

# Rural Municipality of Eastern Kings

## COUNCIL MEETING MINUTES

Thursday, September 14, 2023 6:15 p.m.

In Attendance: Mayor Larry Fitzpatrick, Deputy Mayor Danelle Elliott, Councillor's Bernadette McInnis, Don Humphrey, Arthur Baker and Donna Campbell Dixon, Chief Administrative Officer (CAO) Sonya Martin. Regrets: Councillor Nathan Paton. Attendees: 22

### 1. Call to Order

The meeting was called to order at 6:15 p.m.

### 2. Conflicts of Interest Declaration – Individual Councillors – MGA 96.(1-8)

No conflicts of interest were heard.

### 3. Agenda Approval

It was moved by Councillor Donna Campbell Dixon and seconded by Councillor Don Humphrey to approve the agenda as presented. All were in favour and the motion was carried.

### 4. Minutes Approval

a) August 08, 2023 Council Meeting Minutes. It was moved by Councillor Bernadette McInnis and seconded by Councillor Arthur Baker to approve the minutes as presented. All were in favour and the motion was carried.

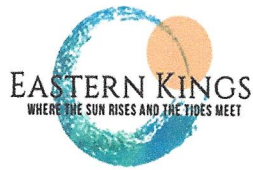
### 5. Presentations to Council

a) Emergency Preparedness Review. Isobel Fitzpatrick, the Municipal Emergency Management Coordinator provided an introduction to new and returning Council and attendees. She gave an overview of the Council's role and details on Eastern Kings two Reception Centre's in the case of emergencies and the handout – "PEI EMO Emergency Preparedness Guide".

b) EKCA (Eastern Kings Community Association). Fred Cheverie presented to Council their response with a detailed letter (Appendix A) in regards to, "New regulations imposed by the Provincial Government regarding municipalities." Mayor Fitzpatrick thanked the EKCA, and by consensus of Council, will provide a letter to Premier King in support of the points raised by the EKCA.

### 6. Business Arising out of the Minutes

a) RMEK Conflict of Interest Bylaw #2023-02 Second Reading and approval. The Resolution was read. Whereas the "RMEK Conflict of Interest Bylaw #2023-02"; a bylaw which outlines the procedure to be followed by a member of Council as per MGA 97.(2), has been read a second time at this Council meeting. Be it resolved that the "RMEK Conflict of Interest Bylaw#2023-02" by hereby formally approved.



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It was moved by Councillor Donna Campbell Dixon and seconded by Councillor Bernadette McInnis. All were in favour and the resolution was approved.

- b) RMEK Planning Committee Meeting Minutes. The Mayor provided a detailed report on the minutes as requested. (Appendix D – see attachment)

### **Reports:**

#### **a) Mayor Fitzpatrick**

i) Coffee & Conversation with Mayor Sept 16/23 – This session consisted mainly of constituent questions in regards to any dialog between the Mayor and the province. There has been no information or updates by the province on the new windfarm legislation or how it will affect the community to date.

ii) PEI Provincial News Release. “Changes to Regulations to enable progress in renewable energy” from August 24/2023. Mayor Fitzpatrick met with the Province August 23<sup>rd</sup>/23 as requested, prior to the news release on the 24th.

Other topics in the conversation: “Mayor was informed on the new legislation being announced by the Minister that was passed by Cabinet, informed that the legislation would be published in the Island Gazette, advised about the news release, and talked about keeping communication lines open and setting up a meeting down the road”.

iii) Housing – A discussion on Housing in the Eastern Kings area commenced. Topics: rentals year-round, partnering with communities, marketing - feasibility studies, spearheads and committee, where it can be developed, contractors, funding, use of provincial or community centre land. A motion to gather information for future Council meeting discussions in regards to Housing was put forward by Deputy Mayor Danelle Elliott and seconded by Councillor Arthur Baker. All were in favour and the motion was carried.

#### **b) Chief Administrative Officer (CAO)**

i) Income/Bank Statements - as at August 31, 2023 (Appendix B)

ii) DO resignation/Approved Permits (Appendix C) - CAO will advertise for the DO position when she returns from vacation. There will be some delays on permitting until a replacement can be found.

iii) By consensus, next Council meeting date changed to Thursday, October 12, 2023.



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### 7. New Business

a) Tender #2023-02 Planning & Development Admin Resources – Gas Tax Funded Project. Tender closes September 12<sup>th</sup>, tenders to be opened October 5<sup>th</sup>.

### 8. Motion to Move into a Closed Session as per MGA - Section 119.(1)(f) Review of legal advice.

At 7:25 p.m. the Mayor excused the public attendees, in order for Council to move into the closed meeting to review a legal document on conflicts of Interest.

### 9. Adjournment

The meeting was adjourned at 7:33 p.m. It was moved by Councillor Donna Campbell Dixon and seconded by Councillor Arthur Baker. All were in favour and the motion was carried.

Signed in accordance,

*Municipal Government Act S.116(4)*

  
\_\_\_\_\_  
Larry Fitzpatrick, Mayor

12 Oct 2023  
Date

  
\_\_\_\_\_  
Sonya Martin, Chief Administrative Officer

October 12, 2023  
Date



## Rural Municipality of Eastern Kings

### Appendix A

Eastern Kings Community Association

83 Lighthouse Road

East Point, PEI COA 2B0

[cheveriedavid@gmail.com](mailto:cheveriedavid@gmail.com), President

September 12, 2023

The Honorable Dennis King, Premier

95 Rochford St.

Charlottetown, PEI C1A 3T5

Dear Premier King,

On August 24, 2023, Steven Myers, the Minister of Environment, Energy and Climate Action announced amendments to a Regulation of the Renewable Energy Act. The Legislature was not in session when this amendment was made.

This amendment gives the Provincial government the power to override any and all decisions made by municipalities regarding issues governed by the Renewable Energy Act. This new power can be exercised with no consultation by the Provincial government with those who could be impacted by their actions. A perfect example is the situation in which the Municipality of Eastern Kings now finds itself.

The Energy Corp has been attempting for over four years to expand by 7 very large windmills the current windmill park in Eastern Kings. The new windmills would be approximately 170 meters tall and be some 50% taller than the existing ones that already tower above the landscape. For reference purposes, the Peace Tower in Ottawa is 92 meters high. After many months of evaluation and consultation with experts and residents, the Rural Municipality of Eastern Kings (RMEK) denied the Energy Corp's application for expansion of the wind farm as not being in the best interests of the community. These interests included:

- Being too close to the Red Triangle, a nationally recognized migratory bird flyway;
- Being too close to a longstanding community of permanent and seasonal residents.
- Being too close to provincially recognized tourist sites, including the East Point Lighthouse (20 meters tall) and the Elmira Train Station Museum.
- Potentially doing serious environmental damage to a fragile and pristine forest.

When the permit was denied, The Energy Corp appealed to IRAC, which 2 years later decided that additional land use planning was required in the evaluation of the permit application. Now this recent government amendment to the regulation enables the Energy Corp to ignore the IRAC ruling and



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dictatorially allow the windmills to be built, directly contradicting the decision of the RMEK and the wishes of the community.

In the Eastern Kings' scenario the amendment deals with the Renewable Energy Act; however, a precedent has now been set for the Province to do the same with other Provincial legislation.

Every municipality and every citizen of Prince Edward Island should understand that the exercise of such power by the Provincial government overrides the principles of democracy and specifically the foundations of municipal government.

Additionally, a conflict of interest exists given Minister Myers' position as Minister of an integrated Energy and Environment Ministry. This conflict is preventing a landowner from building a guest cottage on his property. Such permit was applied for prior to the Energy Corp permit application. RMEK says they need the approval from Environment to approve the permit. The Environment has refused to approve the permit saying they need to know the outcome of the wind farm expansion issue before they would provide approval. That is because the approval might disrupt the layout of the new windmills, because the windmills would need to have the appropriate setback.

Clearly this is a direct conflict of interest by Minister Myers. He is in effect expropriating a landowner's property rights without compensation.

Mr. Myers' attitude all along has been consistently arrogant and without regard to the community's concerns. He has told us that the wind farm expansion "is a done deal no matter what you say or do." And this was said to us prior to completion of environmental studies and bird migrant flight patterns.

And how concerned should we be over incompetence demonstrated with the mismanagement of the Hermanville windmills?

Is this what we want from our government officials?

We call on you Mr. Premier to protect the citizens of Prince Edward Island from what appears in this case to be unilateral power given to a Minister of Government to override the wishes of a municipality and its citizens and in doing so setting a precedent for other Ministers to do the same.

The Board of Directors

Eastern Kings Community Association

C.C.

Robert Henderson [rlhendersonMLA@assembly.pe.ca](mailto:rlhendersonMLA@assembly.pe.ca)



# Rural Municipality of Eastern Kings

## APPENDIX B

### Chief Administrative Officer (CAO) Report

#### Bank Statement for the month of August 2023

#### Souris Credit Union

##### Business Operational Account

Opening Balance on <b>Aug 01, 2023</b>	<b>\$82,262.69</b>
Closing Balance at <b>Aug 31, 2023</b>	<b>\$84,289.26</b>

*Closing balance includes all deposits: development fees, month end tax assessment revenue (21,215.00), etc. & all cheque activity that has cleared the bank for the current month.*

##### Shares & Patronage

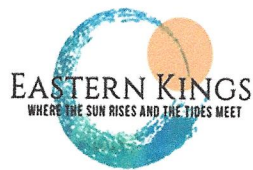
Business Shares at <b>Aug 31, 2023</b>	<b>\$5.05</b>
Patronage account at <b>Aug 31, 2023</b>	<b>\$0.00</b>
<i>Patronage Transferred to Savings 17 April 2023 (-279.05)</i>	

##### Gas Tax (Restricted Funds) Account

Opening Balance on <b>Aug 01, 2023</b>	<b>\$60,331.16</b>
Official Cheque #011903-Upland on Aug 07/23	<b>\$-1,466.25</b>
Official Cheque #011974-Upland on Aug 28/23	<b>\$-1,213.25</b>
CCBF 1 <sup>st</sup> Installment 23/24 – Aug 15/23	<b>\$11,703.50</b>
Interest	<b><u>\$251.65</u></b>
Closing Balance <b>Aug 31, 2023</b>	<b>\$69,606.81</b>

##### RMEK Reserve Savings Account

GIC Transferred to Savings at Aug 01, 2023	<b>\$28,036.41</b>
Northridge Insurance Claim Deposit (Chq)	<b>\$38,626.58</b>
Business service charge (SC)	<b>\$-0.20</b>
Interest	<b><u>\$190.20</u></b>
Closing Balance at <b>Aug 31, 2023</b>	<b>\$66,852.99</b>



# Rural Municipality of Eastern Kings

## APPENDIX C



### Rural Municipality of Eastern Kings

Address: 85 Munns Road, Rte. 301 Kingsboro PE C0A 2B0  
 Telephone: (902) 357 – 2894 | Email: [developmentofficer.rmek@gmail.com](mailto:developmentofficer.rmek@gmail.com) |  
 Website: [www.easternkings.ca](http://www.easternkings.ca)

### DEVELOPMENT PERMITS

Permit No.	Date - D/M/Y	Name & Civic Address	PID #	Details
EKDP01-2023	03/02/2023	Jamie Bruce 708 Baltic Rd., East Baltic	896613	Install Power Service Pole for Electricity to Boat Pad
EKDP02-2023	03/02/2023	Polaron/Worden/Woodworth 7092 Northside Rd., Lakeville	1084532	Install Rooftop Solar Panels
EKDP03-2023	10/02/2023	Jason Tompkins 2641 East Pt. Rd., Kingsboro	808483	Construct 2-Story Detached Garage
EKDP04-2023	28/03/2023	Boyd Rose 6811 Northside Rd., Lakeside	680298	Construct 36x26 Detached Garage
EKDP05-2023	28/03/2023	Erik Sondergaard Bull Creek Rd., Priest Pond, PE	693408 & 710806	Clear & Install Driveway, Septic, Well, Pad
EKDP06-2023	14/04/2023	Myles Rose 402 North Lake Harbour Rd., Lakeville, PE	833673	Construct 50-80 Pole Barn (4000 sq. ft.)
EKDP07-2023	21/04/2023	Marvyn's Garden Kingsboro, PE	108852	Construct 90'x160' (14,400) sq. ft. Potato Storage Building
EKDP08-2023	25/05/2023	Michael LaPierre 1953 East Pt. Rd., Red Point	108290	Install temporary power service to for trailer. Home to follow in future.
EKDP09-2023	25/05/2023	Polaron/Jennifer Robertson 1117 Baltic Rd., East Baltic, PE	916726	Install Rooftop Solar Panels
EKDP10-2023	25/05/2023	Simon and Karen Hopkins East Point Rd., South Lake, PE	881797	Install Temporary Power to service future building of pole barn
EKDP11-2023	25/05/2023	Meaghan Hughes Route 16, Lakeville, PE	103550	Install Water/Sewer/Temporary Power for future cottage (1200 sq. ft to be confirmed at future date)
EKDP12-2023	26/05/2023	Rusty Elliott/JP Cheverie Construction 3212 East Pt. Rd., Bothwell, PE	109314	Move Building across the Road
EKDP13-2023	26/05/2023	Ernest MacPhee 148 Basin Head Rd., Kingsboro, PE	1043942	Build Storage Building for Fishing Gear (1344 Sq. Ft)
EKDP14-2023	26/05/2023	Kees Morsink & Margaret VanHelvoort Basin Head Rd., Kingsboro, PE	1155258	Level Land for Future Development
EKDP15-2023	02/06/2023	Brittany Roberts 5833 Northside Rd., North Lake, PE	1021872	Pour Foundation beneath existing home.
EKDP16-2023	09/06/2023	Kris Fournier 75 Cape Rd., North Lake, PE	111302	Demolition of Building
EKDP17-2023	30/06/2023	Wade MacAulay 2601 East Pt. Rd., Kingsboro, PE	7328278	Build Storage/Utility Accessory Building 20x30 (600 sq. ft)
EKDP18-2023	30/06/2023	Polaron/Henry Chapin 2570 East Pt. Rd., Kingsboro	109132	Install Rooftop Solar Panels
EKDP19-2023	30/06/2023	John A Flynn	111591	Build Garage 30x50 (1500 sq. ft)



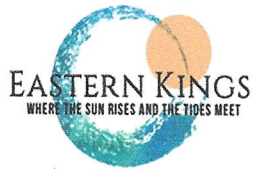
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		Near 331 Elmira Rd., Elmira		
EKDP20-2023	28/07/2023	David Walker 5142 Northside Rd, East Point	1076330	Erect 6' Wood Fence Surrounding Horse Arena 100x200
EKDP21-2023	28/07/2023	Jeremy & Kristen Harris Near 33 Sutherland Rd., Little Harbour	TBD (formerly 525148)	Construct new single family dwelling
EKDP22-2023	28/07/2023	Kurt & Alana Harris/Trent & Kirsten Mallard Campbell's Cove, Lakeville,	1160233	12 x 18 storage shed to be hauled in.
EKDP23-2023	28/07/2023	Rosalind Humphrey 367 Munns Rd., Kingsboro	108837	Construct new single family dwelling
EKDP24-2023	28/07/2023	Linda & David Underhill 8590 Northside Rd., Priest Pond	113258	14x14 Addition
EKDP25-2023	11/08/2023	Rhonda Dowling 456 North Lake Harbr. Rd. Lakeville	1049329	12x15 Addition
EKDP26-2023	11/08/2023	Francis MacDonald 4695 East Point Rd., East Pt.	795203	Construct 1000 Sq. Ft. Boat Barn
EKDP27-2023	11/08/2023	Francis MacDonald Subdivision of PID 110502 East Point Road, South Lake	Lot 23-01 Sub of 110502	Install 16x75 Mini Home and Prepare lot with well, septic and driveway.
EKDP28-2023	01/09/2023	Brittany Roberts 5833 Northside Rd North Lake	1021872	16' extension to east end of house
EKDP29-2023	01/09/2023	Helen McPhee 8418 Northside Rd Priest Pond	550913	16x24 addition to home

### SUBDIVISION APPROVALS

Permit No.	Date D/M/Y	Name & Civic Address	PID #	Details
S01F-2023	20/04/2023	Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro, PE	108738	Subdivide residential property from farmland remainder
S02F-2023	05/05/2023	Laura and Glen Robertson 109 Snake Road, Kingsboro	803064	Subdivide existing lot into three lots.
S03F-2023	26/05/2023	Curtis Sorrey and Charlene Sorrey 2983 East Pt. Rd., Kingsboro	708738	Subdivide 50acre Woodlot from Farmland Remainder
S04F-2023	23/06/2023	South Lake Christian Church 3815 Rte 16, South Lake,	110403 795070	Subdivide 1 parcel each from 2 remainder PIDs for highway improvements at the corner of Elmira Rd., and East Point Rd.
S05-2023	30/06/2023	Velvet Carpenter Haven at Bothwell	992511	Final Approval for lots 23-02, 23-03 & 23-13 in Haven at Bothwell.
S06-2023	14/07/2023	Jeremy Steward Harris and Mary Kristen Harris 1627 East Point Rd., Little Harbour, PE,	525048	Subdivide 5.2 acres from existing lot for residential use.





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S07-2023	28/7/2023	Richard Ching Basin Head Road Kingsboro, PEI	108399 & 377267	Subdivide 108399 to create 3 lots plus remnant. Adjust 377267 to match land survey with actual property dimensions.
S08-2023	09/01/2023	Karen Creighan Subdivision of PID 858308 Lighthouse Road, East Point	Lots 23-1 and 23-2 and Parcel A	Subdivide PID 858308 to two lots and remaining parcel.
S09-2023	09/04/2023	James Cheverie/Francis MacDonald East Pt. Rd. South Lake	Lot 23-01. Subdivisio n of PID 110502	Subdivide Lot 23-01 from PID 110502. 1 acre building lot.

**APPENDIX D – Development Committee Meeting Minutes – See Attachment**

## Development Committee Meetings

There was a total of 8 meetings by the committee.

15 Sept 2020	Agenda	Minutes	
30 Sept 2020	Agenda	Minutes	approval 15 Sep minutes
08 Dec 2020	Agenda	Minutes	approval 30 Sep minutes
02 Mar 2021	Agenda	No meeting	took place
16 Mar 2021	Agenda	Minutes	none
22 Jun 2021	Agenda	Minutes	approval 16 Mar minutes
27 Jul 2021	Agenda	Minutes	approval 22 Jun minutes
04 Nov 2021	Agenda	No meeting	took place

All documents are in the office in a binder Land Use Planning & Development Committee

It appears the committee worked involved Development Officers work about permits and subdivisions. Most of the committee work had council members present. The Official Plan and Development Bylaw was noted under the heading with brief notes or deferred to the next meeting. It would appear the bulk of the work on this topic was done by the council and not the committee.

Other than one set of minutes missing I feel a case of loose record keeping and the lack of meetings after the 27 July was due to the change in council and not the initiative to continue as a committee. I also spoke with Grace Cameron and Anne MacPhee to get clarification on the committee.

I do not feel there was anything detrimental from lack of committee work other than not being able to provide recommendations to council. There is nothing that makes committee recommendations binding to council.

The current format of the Development officer at council meetings to bring concerns would seem more practical.