official Plan.

Meeting adjourned at 9:00pm.

Next scheduled meeting is September 12, 2018 Malpeque Bay Credit Union Board Room.

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Jamie Crozier, Mayor  
Rural Municipality of Malpeque Bay

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Joanne McCarvill, CAO  
Rural Municipality of Malpeque Bay

Dated: August 1, 2018 at Kensington, PE