

Community of Brudenell Public Meeting held August 13, 2018

On Motion made by Brian Harding and Seconded by David Wisener, it was resolved that the Memorandum of Settlement dated August 8, 2018, a duly executed copy of which is hereto attached, be and is hereby ratified and approved for submission by the mediator, Frank Gillan, to the Island Regulatory and Appeals Commission.

Motion Carried.

**VILLAGE OF CARDIGAN
REGULAR MONTHLY MEETING
Agenda
August 13, 2018**

Present: Dalene Stewart, Herman VanDenBroek, Yvonne Webster, Kathy Patterson

Councillors Not Present: Ralph Barrett, Maxine MacLennan, George VandenBroek

Guests: Ronnie MacDonald, Kyle MacDonald, Alice Rice, Eddie MacAulay, Unknown member of unincorporated

Approval of Minutes – Kathy moves to approve the minutes of July 24th. Seconded by Yvonne. Carried.

Approval of Agenda – Yvonne moves to adopt the agenda as presented. Seconded by Kathy. Carried.

Disclosure of Conflict of Interest – None

Public Input

New Business

1. Proposed Amendments to Three Rivers Proposal

- a. Dalene explained the process that has taken place with the mediator appointed by IRAC. All changes to the original proposal were explained and read in detail.
 - i. **On Motion made by Herman and seconded by Kathy, it was resolved that the Memorandum of Settlement dated August 8, 2018, a duly executed copy of which is hereto attached, be and is hereby ratified and approved for submission by the mediator, Frank Gillam, to the Island Regulatory and Appeals Commission. Carried.**
 - ii. Brief discussion followed with a member of the unincorporated area to clarify that they are also included in this proposal.

2. Elections ByLaw –

- a. **It was moved by Kathy and seconded by Yvonne that The Cardigan Elections Bylaw was read for a first time on August 13th, 2018, and was approved by the majority of councilors. Carried**

3. General Borrowing ByLaw –

- a. **It was moved by Yvonne and seconded by Herman that The Cardigan General Borrowing Bylaw was read for a first time on August 13th, 2018, and was approved by the majority of councilors. Carried**

Financials – None given in this meeting.

Next Meeting - September 10, 2018

Adjournment Herman moves to adjourn the meeting at 7:55.

Whereas representatives from the communities of Georgetown, Montague, Brudenell, Lower Montague, Cardigan, Lorne Valley and Valleyfield, met during mediation with appointed mediator Frank Gillan

And Whereas these representatives have worked together to form a Memorandum of Settlement respecting the creation of a new Municipality comprised of Georgetown, Montague, Brudenell, Lower Montague, Cardigan, Lorne Valley, Valleyfield, as well as the unincorporated areas referred to as the Georgetown Fire district and The Cardigan Fire District. Presently being referred to as the Greater Three Rivers Area.

As whereas the Mayors of the represented communities, signed and delivered the Memorandum of Settlement to mediator Frank Gillan,

Be it resolved and ratified for submission by the mediator to the Island and Regulatory and Appeals Commission.

2 votes for; Councillor Stephens, Councillor Gallant. 3 votes against; Councillor McQuillan, Councillor MacLean and Councillor Jenkins. 1 abstention; Councillor Hebert. Tie decided in favour of the MOI by Mayor Lavandier. Resolution carried.

Municipality of Lorne Valley

Exerpt from the Minutes of Special Meeting

Monday, August 13,2018, 7:00 pm

Present: Councillors: David McGrath, Walter Shaw, Graham Forrester, and Karen MacLeod

Absent: Councillor ,Lorne Fraser

Also Present: David and Joy MacMillan, residents

The meeting was called to Order by Karen MacLeod at 7:05 pm.

Mediated Memorandum of Settlement—Three Rivers Proposal

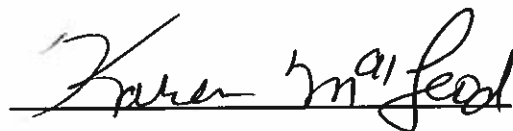
The purpose of the meeting was to discuss and , if approved, ratify, the mediated Memorandum of Settlement which came out of mediated negotiations involving the seven municipalities and Frank Gillan, mediator. A healthy discussion was had by all those present at the meeting.

On motion duly made by **David McGrath** and seconded by **Walter Shaw**, **IT WAS RESOLVED** that the Memorandum of Settlement dated August 8th,2018, a copy of which is hereto attached, be ratified and approved for submission by the mediator Frank Gillan, to the Island Regulatory and Appeals Commission.

Motion Carried.

Meeting Adjourned.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Karen MacLeod", written over a horizontal line.

Karen MacLeod, Mayor

MEMORANDUM OF SETTLEMENT

BETWEEN:

**Rural Municipality of Brudenell
Rural Municipality of Cardigan
Rural Municipality of Lorne Valley
Rural Municipality of Lower Montague
Rural Municipality of Valleyfield**

(the "Applicants", party of the first part)

AND:

Town of Georgetown

("Georgetown", party of the second part)

AND:

Town of Montague

("Montague", party of the third part)

WHEREAS the *Municipal Government Act* R.S.P.E.I. 1988, c, M-12.1 (the "Act") provides a framework for proposals on the formation of a new municipality;

AND WHEREAS the Applicants, pursuant to the *Act*, filed a proposal with the Island Regulatory and Appeals Commission (IRAC) on April 19, 2018, for the formation of a new municipality in the Three Rivers area of Kings County;

AND WHEREAS on May 15, 2018 Georgetown filed with IRAC an objection to said proposal;

AND WHEREAS on May 18, 2018 Montague filed with IRAC an objection to said proposal;

AND WHEREAS on May 24, 2018 pursuant to the *Act* IRAC appointed a mediator to assist in resolving the differences between the Parties;

AND WHEREAS the Parties, with the assistance of the mediator, reached a tentative agreement on the outstanding issues on July 30th, 2018;

NOW THEREFORE the Parties agree that the Applicants' Proposal of April 19, 2018, shall be amended to include the matters expressly provided below:

1. New Community

The newly amalgamated community shall be tentatively named the Greater Three Rivers Area ("Three Rivers"), until established otherwise.

2. Participating Communities

Three Rivers shall comprise the following communities:

Rural Municipalities

Brudenell

Cardigan

Lorne Valley

Lower Montague

Valleyfield

Towns

Georgetown

Montague

Montague Fire District

Georgetown Fire District

Cardigan Fire District

As per attached map, Appendix D

3. Services

The following services shall transfer to Three Rivers:

Fire Protection (not included in property taxes)

Administration

Economic Development

Planning & Bylaw Enforcement

Policing (one extra officer in Montague)

Municipally-funded Street Lights (in Cardigan, Georgetown, Montague)

Sidewalks (in Georgetown, Montague)

Facilities & Public Property

Recreation & Cultural

Pest Control (in Brudenell & Valleyfield) (not included in property rates)

Special Events

Debt Repayment (in Georgetown, Montague)

Emergency Measures Planning

4. Financing for Three Rivers

4.1 Property Tax Rates (per \$100 of assessment)

COMMUNITY	NON-COMMERCIAL RATES	COMMERCIAL RATES
Brudenell**	.13*	.38
Cardigan	.22	.38
Lorne Valley	.13*	.38
Lower Montague	.13*	.38
Valleyfield	.13*	.38
Georgetown	.39	.75
Montague	.39	.75
Unincorporated***	.05	.23

* Rate payers will pay .09 for a ten year period. Government has committed to pay the remaining .04 for a ten year period as set out in the attached Appendix B.

** The high traffic corridor is currently the area from the Poole's Corner Industrial Park along Route 4 through to Commercial Cross. The area also includes 500 meters on either side of the corridor. The high traffic area will be priority for new water and sewer infrastructure investment over a period of five years. Therefore, rates in this area will increase as follows:

Year 1	.38
Year 2	.43
Year 3	.48
Year 4	.53
Year 5	.60

Notwithstanding the foregoing, the rate shall be .75 when the infrastructure investment is complete.

Regardless of the location of a commercial property, commercial properties located on the high traffic corridor will be charged the rates included in this section and not be eligible for any tax subsidies.

*** The commercial and non-commercial rates for the unincorporated communities shall be paid to Three Rivers by the government of PEI for period of five (5) years from date of amalgamation pursuant to Appendix B. At the end of the five (5) year period the government contribution will decline each year in accordance with Appendix B and the rate payers in those communities will pay property taxes as per the following:

	Non-commercial		Commercial	
	Gov't	Ratepayer	Gov't	Ratepayer
Year 1	.05	0	.23	0
Year 2	.05	0	.23	0
Year 3	.05	0	.23	0
Year 4	.05	0	.23	0
Year 5	.05	0	.23	0
Year 6	.04	.01	.184	.046
Year 7	.03	.02	.138	.092
Year 8	.02	.03	.092	.138
Year 9	.01	.04	.046	.184
Year 10	0	.05	0	.23

4.2 Government Revenue Sharing, Transitional Funding and Gas Tax

Government commitment relating to equalization payments, transitional funding and federal gas tax program is attached as Appendix A.

4.3 Transition Expenses Exceed Funding

Government commitment to supporting transitional costs, should they exceed the budgeted amount, is included in Appendix B.

4.4 Gas Tax

The amount of gas tax allotted to Montague and Georgetown will be no less than each of those community's allotment immediately prior to the formation of the new municipality. Three Rivers will be treated in the same way as other municipalities that provide water and sewer services and the 2016 census data will be used for the calculation.

4.5 Financial Statements

Projected financial statements for Three Rivers are attached as Appendix C.

5. Policing

Policing in Three Rivers will be unchanged from the service provided to communities prior to the formation of the new municipality pursuant to correspondence from Government, attached as Appendix B.

6. Employees

- 6.1 All employees of the towns and rural municipalities will be transferred to Three Rivers, at least an equivalent compensation level as enjoyed immediately prior to the formation of the new municipality.

- 6.2 Three Rivers will develop job descriptions, pay scales commensurate with similar positions in other municipalities of comparable size.
- 6.3 Where new positions are created, internal candidates will be given first consideration.
- 6.4 Where there are two or more internal employees for a position, a competition will be held for the position, based on qualifications, ability and municipal experience.
- 6.5 In the event any internal employee is not successful in attaining a position, severance will be based on the employee's employment contract. In the absence of an employment contract, severance will be paid based on two (2) weeks pay for each full year of service, to a maximum of 26 weeks pay.
- 6.6 Georgetown and Montague shall maintain full time administrative services and current hours of operation for its residents.

7. Assets & Liabilities

- 7.1 All assets as detailed in the financial projections shall transfer to Three Rivers from the participating communities at net book value. Outstanding debt obligations will also be transferred.
- 7.2 Kings Playhouse will continue to receive at least the same level of support and commitment from Three Rivers as it did from Georgetown. Its governance structure and mandate will continue.
- 7.3 The A.A. MacDonald Gardens in Georgetown, and all public parks and other public spaces in participating communities will receive at least the same level of landscaping and maintenance services as they had previously.
- 7.4 All recreational and community facilities shall continue to be operated and maintained at at least their current level and general location, if reasonably required, to serve the residents of Three Rivers.

8. Fire Protection

The Montague fire department will continue as an independent corporation with all of its existing rights and assets. All fire departments will continue to be operated and funded as under current arrangements.

9. Existing By-Laws

By-laws in effect in each of the participating communities on the date Three Rivers is created will remain in force until replaced.

10. First Councillors

The election of councillors, including the first councillors, will be supervised by Elections PEI.

11. Organizations, Corporate Boards & Committees

Committees and corporate structures that exist to provide governance to organizations, facilities or other entities within a community shall continue as per current arrangements.

12. Water & Sewer

12.1 The Sewer Corporation in Georgetown and Water and Sewer Corporation in Montague will be transferred to Three Rivers and operated and maintained in their current communities. All agreements for services, human resources and equipment sharing and maintenance shall continue with Three Rivers and staffing levels will be maintained.

12.2 Only non-commercial consumers of the respective corporations shall be eligible for appointment to the corporation as directors or committee members.

12.3 Water and sewer services are governed by *Water & Sewer Act*, which authorizes IRAC to set water and sewer rates.

13. Objections Withdrawn

13.1 The Town of Montague withdraws its objection filed with IRAC on May 18, 2018 and this Memorandum of Settlement results in full and final settlement of any matter relating to the Three Rivers proposal.

13.2 The Town of Georgetown withdraws its objection filed with IRAC on May 15, 2018 and this Memorandum of Settlement results in full and final settlement of any matter relating to the Three Rivers proposal.

14. Georgetown will continue to be known as the capital of Kings County. All participating communities will continue to be described as the "neighbourhood of [previous name]".

15. The first Councillors shall, as a whole, not be paid more than municipalities of comparable size would pay for the same number of councillors unless the Government of PEI prescribes a different amount.


16. The Government and Three Rivers commit to working together to ensure the continued operation and maintenance of the Kings County Memorial Hospital and get the hours in the emergency department restored to 8 am to 10 pm, seven (7) days per week.

This memorandum is subject to the approval of the Councils of those municipalities on behalf of which it has been signed.

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DATED this 8th day of August, 2018.


For the Rural Municipalities:




Mayor Scott Annear, Lower Montague



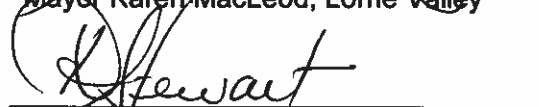
Mayor Jane King, Valleyfield



Mayor Karen MacLeod, Lorne Valley



Mayor Peggy Coffin, Brudenell



Mayor Dalene Stewart, Cardigan

For the Town of Montague:



Mayor Richard Collins

For the Town of Georgetown:



Mayor Lewis Lavandier

Lower Montague Community Council

Minutes of Public Meeting of Council

Monday, August 13, 2018 7:30 PM

Present: Dale Hume, Maureen Ross, Sean Halley, Russ Noiles
Scott Annear, Geraldine Martin, Melda Patterson-Jones,

Regrets: Suzanne Aitken

1) **Call to Order** – 7:30PM

2) **Regrets** – Suzanne Aitken

3) **Memorandum of Settlement**

Between:

Rural Municipality of Brudendell
Rural Municipality of Cardigan
Rural Municipality of Lorne Valley
Rural Municipality of Lower Montague
Rural Municipality of Valleyfield

And

Town of Georgetown

And

Town of Montague

Motion: That the Memorandum of Settlement of the amalgamation of the seven communities be approved.

Motion: Sean and Geraldine
Carried

4) **Adjourn**

Motion: To adjourn 8:30PM

Motion: Sean/Geraldine

Town of Montague

Resolution

It was moved by Councillor Bagnall, seconded by Councillor MacFarlane:

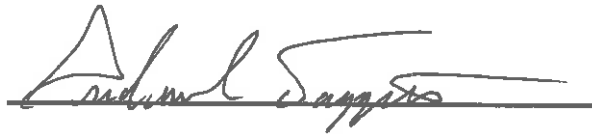
BE IT RESOLVED that the execution and delivery by the Mayor to mediator Frank Gillan of the Memorandum of Settlement respecting creation of a new municipality comprised of certain communities and nearby unincorporated areas in Kings County, the new municipality for the time being now referred to as Three Rivers, be and it is hereby ratified and confirmed for submission by the mediator to the Island Regulatory and Appeals Commission.

Motion Carried Unanimously

I hereby certify the above to be a true copy of a resolution duly passed by the Town Council for the Town of Montague at a meeting held on the 13th day of August, 2018.



**Richard A. Collins
Mayor**



**Andrew Daggett
Chief Administrative Officer**

VALLEYFIELD COUNCIL SPECIAL MEETING AUGUST 13-2018

Valleyfield Council called a special meeting on August 13th to deal with three issues.

[1] To give notice to IRAC on the Three Rivers Proposal put forward by the mediator, Frank Gillan regarding the amalgamation memorandum of settlement and of the Councils vote.

[2] To present the second reading of the Reserve Funds bylaw.

[3] To present the first reading of the Elections by law.

Jane called the meeting to order and welcomed Councillors, Robert Seeley, Murray Campion, and Jerremy Stanley. Eight residents were also in attendance.

After explaining the reasons for the meeting, Jane called on Robert to present the following motion; I move that the Rural Municipality of Valleyfield accept the Memorandum of Settlement and approve the document for submission by the mediator, Frank Gillan. Seconded by Murray. Much discussion followed before the Council voted unanimously for acceptance. Motion carried.

Second reading of the Reserve Fund implementation was moved by Murray, seconded by Jerremy. Motion carried.

First reading of the permission to hold a municipal Election was read and voted upon. Moved by Robert, and seconded by Jerremy. Motion carried.

There being no further business, Jane adjourned the meeting.

Jane King; Mayoress

Margaret Campion; CAO