



## Rural Municipality of Eastern Kings

### COUNCIL MEETING MINUTES

Tuesday, November 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, Nathan Paton and Chief Administrative Officer (CAO) Sonya Martin. Members of the Public: 0

#### 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)

Mayor Larry Fitzpatrick noted a conflict with item 8.(a)

#### 3. Agenda Approval

Edit to 7.(a)(ii) – correction is – “Standing Committee on Natural Resources & Environmental Sustainability, Legislative Assembly of PEI”. It was moved by Councillor Nathan Paton and seconded by Councillor Bernadette McInnis to approve the agenda as edited. All were in favour and the motion was carried.

#### 4. Minutes Approval

a) October 12, 2023 Council Meeting Minutes. It was moved by Deputy Mayor Danelle Elliott and seconded by Councillor Donna Campbell Dixon to approve the minutes as presented. All were in favour and the motion was carried.

#### 5. Presentations to Council: None

#### 6. Business Arising out of the Minutes

a) Housing – Mayor Larry Fitzpatrick noted that he and Deputy Mayor Danelle Elliott are still in the info gathering stage. They have connected with the Green Municipal Fund group and reviewed grants available and different funding stages with Jessica Golden. The Rotary study for PEI was acquired for inputs and as well as the Charlottetown 4 Housing recommendations which have been reviewed with two of them covered by the municipality. (Capital & Provincial Funding, CMHC, Green Municipal Fund)

#### 7. Reports:

a) Mayor Larry Fitzpatrick

i) At the FPEIM Semi-Annual Meeting in Summerside, Mayor Larry Fitzpatrick noted a quick meeting was had with Minister Lantz to exchange contact info and to let the Minister know that the RMEK Official Plan and Bylaw are at this office.



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ii) The Standing Committee on Natural Resources and Environmental Sustainability of the Legislative Assembly of PEI. A Letter was read to the Standing Committee by Mayor Larry Fitzpatrick. (See Appendix A)

iii) Eastern Kings Wind Farm Project. The PEI Energy Corporation (PEIEC) supplied the municipality with an updated schedule of milestones dated Nov 6/23. (See Appendix B). Other information from PEIEC includes: “The approved project remains unchanged; it is what was presented to the RMEK Council in 2019/2020 and is what was approved through the “Environmental Impact Analysis” process.” “The project aligns with all RMEK municipal bylaws, with no variances applied.” “As an example, turbines will be located 2km from the shoreline and 1km from residences.” “A permit under the Renewable Energy Act has been granted for the project.” “Tyson Bradley of the PEIEC will be involved in the Development Agreement process.”

b) Chief Administrative Officer (CAO)

i) Income/Bank Statement as at October 31, 2023 (See Appendix C)

ii) Update on Development Officer position. Councillor Nathan Paton gave an overview of the advertising and interviewing process to date. A second round of advertising has already been posted and an interview scheduled for Nov 15/23.

iii) 2023 Municipal Fly Program Reports. Council noted and appreciated the information in the reports submitted for the 2023 Fly Program. Council requires more time to review and discuss the program. The program will be fully reviewed for the upcoming fiscal budget.

### 8. New Business

- a) Souris Lions Xmas Boxes Donation Request. A motion was put forward by Councillor Don Humphrey and seconded by Councillor Arthur Baker to give this program an \$800.00 donation. All were in favour and the motion was carried.
- b) Souris Show Hall Kids Xmas Donation Request. A motion was put forward by Councillor Donna Campbell Dixon and seconded by Councillor Bernadette McInnis to provide this program with a \$200.00 donation. All were in favour and the motion was carried.
- c) 2024 Schedule of Meetings. A resolution outlining the required schedule of meetings for 2024, was moved by Deputy Mayor Danelle Elliott and seconded by Councillor Donna Dixon. All were in favour and the resolution was approved.
- d) Tender #2023-02 “Development Administrative Resources 2023”. A resolution to award the Tender #2023-02 was read by the CAO. It was moved by Councillor Bernadette McInnis and seconded by Councillor Nathan Paton to award the Tender #2023-02 to the “We6 Planning Group” as proposed with a total cost of \$38,000.00 plus hst. All were in favour and the resolution was approved.





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## 9. Adjournment

The meeting was adjourned at 7:44 p.m. It was moved by Councillor Arthur Baker and seconded by Councillor Donna Campbell Dixon. All were in favour and the motion was carried.

Signed in accordance,

*Municipal Government Act S.116(4)*

Larry Fitzpatrick, Mayor

Date

Sonya Martin, Chief Administrative Officer

Date

## Appendix A

### Mayor Larry Fitzpatrick - Presentation to the Standing Committee on Natural Resources and Environmental Sustainability, Legislative Assembly of PEI.

“Council decision was overturned by IRAC and the legislation that followed to cancel decision making of a municipality.”

I wish to speak with you about the implications of the new legislation, which essentially negates the ability of our council to manage the natural resources in our community.

#### INTRODUCTION

The rural Municipality of Eastern Kings (RMEK) has a population of 650 residents with many additional seasonal residents who spend their summer in our community.



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The main income for many of our residents comes from farming, fishing, and tourism industry.

Our community was managed for many years by a dedicated Community Council, which is now a Municipal Council. I am a first term Mayor we have 6 councilors, 3 are incumbents and 3 are first time elected.

Our Community developed an Official Plan in 2013 which we just recently updated and was submitted to the Minister for approval in September of this year.

We believe in having a framework to move our community forward and our official plan is that framework. We enlisted the help of a consultant to help formulate a multi land use that will meet the needs of the community in the present and future. We had extensive community consultations through public meetings to canvass what our community wanted for their future. A lot of time and effort was put into the plan by our residents, our consultant, and our municipality. We know our community and feel that we know what would be best for the community, but we had the wisdom to utilize an outside resource to learn what other communities were doing and incorporate those ideas if they enhanced our community.

We know that a Plan is legislated and is a requirement for every Municipality in Prince Edward Island and we take pride in the fact that we formulated a framework for our community to move forward. We did not expect the revisions of the Energy Act to override our plan and legislate where Windmills could be located.

The background on our Windfarm is this.

We have had a windfarm near Elmira since 2004, and many years later, we learned that there was a desire to add additional windmills in that location. The Power Corporation applied for expansion, and in 2021, the Council voted down the application for expansion of the current windfarm in EK.

The council decision was appealed to IRAC by the Energy Corporation.

In April 2023 IRAC gave their decision and overturned the Council's decision, but no further information was given to council. There was no clarification given to the municipality and we were told to seek legal



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advice. As a small municipality, our finances are limited and legal opinions are expensive

On September 2 nd , the amendments to the Renewable Energy Act came into effect, meaning that our community had lost any ability to designate where Wind energy resources could locate.

In terms of Natural Resources:

The RMEK municipality formulated an Official Plan for their development of land use. This Plan references green space, shore protection and development.

Natural Resources are a provincial responsibility so we understand that our community at times, falls into the “bigger picture” of the Provincial vision, but it is frustrating to be spending time and money on planning, moving forward , and then have legislation take away our vision for our community.

The Planning Act of PEI does address these issues, to reference a few.

Section 2 Purpose

Subsections

- b) sustainable planned development
- c) protect natural and built environment
- d) encourage cooperation and coordination of shareholders
- e) address potential conflicts regarding land use

Section 2.1 Minister responsibilities of Provincial Interest

- c) protect, conservation and management of ecological systems
- d) adaptation of climate change

The Council decision was aligned with the purposes of the Planning Act.

Yes, a windfarm exists but the expansion of the farm on the industrial scale proposed was not compatible with the community vision that the Council had planned.

After the IRAC decision, the government used the authority of the Renewable Energy Act section 9.1 to





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create the Designated Areas Regulation.

Again, our small Municipality had no information in terms of what exactly did this mean for our community. The Planning Act section 8.1 refers to the government's right to act if there is no Official Plan in a municipality, but we had a plan since 2013.

Our community is concerned with environmental sustainability, that's why we have an official plan, to us, sustainability essentially means, "meeting our needs without compromising the ability of future generations".

When legislation allows action to build and alter the landscape, we lose sustainability, the future for that property and that community is changed. And we can't get it back.

We have a great need to do better, and the environment is important to all of us.

We understand that change is necessary and to be taking meaningful action to reduce our impact on the environment.

RMEK is not against windmills and agrees that we need to do more in terms of climate responsibility.

How can we, in good conscience, say that we are acting sustainably when we are utilizing a natural resource causing irreparable damage to the environment.

The Planning Act 2.1 Ministers responsibilities,

D) the prevention of fragmentation of land and loss of natural habitat connectivity and biodiversity.

The East Point location of the municipality is a natural habitat, and our greenbelt must be protected.

I would hope this committee and ministers responsible for their respective Acts, carefully consider the Provincial actions, choose a pathway that meet our municipal needs and does not jeopardize the future generations of our Municipality.

The current regulation enacted does not create a collaborative environment for all stakeholders involved. If we are developing our natural resources, then it must be in a sustainable way that is open and transparent for everyone involved. That we look at all options in terms of technology and planning to meet our climate goals.



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## APPENDIX B

### PEI Energy Corporation Nov 6, 2023 Eastern Kings Wind Farm Project Schedule of Milestones.

Eastern Kings Wind Farm Project  
Updated Schedule Milestones  
Nov-6-2023

Month	Activity
Nov-23	+Re-engage with RMEK and landowners on Easement Agreements
	+Re-flag access roads and issue tender for land clearing
	+Revisit tenders for all long lead procurement activities
Dec-23	+Culvert installs, begin land clearing. Prepare civil tenders for 2024 work
Jan-24	+Land Clearing & Project management tasks. Collector system and substation upgrade design work
Feb-24	+Land Clearing & Project management tasks. Collector system and substation upgrade design work
Mar-24	+Land Clearing & Project management tasks. Begin issuing tenders for electrical construction
Apr-24	+Preparation of site for Spring 2024 Civil works
May-24	+Commence access road construction pending spring road bans
Jun-24	+Access road and crane pad construction
Jul-24	+Access road and crane pad construction. Collector system construction
Aug-24	+Access road and crane pad construction, civil and rebar install of foundations. Collector system construction
Sep-24	+Completion of access roads and commencement of foundation work. Collector system construction
Oct-24	+Turbine foundations. Collector system construction
Nov-24	+Turbine foundations & finalization of tenders related to 2025 activities
Dec-24	+Minimal site activity -> Continued Project management
Jan-25	+Minimal site activity -> Continued Project management
Feb-25	+Minimal site activity -> Continued Project management
Mar-25	+Minimal site activity -> Continued Project management
Apr-25	+Minimal site activity -> Continued Project management
May-25	Arrival of Turbine components in Georgetown, PEI. Transportation to site and laydown.
Jun-25	Crane lifts and turbine installation, parallel activities on Substation and collector lines
Jul-25	Crane lifts and turbine installation, parallel activities on Substation and collector lines
Aug-25	Crane lifts and turbine installation, parallel activities on Substation and collector lines
Sep-25	Commissioning
Oct-25	Commercial Operation

Comments
Provide RMEK council project update and contact all participating landowners to coordinate easement agreements. Land clearing for access roads and turbine pads must be completed prior to spring 2024 nesting season
Being land clearing of access roads. Tenders related to civil access road construction and turbine foundations
Access road clearing to continue
Access road clearing to continue
Access road clearing to continue
Mobilize site trailers and temporary power for construction
Civil works
Civil works
Civil works and commencement of foundations
Concrete pouring
Concrete pouring
Concrete pouring
Project management tasks - planning and tenders
Project management tasks - planning and tenders
Project management tasks - planning and tenders
Project management tasks - planning and tenders
Project management tasks - planning and tenders
Stevedoring, inland transportation of turbines to site
Mobilize heavy lift cranes and associated tools, prepare substation for new feeder and transformer
Turbine Installation, Substation construction
Turbine Installation, Substation construction

Notes: Proposed schedule shown above is subject to change and will be updated accordingly as several project tenders require issuance and contract awards.





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## APPENDIX C

### Chief Administrative Officer (CAO) Report – November 14, 2023

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

##### Souris Credit Union

###### Business Operational Account

Opening Balance on Oct 01, 2023	\$86,134.76
Closing Balance at Oct 31, 2023	\$87,900.71

###### Shares & Patronage

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

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

Opening Balance on Oct 01, 2023	\$69,867.12
Interest	<u>\$275.26</u>
Closing Balance Oct 31, 2023	\$70,142.38

###### RMEK Reserve Savings Account

GIC to Savings, opening balance at Oct 01, 2023	\$67,103.00
Interest	<u>\$264.37</u>
Closing Balance at Oct 31, 2023	\$67,367.37