



Town of Borden-Carleton

Regular Council Meeting Minutes

May 9th, 2023 – 20 Dickie Road Borden-Carleton, PE

7:00pm

PRESENT: Deputy Mayor Larry Allen, Councillor Barb Wood, Councillor Nicole Arsenault, Councillor Eric Stewart, Councillor Laurel Palmer-Thompson, and Councillor Ashley Steele.

REGRETS: Mayor Randy Ahearn

STAFF PRESENT: Chief Administrative Officer, Jim Wentzell
Administrative Assistant to CAO, Joanne Smith

GUESTS PRESENT: Danny Murphy, President – D.P. Murphy Group of Companies
Mark Doucet – General Counsel – D.P. Murphy Group of Companies
Robbie Tobin – Director of Operations – Tim Horton's Restaurants
Tim McHatten – Owner/Operator – T&J Construction Ltd.
Juliana Fernandes Granzoti – Executive Director – South Shore Watershed Association (SSWA)
Dina Blot – Chair of the SSWA Board of Directors
Daphne Davey – Secretary/Treasurer – SSWA

ALSO PRESENT: 3 Members of the Public.

1. CALL TO ORDER:

Deputy Mayor Larry Allen called the meeting to order at 7:00 p.m.

2. DISCLOSURE OF CONFLICT OF INTEREST:

Part VI, Section 23 of the Municipalities Act, which maintains that

No member of Council shall derive any profit or financial advantage from his/her position as a member of Council and, where a member of Council has any pecuniary interest in or is affected by any matter before the Council, shall declare his/her interest therein and abstain from voting and discussion thereon.

There were no conflicts of interests declared at this council meeting.

3. ADOPTION OF THE AGENDA:

It was duly moved by Councillor Eric Stewart and seconded by Councillor Nicole Arsenault

THAT the agenda be approved as presented.

MOTION CARRIED (5-0) (RR#23-05-01)

4. APPROVAL OF PREVIOUS MINUTES:

It was duly moved by Councillor Eric Stewart and seconded by Councillor Barbara Wood THAT the minutes of the March 14th, 2023 regular Council meeting be adopted as presented.

MOTION CARRIED (5-0) (RR#23-05-02)

It was duly moved by Councillor Eric Stewart and seconded by Councillor Barbara Wood THAT the minutes from the special council meeting held on March 20th, 2023 be approved as circulated.

MOTION CARRIED (5-0) (RR#23-05-03)

It was duly moved by Councillor Nicole Arsenault and seconded by Councillor Eric Stewart

THAT the minutes from the special council meeting held on March 30th, 2023 be approved as presented.

MOTION CARRIED (5-0) (RR#23-05-04)

It was duly moved by Councillor Barbara Wood and seconded by Councillor Nicole Arsenault

THAT the minutes from the special council meeting held on April 11th, 2023 be approved as presented.

MOTION CARRIED (5-0) (RR#23-05-05)

5. PRESENTATIONS:

5.1 Danny Murphy – D.P. Murphy Group of Companies – Proposed Development PID# 686952 Highway Commercial Zone (HC)

Danny Murphy, President, D.P. Murphy Group of Companies introduced himself and his colleagues, Mark Doucet, legal counsel for D.P. Murphy Group of Companies and Robbie Tobin, Director of Operations, Tim Horton's Restaurants.

Mr. Murphy stated that it was his intention to introduce their proposal to Council. In respect to use of PID 686952 on the corner of Dickie Road and the TCH. Mr. Murphy distributed architectural renderings of the proposed plan.

D.P. Murphy Group of Companies is envisioning an Irving Gas Bar and 70-seat Tim Horton's restaurant with a double drive thru at the corner of the Trans-Canada Highway (TCH) and Dickie Road in the Town of Borden-Carleton.

He stated that the location on the 6-acre lot on the corner of Dickie Road and the TCH will better serve the motoring public by providing ample parking spaces for guests and tourists as well as a double drive thru making it accessible to bigger trucks and campers.

Several members of Council expressed concern on how additional gas stations in the Town could negatively impact other similar businesses in the local area.

Mr. Murphy responded by indicating that he did not feel that the potential development would have a huge impact on the existing businesses in the Town of Borden-Carleton. Both locations

of the Tim Horton's restaurants would remain open; the existing Tim Horton's at the Esso and the proposed corner lot location on Dickie Road in the Town.

Mr. Murphy stated that the location will be convenient for motorists and cause more people to stop in Borden-Carleton than driving through. Additionally, the proposed development will create an increase from 20 to 40 employees with the establishment of a second restaurant in the Town.

The next step in the process for D.P. Murphy Group of Companies is the submission of an application to the Island Regulatory Appeals Commission (IRAC) to open a gas bar. IRAC will ask similar questions as to how the proposed project will benefit tourism and if there is scope and room in the Town and IRAC would hold a public meeting.

Currently, the 6-acre lot is being landscaped and the grade is being brought up.

The CAO indicated that D.P. Murphy Group of Companies have not submitted a development permit application as yet to the Town of Borden-Carleton and were only present to introduce their concept plan to Council at this time.

Mr. Murphy thanked Council for their time to deliver their proposal.

5.2 Tim McHatten – Proposed Development – 156 Borden Avenue PID# 707950 Highway Commercial Zone (HC)

Tim McHatten introduced himself as the owner/operator of T&J Construction Ltd. His firm has been trained to build R-2000 homes, Net Zero homes and passive certified homes. They have training in the National Building Code, certified in residential ventilation, Velux skylights, ICP foundation, Cape Code wood siding, cement siding, renovations. Mr. McHatten is also currently a member of the network of excellence with Efficiency PEI.

The proposed development at 156 Borden Avenue will be a commercial space below and 8 residential 2-bedroom units above. There will be balconies facing the bridge and the parking lot. They will be higher end units.

The commercial space will be a showroom for the window and door business. The plans for 156 Borden Avenue will include office space for the window and door business and for the Net Zero certified business. Any inventory will be stored inside the building.

Mr. McHatten shared the proposed plans with Council. It was suggested that a development agreement be used to address issues such as no outside storage; proposed landscaping; and the designation of greenspace.

The development permit application was received at this Council meeting and will be forwarded to the Development Officer on May 10th, 2023. Mr. McHatten thanked Council for their time.

5.3 Juliana Fernandes Granzoti – South Shore Watershed Association (SSWA) – How the Town can be involved with the SSWA

Juliana Fernandes Granzoti introduced herself as the Executive Director of the SSWA; Dina Blot, Chair of the SSWA Board of Directors and Daphne Davey as the association's Secretary/Treasurer.

SSWA's goal of their presentation to Council is to establish a partnership to improve engagement and communication with municipalities.

South Shore Watershed Association is a registered charitable organization that enhances and restores 5 local watersheds which include: Seven Mile Bay, Cape Traverse-Augustine Cove, Tryon Watershed, Westmoreland Watershed and DeSable Watershed.

The SSWA is made up of board members, community members and staff. The association works year-round to help fund and support conservational projects along the South Shore of Prince Edward Island.

Services such as tree planting, education on ecological systems in the area, biodiversity, conservation practices and coastal protection are a few of these services that are offered by SSWA.

SSWA is seeking local representation from the Town of Borden-Carleton. There should be local representation for each respective watershed. Currently, there is no one on the SSWA board of directors that is from the Borden-Carleton area. Communication between the municipality and the SSWA is key to informing the residents of the various services or community-based initiatives that could be carried out by the watershed organization.

6. COMMITTEE REPORTS:

6.1 Police Report:

The RCMP report for the months of February 2023, March 2023 and April 2023 submitted by Acting Sergeant Logan were presented by Councillor Nicole Arsenault.

It was duly moved by Councillor Nicole Arsenault and seconded by Councillor Eric Stewart

THAT the policing reports for the Town of Borden-Carleton be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-06)

The CAO reported that he will be attending a meeting in Charlottetown regarding RCMP servicing to municipalities on May 10th, 2023.

6.2 Fire Department Report:

The Fire Department report for the month of April 2023 was presented by Councillor Nicole Arsenault.

It was duly moved by Councillor Nicole Arsenault and seconded by Councillor Barbara Wood

THAT the Fire Chief's report submitted by Fire Chief Shawn Jessome be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-07)

6.3 Recreation Director's Report:

The Recreation Director's Report for the month of April 2023 was circulated in the Council package and presented by Deputy Mayor Larry Allen.

It was duly moved by Councillor Eric Stewart and seconded by Councillor Nicole Arsenault

THAT the Recreation Director's report for the month of April 2023 be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-08)

6.4 Properties and Planning Report:

Councillor Laurel Palmer-Thompson gave a report from the Properties and Planning Committee.

It was duly moved by Councillor Palmer-Thompson and seconded by Councillor Eric Stewart

THAT the Properties and Planning Committee report be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-09)

A report of the development permits issued for the months of February, March and April 2023 was circulated to Council.

6.5 Finance and Administration Report: Report included in the Council package.

6.5.1 Cash Flow Report April 2023

6.5.2 Disbursement Listing April 2023

Councillor Eric Stewart presented the Finance and Administration report for the month of April 2023.

A list of cheques and disbursements for the month of April 2023 was included in the report for Council's review.

Monthly totals: Town	\$69,281.15
Arena	\$23,332.30
Utility	\$18,001.41

It was duly moved by Councillor Eric Stewart and seconded by Councillor Barbara Wood

THAT the Finance and Administration report be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-10)

6.6 Public Works/Streets and Lights Report:

Councillor Barbara Wood gave a report on the activities of the Public Works/Streets and Lights Committee.

It was duly moved by Councillor Barbara Wood and seconded by Councillor Nicole Arsenault

THAT the report from the Public Works/ Streets and Lights Committee be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-11)

6.7 Water and Sewer Report:

A report included in the Council package summarizing Water and Sewer utilities activities for the month.

It was duly moved by Councillor Ashley Steele and seconded by Councillor Eric Stewart
THAT the Water and Sewer report for the month of April 2023 be accepted as presented.

MOTION CARRIED (5-0) (RR#23-05-12)

7. **EXTERNAL REPORTS:** No external reports this month.

8. **CORRESPONDENCE:**

INFORMATION ITEMS:

8.1 CBC article (dated April 11, 2023) - RCMP Back Pay Impact

8.2 Housing PEI Website - Dept Projects Funded through Housing Challenge Program (dated Feb.23 2023)

8.3 Dept Municipal Affairs-Newsletter May 2023

8.4 PEI Infrastructure Secretariat - Resignation of Jesse MacDougall as Project Officer – PEI Infrastructure Secretariat

8.5 Local Choice PEI - A Municipal Electoral Reform Initiative

8.6 Hon Jamie Fox, MLA – Proposing a freeze on new petroleum licenses issued by IRAC

9. **UNFINISHED BUSINESS:**

9.1 Procedural Bylaw #2023-01 – Second Reading and Formal Adoption

Resolution 1

Moved by Councillor Nicole Arsenault
Seconded by Councillor Barbara Wood

WHEREAS Subsection 86(2)(e) of the Municipal Government Act R.S.P.E.I.1988. Cap. M-12.1., provides that a council must establish a procedural bylaw to regulate proceedings in accordance with the Act.;

AND WHEREAS it is deemed desirable to provide rules for:

- a) The calling of meetings of Council and its Committees;
- b) The procedures of Council;
- c) The calling of public meetings of Council;
- d) The behaviour of Council members and members of the public present at meetings of Council and its Committees; and
- e) The establishment of Committees of Council.

AND WHEREAS the bylaw was read a first time at a regular council meeting held on February 14th, 2023 and approval of first reading was given at a regular council meeting held on March 14th, 2023.

BE IT RESOLVED THAT the Town of Borden-Carleton Procedural Bylaw (Bylaw #2023-01) be hereby read a second time.

MOTION CARRIED (5-0) (RR#23-05-13)

Resolution 2

Moved by Councillor Nicole Arsenault
Seconded by Councillor Barbara Wood

WHEREAS Subsection 86(2)(e) of the Municipal Government Act R.S.P.E.I.1988. Cap. M-12.1., provides that a council must establish a procedural bylaw to regulate proceedings in accordance with the Act.;

AND WHEREAS it is deemed desirable to provide rules for:

- f) The calling of meetings of Council and its Committees;
- g) The procedures of Council;
- h) The calling of public meetings of Council;
- i) The behaviour of Council members and members of the public present at meetings of Council and its Committees; and
- j) The establishment of Committees of Council.

AND WHEREAS the Procedural Bylaw (Bylaw #2023-01) was a read a first time at a regular council meeting held on February 14th, 2023 and approval of first reading was given at a regular council meeting held on March 14th, 2023;

AND WHEREAS the bylaw was read a second time at this meeting.

BE IT RESOLVED THAT the second reading of the Town of Borden-Carleton Procedural Bylaw (Bylaw #2022-01) be hereby approved and adopted.

MOTION CARRIED (5-0) (RR#23-05-14)

9.2 Freedom of Information and Privacy Bylaw #2023-02 – Second Reading and Formal Adoption

Resolution 1

Moved by Councillor Eric Stewart

Seconded by Councillor Laurel Palmer-Thompson

WHEREAS Division 5, Section 147 of the *Municipal Government Act*, R.S.P.E.I. 1988, cM-12.1 mandates a Town Council to enact a bylaw that regulates access to information collected within their jurisdiction;

AND WHEREAS Division 5, Section 148 of the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1 mandates a Town Council to enact a bylaw that protect personal information collected by the municipality;

BE IT RESOLVED THAT the Town of Borden-Carleton Access to Information and Protection of Personal Information (Bylaw #2023-02) be hereby read a second time.

MOTION CARRIED (5-0) (RR#23-05-15)

Resolution 2

Moved by Councillor Eric Stewart
Seconded by Councillor Nicole Arsenault

WHEREAS Division 5, Section 148 of the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1 mandates a Town Council to enact a bylaw that regulates access to information collected within their jurisdiction;

AND WHEREAS Division 5, Section 148 of the *Municipal Government Act*, R.S.P.E.I. 1988, v M-12.1 mandates a Town Council to enact a bylaw that protects personal information collected by the municipality;

AND WHEREAS the Town of Borden-Carleton Access to Information and Protection of Personal Information Bylaw was read a first time a regular meeting of council held on February 14th, 2023 and approval of first reading was given at a regular council meeting held on March 14th, 2023;

AND WHEREAS the Town of Borden-Carleton Access to Information and Protection of Personal Information Bylaw was read a second time at this meeting;

BE IT RESOLVED THAT the Town of Borden-Carleton Access to Information and Protection of Personal Information (Bylaw #2023-02) be hereby approved and adopted.

MOTION CARRIED (5-0) (RR#23-05-16)

9.3 Update on Purchase of 236 Main Street:

The CAO reported that the property located at 236 Main Street has apparently been sold to a company in New Brunswick. Therefore, the Town's offer to purchase this building for a Town Hall is no longer being considered.

9.4 Participation in PEI Discovery Centre and Research Centre:

**Moved by Councillor Laurel Palmer-Thompson
Seconded by Councillor Ashley Steele**

THAT Council express interest in partnering with the establishment of a PEI Discovery and Research Centre to be located in the Town of Borden-Carleton.

MOTION CARRIED (4-1) (RR#23-05-17)

10. NEW BUSINESS:

10.1 Application to Rural Growth Initiative Program – Heat Pump Rail Park Main Building:

**Moved by Councillor Nicole Arsenault
Seconded by Councillor Ashley Steele**

WHEREAS on March 30, 2023 Council approved the 2023 Capital Budget for the Town, Arena and Utilities, that the Town of Borden-Carleton Gateway Arena make an application to the Rural Growth Initiative Programs to fund Heat Pumps for the Borden-Carleton Rail Park Main Building; and that the project be designated as priority number 2023-02.

The Council understands and commits that it will be responsible for its' designated share of the total eligible costs of the project, and will assume responsibility for any and all operating and maintenance costs resulting from the project.

MOTION CARRIED (5-0) (RR#2023-05-18)

10.2 Application to Rural Growth Initiative Program – Heat Pump Gateway Arena:

**Moved by Councillor Barbara Wood
Seconded by Councillor Ashley Steele**

WHEREAS on March 30, 2023 Council approved the 2023 Capital Budget for the Town and Arena, that the Town of Borden-Carleton Gateway Arena make an application to the Rural Growth Initiative Programs to fund Heat Pumps for the Borden-Carleton Gateway Arena; and that the project be designated as priority number 2023-01.

The Council understands and commits that it will be responsible for its' designated share of the total eligible costs of the project, and will assume responsibility for any and all operating and maintenance costs resulting from the project.

MOTION CARRIED (5-0) (RR#2023-05-19)

11. IN-CAMERA:

It was duly moved by Councillor Barbara Wood and seconded by Councillor Nicole Arsenault to go into an in-camera – 1 item under section 119(1)(e) a matter still under consideration, on which the council has not yet publicly announced a decision, and about which discussion in public would likely prejudice a minimalist’s ability to carry out its negotiations.

MOTION CARRIED (5-0) (RR#23-05-20)

Council went into in-camera at 8:50 p.m.

It was duly moved by Councillor Nicole Arsenault and seconded by Councillor Eric Stewart

THAT Council move back to a public meeting.

MOTION CARRIED (5-0) (RR#23-05-21)

Council returned to open session at 9:10 p.m.

12. ADJOURNMENT:

Council meeting adjourned at 9:10 p.m.

Deputy Mayor, Larry Allen

CAO, Jim Wentzell