



APPROVED MINUTES FROM REGULAR COUNCIL MEETING

HELD MONDAY, JUNE 11, 2018

The regular council meeting was held Monday, June 11, 2018 at 7:00 p.m. with Mayor Murphy presiding and Councillors Bernard, Williams, Curtis, and Cahill, Susan Wallace-Flynn, staff and Frances Ready present. Councillor Duggan was out of the province due to work. Mayor Murphy called the meeting to order.

APPROVAL OF AGENDA

The motion was made by Councillor Cahill, seconded by Councillor Curtis and carried for the approval of the agenda.

DISCLOSURE OF CONFLICT OF INTEREST

Nil

APPROVAL OF MINUTES

The motion was made by Councillor Williams, seconded by Councillor Cahill and carried for the approval of the minutes from the last regular council meeting held May 14, 2018.

Councillor Curtis said that on page 5 of the minutes his comment should state “should not be adopted near the end of the term and will affect the next council” instead of half way through the term.

BUSINESS ARISING FROM THE MINUTES

Councillor Cahill asked what was the next step regarding the Farm Practices Review Board decision on the Westech shell/compost issue and it would be court.

PRESENTATIONS OR DELEGATIONS TO COUNCIL

Nil

CORRESPONDENCE

A letter was received from Jason Milligan to request that a newly formed U12 boy’s softball league use the Town of Alberton as host at Memorial ballfield and register with the town.

The motion was made by Councillor Bernard, seconded by Councillor Williams and carried to support Jason Milligan’s request for the Under 12 softball league.

An invitation was received to the official grand opening of the newly renovated Mill River Resort on June 14th at 12:00 p.m.

The minutes from the Jacques Cartier Memorial Arena annual meeting were distributed.

Mayor Murphy read the Festivals and Events report (see attached).

A request was received from Garth Davey to check with the Planning Board to see if the currently zoned industrial lands behind the fire hall and Home Hardware may be temporarily utilized for a Fall Festival event. Council would like to know the costs associated with the corn maze before a decision is made.

A letter was received from Paul Young, Administrator, Community Hospitals West to request a letter of support. Mayor Murphy said he has been attending the meetings and meeting with potential doctors.

The motion was made by Councillor Bernard, seconded by Williams and carried to support the work of the Community Partnership Committee – Recruitment and Retention.

A request was received from Alberton Fire Department for a resolution for approval to apply for funding through a Community Revitalization grant.

The resolution was made by Councillor Cahill, seconded by Councillor Bernard and carried to allow Alberton Fire Department to apply for funding through the Community Revitalization Grant that requires the Fire Department to match money received from the operating budget from the Town of Alberton.

Emma Drive subdivision extension

The resolution was made by Councillor Williams, seconded by Councillor Bernard and carried to accept and sign the MSC agreement for Project 35.0 Emma Drive subdivision extension.

The resolution was made by Councillor Bernard, seconded by Councillor Curtis and carried to hire an engineer to oversee the Emma Drive Subdivision extension.

A letter was received from Kathryn Curtis, Chair Alberton Walking Track Committee stating that it had been suggested by the Minister of Rural Development to request a letter presenting the maintenance costs as a donation in kind for the Walking Park.

The motion was made by Councillor Cahill, seconded by Councillor Bernard and carried to approve a \$1,500.00 donation in kind in grass cutting and garbage removal for the Walking Park.

Councillors Cahill, Williams and Bernard voted yes and Councillor Curtis abstained due to a conflict of interest.

An amended decision was received from the Farm Practice Review Board regarding stockpiling of shell/compost mixture by Westech Agriculture Ltd (see attached).

A letter was received from Diverse City Multicultural Festivals to confirm the festival will be held for the first time on Main Street in Alberton on July 22nd from 2 p.m. to 10 p.m.

Staff Sgt. Hewitt arrived at the meeting.

A letter was received from Minister Richard Brown, Communities, Land and Environment stating the Town of Alberton's new Official Plan and Development by-laws were approved April 28, 2018, the date of his signature.

BUSINESS LICENSES AND/OR PROPERTY DEVELOPMENT APPLICATIONS

J.C. Handyman PID #19570, 530 Main Street for a deck 5'x22' on front of store

The motion was made by Councillor Williams, seconded by Councillor Curtis and carried to approve the application from J.C. Handyman for a deck 5'x 22' subject to conditions from the fire marshal.

The property development application from Sidewalk Grill for a deck was discussed but our maintenance man had marked it out with chalk and there was not enough space left for a wheel chair to get by.

COMMITTEE REPORTS

PARKS AND LIBRARY

Councillor Bernard reported for Library and Parks (see attached).

FIRE AND POLICE

Councillor Curtis read the monthly fire report (see attached).

Staff Sgt. Hewitt read the police report and then left the meeting (see attached).

ENVIRONMENT

Councillor Williams reported for Environment, nothing new to report, all have copies of the Farm Practice Review Board hearing results.

FINANCE

The motion was made by Councillor Cahill, seconded by Councillor Bernard and carried to pay bills in the amount of \$10,014.66.

Remuneration cheques and financial statements for general and sewer including balance sheets, income statements and trial balances were distributed to council.

CAO REPORT

Susan read the CAO report (see attached).

The motion was made by Councillor Williams, seconded by Councillor Cahill and carried to rent a port-a-potty for the school field for July and August.

2nd reading of the Code of Conduct Bylaw

The resolution was made by Councillor Cahill, seconded by Councillor Williams and carried to accept the second reading of the bylaw to provide a Code of Conduct for Members of Council Bylaw #216-6-2018.

The resolution was made by Councillor Bernard, seconded by Councillor Cahill and carried to approve the second reading of the bylaw to provide a Code of Conduct for Members of Council Bylaw #216-6-2018.

The resolution was made by Councillor Williams, seconded by Councillor Cahill and carried to formally adopt the bylaw to provide a Code of Conduct for Members of Council Bylaw #216-6-2018.

2nd reading Rules Governing Conflict of Interest for Members of Council Bylaw

The resolution was made by Councillor Williams, seconded by Councillor Curtis and carried to accept second reading of the bylaw to Provide Rules Governing Conflict of Interest for Members of Council Bylaw #217-8-2018.

The resolution was made by Councillor Bernard, seconded by Councillor Cahill and carried to approve second reading of the bylaw to Provide Rules Governing Conflict of Interest for Members of Council Bylaw #217-8-2018.

The resolution was made by Councillor Cahill, seconded by Councillor Bernard and carried to formally adopt the bylaw to Provide Rules Governing Conflict of Interest for Members of Council Bylaw #217-8-2018.

The July council meeting was discussed and whether there would be a quorum. Councillors Williams and Cahill would not be available and Councillors Bernard and Curtis would be available. Mayor Murphy recommended that the July council meeting be cancelled.

The motion was made by Councillor Cahill, seconded by Councillor Williams and carried there be no July Council meeting.

The resolution was made by Councillor Cahill, seconded by Councillor Bernard and carried to enter a service agreement with Elections PEI for the voters list.

The motion was by Councillor Williams, seconded by Councillor Cahill and carried to adjourn the meeting.

Festival and Event Report – June 2018

On May 2nd and May 9th, the Town of Alberton in conjunction with the Alberton Public Library hosted gardening seminars for children and adults. Both were well attended. On May 10th, soccer and softball registration was opened at Alberton Town Hall. The Town of Alberton also participated in a Youth Mentorship Experience Training with Christine Batten and Holland College, where ten members of programme came and assisted with various jobs around the town. Press coverage was received through local media. Press coverage was also received for the donation of the welding class Butt-Outs crated by the welding class of Rick Cheverie at Holland College. Holland College has also generously offered the use of their electronic bill board to advertise Town events. The Town of Alberton has also received official confirmation from the DiverseCity Festival, which we will be hosting on Sunday, July 22nd, hosted jointly by the Town and the local Business Association.

Library Report for May and June

For the month of May:

- Internet Basics went over well with learning how to use basic internet.
- Plant this not that with Garth Davey was a great turnout.
- Adult Book Club, Family Story time, Imagination Station, Nordic Walking and Budding Gardener were all great turnouts as well.
- We had a visit from Kids West Pre K class.
- Overall the Month of May was great turnout and all is well.

For the month of June:

- We are offering Adult Book Club on June 27th 7pm
- Family Story Time for ages 3-5 and their families on Wednesdays at 1pm
- Imagination Station for Children of all ages on Saturdays at 11m
- Get your Summer Read On Launch Party: To find out more about the TD summer Reading Club is all about and register for summer long fun of books, crafts, games and activities for all ages. Saturday June 23 at 11am
- We are expecting three schools that are planned to have visits this month.
- The library now has a "Library of Things" Collection. Did you know you can borrow: Nordic walking poles, ukulele, yoga mat, fitness equipment, youth technology kit, electricity reader meter, sensory kit and more, all with your library card. We are definitely more than just books!!

Parks Report for May and June

It is great to have our summer months back for the kids and families to use the town parks. Parks are kept clean and being used lots on these nice sunny days. Enjoy the summer months.

Monthly Fire Report May 2018

Calls

- MFR – 3, MVC – 4, Grass Fires – 2, Mutual Aid – 2
Total Calls – 11

Training

- May 1, (Skills – ladders, SCBA, deploying hose lines.)
- May 29, (Water Shuttles, Using large diameter hose lines to move large amounts of water.)
- Kelly Williams and Brett Dumville will be attending a rope rescue course at the PEIFFA training school on June 23-24 2018

New Equipment

- 2 10 ft. lengths of 4 inch suction line.
- 2 6 inch to 4 inch adapters.

This equipment will aid in fighting grass fires and other small fires. This will give us the ability to connect directly to the tanker trucks for water supply. This will make for faster connections and easier mobility should the apparatus have to be move during firefighting operations.

Other Notes

Brett Dumville has been granted a leave of absence for the months of July and August, he will be away to take more training with the Canadian Armed Forces. Good luck Brett and enjoy!!

Reported submitted by Chief Shannon Dumville

POLICE REPORT

During the month of May 2018, Prince District RCMP members spent 169 hours providing policing services to the Town of Alberton and responded to 21 calls for service.

The calls for service are broken down as follows:

2- Impaired Driving, 2- Fail to stop or remain at accident scene, 2- Fail to comply with Undertaking, 1- Fail to comply with Probation Order, 1- Traffic complaint, 1- Off-highway Vehicle Act Complaint, 1- Assist Provincial Agency, 1- Theft under \$5000, 1- Possession of drugs, 1- Well-being check, 1- 911 Act, 1- Missing Person, 1- Trespass Act, 1- Suspicious person, 1- Driving while disqualified, 1- Crime prevention, and 2- False alarm.

Following is a breakdown of the Provincial Statutes for the month:

4- Speeding Violations, 2- Non-moving violations, 1- Other moving violation, 1- Cell phone violation, 1- driving while suspended and 8- Written warnings.

Amended Decision of the Farm Practices Review Board

Background

Complaints were received from Paul Gaudet on August 25, 2017, Town of Alberton on December 11, 2017, Marie Gavin on March 7, 2018, Vicki Graham on March 8, 2018, Joni Murphy on February 15, 2018, and Eileen Kinch verbally at the hearing on April 4, 2018 (hereafter the “Complainants”), regarding the use of shellfish waste and seaweed being used as fertilizer by Westech Agriculture Ltd. (hereinafter the “Respondent”). The foundation of the complaints was that the use of this material caused a repulsive and strong odor that affected nearby and not so nearby residents.

The Hearing

This matter was heard on April 4, 2018, at the Access PEI location in O’Leary, Prince Edward Island, with the hearing being recorded. Public notification of this hearing was effected by way of Notice printed in the Guardian on Wednesday, March 7, 2018.

The complainants, apart from Paul Gaudet who was not present at the hearing, were represented by legal counsel, Nicole Brown Dunbar. The Respondent was represented by its owners Nora Dorgan and Raymond Dorgan. The Panel comprised of the Farm Practices Review Board Chair, Ronald MacWilliams, and the following members of the board, Judy Shaw, John Bysterveldt, Edwin McKie (hereinafter collectively the “Panel”).

By way of s. 3(6) of the *Farm Practices Act*, the Panel was free to establish its own rules of procedures, which were read into the Record by the Panel’s legal counsel, Robert MacNevin. By way of s. 11 of the *Farm Practices Act* Regulations, the Panel was allowed to accept evidence that may not have been acceptable in a court of law. The Panel heard from several lay witnesses who were all sworn in or affirmed prior to their testimony, as was the expert witness called by the Panel, John MacLeod. All Parties had the opportunity to ask questions of all the witness.

History

The use of organic nutrients as soil amendments has a long history in Prince Edward Island agriculture. As the farming and fishing industries developed together in this small province, waste from the sea was used to replenish nutrients to the soil as a way to utilize available by-products. Applying shellfish waste and seaweed to farmed fields reasonably is a time honored tradition and a normal farm practice on Prince Edward Island.

The farm practices of the Respondent surrounding the storage and use of shellfish waste and seaweed has been determined by the Panel to be outside of the normal farm practices. The stockpiling of these products near residences, along with land application without swift incorporation, is unacceptable as a farm practice. The facts presented in this case are not normal in the agricultural sector.

John MacLeod, soil science expert, provided the Panel with a report and testimony about the challenges and proper use of shellfish waste and seaweed as soil amendments. Mr. MacLeod stated that direct application of shellfish waste to land can result in problems such as offensive odor, development of serious fly populations and congregation of birds. Those problems were noted that with current farm practices of the Respondent. Mr. MacLeod also noted that odor can also develop is shellfish waste and seaweed are stockpiled before spreading, and additional odors released from with the pile when the material is disturbed.

The Panel has reviewed literature about the use of organic waste as soil amendments, as well as the treatment and disposal of such materials. The Panel has decided that the guidelines around the use and storage of animal manure as laid out in Best Management Practices Agricultural Waste Management, published by Environment Canada, Prince Edward Island Department of Agriculture and Forestry and Prince Edward Island Department of Fisheries, Aquaculture and Environment, do not apply to the shellfish waste and seaweed. While manure and materials from the sea are both organic materials, the composition and consistency difference mean that the guidelines for one cannot be applied to the other.

Conclusion

In the matter of shellfish waste and seaweed usage by the Respondent, the Panel orders that the Respondent Modify its agriculture practices of storage and land application of shellfish waste and seaweed as follows:

- Shellfish waste and seaweed must be fully incorporated into soil within 24 hours of land application; and
- Stockpiling of shellfish waste and seaweed is discouraged. However, if short-term storage is necessary, stockpiles must be at least 1.5 kilometers from a residence and in a location not easily seen by the general public. Stockpiled material must not cause environmental concerns.

These restrictions strike a balance between the Respondent's desire to use an available resource to feed their crops, and the desire of the general public to enjoy the use of their property.

The Panel encourages all party involved with this case to open channels of dialogue to discuss their individual needs and to provide healing for the community. Agricultural and rural communities are important to the framework of Prince Edward Island, and by finding cooperation, both can thrive together.

The Panel, by way of s. 23 of the *Farm Practices Act* Regulations, has the ability to award costs. The Panel finds that each party shall bear its own costs in this matter.

Dated at West Cape, this 30 day of May, 2018.

Ronald MacWilliams, Chair

CAO REPORT MAY 14, 2018 TO JUNE 11, 2018

Prepared financial statements, collected sewer revenue, made deposits and other day to day office duties.

On May 16th we received the signed contract from Northport for fire service for January 1, 2018 until March 31, 2019 and last week received full payment for the 15 month contract.

May 16th at 11:30 a.m. Mayor Murphy and I were very pleased to have a potential doctor visit town hall for a visit, we were able to give him a package of brochures and materials about the town and area.

May 28th Kevin Wells started under an EDA program for 12 weeks and Tyson Gavin started under a student program for 14 weeks.

May 28th at 3:00 p.m. Mayor Murphy and I met with Neil Handrahan Director and John Handrahan, Settlement Services with Western Immigration Opportunities Inc. to follow up on the Town of Alberton Community Endorsement.

May 29th from 8:30 a.m. – 11:30 a.m. I attended an Experience Specialist Program for North Cape Coastal Drive at the Mill River Resort. I hoped to gain tips and information to use when meeting with potential doctors and investors.

May 31st, June 1, June 4th and 5th I took vacation days. Garth is taking vacation days now started last Friday and back on Wednesday.

The zero turn was broke down for over a week but is fixed now and the grass has been cut at the lagoon.

I prepared the sewer invoices for the July 1st billing.

On June 6th from 2-4 p.m. I attended a Planning Workshop in St. Louis on Land Use Planning put on by the Department of Communities, Land and Environment and Inspection Services staff. The National Building Code regulations will come into force January 2019 with application to small residential buildings being delayed by one year.

On June 7th I delivered a framed certificate to Florence Graham to congratulate her and Keith on their 60th wedding anniversary.

Please note the letter in your correspondence with approval for the extension for the Emma Drive subdivision. A **resolution** is required to sign and accept the MCF agreement for project 35.0 Emma Drive Subdivision extension. A **resolution** is also required to hire the engineer to proceed with the plans and tendering after the agreement is signed.

Sunday, June 11th at 11:30 a.m. Mayor Murphy and I met with two potential doctors at the town hall.

Need motion to rent port-a-potty at the school field for July and August.