

**Cornwall, Prince Edward Island  
Council Minutes**

**February 21, 2007**

The regular meeting of Cornwall Town Council was held in the Council Chambers on Wednesday, February 21st, 2007.

**CALL TO ORDER:**

The meeting was called to order at 7:30 P.M. by Mayor Patrick MacFadyen.

**ATTENDANCE & REGRETS:**

Present were: Mayor Patrick MacFadyen, Deputy Mayor Charles Easter; Councillors Marlene Hunt, Kent Lannan, Parker Beer, Irene Dawson, Ernie Gallant; Administrator, Kevin McCarville; Recording Secretary, Geneen Bergman and four residents.

**APPROVAL OF AGENDA:**

Councillor Gallant moved, Councillor Hunt seconded, that the agenda as circulated prior to the meeting be the agenda.

**MOTION CARRIED 2007-02-1437**

Note: Mayor MacFadyen added residents concerns under Other Business.

**APPROVAL OF MINUTES OF January 17th 2007 REGULAR MEETING OF COUNCIL:**

Deputy Mayor Easter moved, Councillor Dawson seconded that the Minutes of January 17th 2007 be approved as printed and amended.

On the first page under "Business Arising", the second sentence should read "Mayor MacFadyen advised that these are two separate reports".

On page two under "Water Supply Study" the following should be added: "of the third Cornwall is paying 30%, Stratford is paying 30% and the City is paying 40% of the third".

On page two under "Resolution" the word "resident" should be added so it reads as follows: "Ross Barnes as a resident member of the Town of Cornwall..."

**MOTION CARRIED 2007-02-1438**

## **BUSINESS ARISING**

Councillor Gallant inquired as to how the donations for the breakfast program were delivered and did it include a letter. Mayor MacFadyen explained Kevin hand delivered the donations to the Principals of both schools. Councillor Gallant suggested that letters should be sent with donations explaining what we are doing.

Councillor Dawson asked for clarification regarding the amount of the donations to the breakfast program. Councillor Gallant explained that half was paid now and the remainder would be paid at a later date pending budget approval.

## **PLANNING BOARD- Deputy Mayor Easter**

Deputy Mayor Easter reports the regular monthly Planning Board meeting was held February 13, 2007.

Committee members were advised of an application received from the owners of the former Royal Park Motel for a free standing sign to be placed on the property. The Board reviewed the Zoning and Subdivision Bylaw regarding free standing signs.

Deputy Mayor Easter moved, Councillor Lannan seconded,

WHEREAS an application has been received from D.P. Murphy Inc., to construct a free standing sign advertising the Super 8 Motel and Maggies Restaurant from/on Parcel 859892;

Be it resolved that Council, approve an application for a free standing sign to be located on Parcel No. 859892 subject to conditions.

## **MOTION CARRIED 2007-02-1439**

Councillor Gallant suggested that under condition – we change the wording from “height is limited to 19.7 feet above ground” to “height is limited to a maximum of 19.7 feet above ground.”

The Committee was also advised of a request received from the developer of the Madison Heights subdivision to change the type of siding used when building further homes in the subdivision.

Deputy Mayor Easter moved, Councillor Lannan seconded,

WHEREAS an application has been received from Clifford McQuaid to utilize a specific vinyl-type siding on future homes to be constructed in the subdivision;  
Be it resolved that Council, deny the application to use siding on future house construction in the Madison Heights Subdivision (Parcel No. 246884.

**MOTION CARRIED 2007-02-1440**

Councillor Dawson asks why the Committee recommends that the request be denied. Deputy Mayor Easter explained that it is a change in construction that the developer applied for when he asked for the special consideration for the change to the look of future homes to be built.

Councillor Lannan commented on the process and stipulations that were put in place at the time the subdivision was being constructed and the fact residents were a part of the decision making and it would not be fair to change so soon after. It would change the uniqueness of the subdivision.

Councillor Beer commented it is not right for all homes in the subdivision to look the same and the Developer is a customer of the Town's.

Councillor Hunt wanted to know what reason the developer gave for the change. Deputy Mayor Easter replied that no reason was given.

Councillor Gallant asked for clarification regarding the letters that have been sent to the Sizzler. Deputy Mayor Easter explained that the letters were mailed to the company then returned to the Town office unopened.

Deputy Mayor Easter also reported that Planning Board is waiting on further information regarding the Cornerstone Baptist Church and noted the attached monthly building permit report. He also updated Council about the many Planning Board meetings in regards to the Transportation Master Plan. A presentation to Council on Saturday, February 24 @ 9:00a.m. will update Council of the process to date.

**UTILITY - COUNCILLOR IRENE DAWSON:**

Councillor Irene Dawson reports that the regular monthly Utility Committee meeting was held February 12th, 2007.

***Capital Projects***

Council was advised several potential capital projects have been discussed as the utility is in the process of budgetary review and preparation. A meeting has been set for Monday, February 26, 2007 with the engineers after which the Utility Board will be in a position to make further recommendations.

Councillor Dawson noted a few motions had been set to come forward this evening; however, they are related to the budget and will be brought forward after the final budget meeting.

Councillor Gallant noted on the last part of the report, the Administrator is looking into some items and they will be reviewed during the next utility meeting.

**TRANSPORTATION AND SAFETY - COUNCILLOR MARLENE HUNT:**

Councillor Marlene reports the regular monthly Transportation and Safety Committee meeting was held February 23, 2007.

***Transit Study***

Councillor Hunt reported that Cornwall and Stratford met with the Oversight Committee regarding the Transit Study and have decided to award iTRANS the project at the next meeting in early March.

***Sidewalks***

Council members were provided with a list of priorities for the sidewalks for 2007. The Committee reinforced their position about money being allocated for sidewalks. Councillor Hunt added sidewalks are for the health and safety of our residents and are not a frill.

***Safety***

Councillor Hunt informs Council of the Committee's intention to have a structure installed which addresses safety concerns in the area east of the driveway to the APM Centre and Town Hall.

***Street Lights***

Councillor Hunt provided Council with a list of priority locations for streetlights. The Committee hopes to install 10 new lights this year if approved in the budget. The Town will be upgrading six other lights. Staff will be checking with the Department of Transportation and Public Works to determine whether the Province will provide a higher standard light at the entrance to the APM Centre/Town Hall.

Councillor Hunt commented on how busy an intersection it is and that she has had many calls regarding this issue.

***Street Maintenance***

The Committee is looking for the Province to upgrade Jewell Road, MacEwen Lane and Kellow Drive in 2007.

Deputy Mayor Easter asks for clarification regarding the policy for street light placement and priority and if the policy is still in place. Kevin explained that the body of the policy has not changed, only some locations have changed.

Councillor Dawson asked why we are putting street lights in Primrose because the Homeowners Association wanted no lights. Councillor Hunt advised that it was tentative depending on what the Association wants. Councillor Dawson asked if there is enough money to put in street lights for every request. Councillor Hunt explained that it will be a slow process and they could get one to two lights if they wish.

Councillor Dawson is concerned about the Trans Canada Highway and would like to speak to the Province. The City of Charlottetown and Town of Cornwall should lobby the Province to continue the overhead lights from the Maypoint intersection, across the Causeway to the Feed Mill and that we should demand it and if not, we should do it ourselves because the Trans Canada Highway is our main street and is more important than other streets. Councillor Hunt agreed this is an important point but is not hopeful that the Province will do it. Councillor Hunt noted residents have requested lighting on the Cornwall Road as well as the Jewell Road.

Deputy Mayor Easter expressed his concern about street lights as they produce light pollution which is becoming a major concern because of the amount of CO. Deputy Mayor Easter doesn't see a need for additional lighting along the Trans Canada as he is unaware of any accidents happening because of a lack of lighting.

Councillor Beer feels that it is better to be lighted than not.

Councillor Lannan asked for clarification on the Primrose street light proposal and who is responsible for the lighting in a new subdivision. Mayor MacFadyen explained that the Town would normally install the lights and pay for them if the pole is there. The issue in Primrose is that the entire subdivision was designed with underground wiring. When they asked for lights, they were told if poles were installed the Town would pay for the lights. The Town does not pay for installation of poles.

Councillor Hunt explained it is the same for the McQuaid subdivision and the Town should be careful and decide what they want when a new subdivision goes in.

Mayor MacFadyen asked who put the poles in at the McKenna subdivision. Kevin explained the poles were purchased by the developer and are now owned by the Town. In those cases, the monthly charge is roughly a third of the monthly charge for the lights that are on a standard pole owned by Maritime Electric.

Councillor Lannan asked who was responsible for putting in the lights in the Madison Heights subdivision. Mayor MacFadyen explained Council would have to make that decision, but in the past Council is not in the business of putting up the poles and putting lights on. Council has to agree.

Mayor MacFadyen asked about the list of new lights that was provided and wondered if they were listed in order of cost or priority. Councillor Hunt explained that some lights that are listed she is not sure of just yet. The remainder are priority or ones that have been asked for. Mayor MacFadyen asked what the charge is for upgrades. Kevin understands that the cost is about \$1.25 per month to replace a 4' arm with a 10' arm.

Deputy Mayor Easter asked Kevin for clarification on the rental of the lights and on the billing for them. Kevin explained that the lights are paid for whether they are working or not and how important it is for the Town to know when they are not working. Deputy Mayor Easter noted the length of time it can take to have the lights repaired.

#### **COMMUNITY SERVICES - COUNCILLOR PARKER BEER:**

Councillor Parker Beer reports the committee did not hold the regular meeting in February.

#### ***Civic Centre***

The Committee meet separately with representatives of the Cornwall Curling Club and Cornwall Lion's Club regarding the future of the Civic Centre. Further meetings will be scheduled.

#### ***Town Hall***

It is noted that deficiencies continue to be addressed. Light sensors and the automatic doors are the most significant issues that are outstanding.

Discussions with the Provincial Library regarding moving the Cap site from the Ferry Road Centre will begin this month.

#### ***York Point Community Centre***

The Committee will be reviewing the use of this facility. A request has been received by staff for the use of this facility; however, there are concerns about the safety of those using the building. Councillor Beer provided a report from the building inspector.

Mayor MacFadyen asked what the facility would be used for. Councillor Beer understands that it was for a Flea Market.

#### ***Humane Society Report***

Deputy Mayor Easter asked for clarification on the Humane Society report about the length of time the report is for. Kevin explained that year end is the end of February or March and that it is for a period of 12 months.

Councillor Dawson asked that a reminder be put in the up coming news letter urging all residents to tag their dogs for free. Deputy Mayor Easter noted that a reminder to follow the by-laws of the Town for dog owners should be inserted as well.

### ***R.C.M.P. Report***

Councillor Gallant noted on the summary of complaints that impaired driving charges were up in January this year compared to last year and that more charges have been imposed under the Highway Traffic Act.

### **PARKS & RECREATION - COUNCILLOR KENT LANNAN:**

Councillor Lannan reports the regular monthly meeting was held February 14, 2007.

### ***Turf Fields***

The Committee decided turf field rates for 2007 which are \$50.00 per hour plus GST and this figure is the same as the UPEI Turf fields. An additional charge of \$18.00 per hour for the lights will be added. The Eliot River Ramblers will be charged \$40.00 per hour plus GST and they guarantee 400 hours of rental. To date approximately 650 hours have been tentatively scheduled in 2007. Both the Potato & Lobster Bowl have been booked for the Football field. Councillor Lannan noted Kim is researching grant opportunities to assist with staffing the Turf Field facilities.

### ***Eliot River Ramblers***

An agreement is being worked on with the Ramblers. Councillor Lannan advised of requests that have been received from the club for various items. Councillor Lannan suggests that the committee would like the Town to take over ownership of soccer nets the Association is no longer using and that the Town would like the use of the Club House.

### ***Lights***

Councillor Lannan reported concerns from residents regarding the lights at the turf field and noted the Committee will consider these concerns when scheduling events and they have put a time limit on the use of the fields to help alleviate the problem.

### ***Donation Policy***

Reviewing of the policy is now complete. The Committee will provide a recommendation at a later date.

### ***Minor Ball Association***

Councillor Lannan reviewed the past agreement with the Ball Association and Recreation Department in regards to the cost of maintaining ball fields. The committee intends to address this item in their budget. Councillor Lannan noted that a few years ago the Town stopped collecting an annual fee on the Minor Ball Association used to assist with expenditures and now the Recreation Committee is planning to re-instate it.

### ***Recreation Software***

Councillor Lannan reported the committee has been looking for a program for tracking payments and participants for the last couple of years. Councillor Lannan explained other recreation departments were explored and it was decided a company called Book King was the best as the cost was less than the recreation software programs being used in Charlottetown and Summerside.

Councillor Gallant asked if we are busy enough with programs and participants to have to use such a program for tracking instead of using a scribbler and wondered how many programs are running.

Councillor Lannan stated there are many programs offered and it would not work to track information from a scribbler. A good system is needed and is beneficial to the Town, it will make things more efficient. Councillor Lannan noted he is doing all he can to cut costs and not waste any money in the Recreation Department but the program is going to be a benefit to the Town staff. With so much revenue coming in from the recreation programs proper record keeping is necessary.

Councillor Hunt said times are changing and scribblers are going out the window. Parents want to be able to register on-line and pay with credit cards. People from outside of our Town also access our programs which helps to create a lot of revenue for the Town as well as public relations and it is much simpler to have a program like this.

Councillor Gallant realizes that our recreation programs are some of the best but the ongoing charge of \$220.00 a month is fairly steep

Councillor Lannan is concerned that more money could be lost than \$220.00 by a mistake being made doing it the old-fashioned way. When money comes in from registrations, we want to make sure everything is recorded without error and staff need the proper equipment to work with in order to do a good job. He believes it is something worthwhile for the Town, even though it is a cost.

Councillor Gallant asked for further information to be provided on the program.

Councillor Lannan reported the committee is working very hard to add to the trails this summer.

Councillor Dawson asked Kevin to clarify whether we are being billed only for usage not on demand meter rates for the lights at the Turf fields. Kevin explained there is a small monthly charge and then usage on top of that, that runs from April 1st to November 30th; however, if the lights get turned on for 30 seconds between December 1st and March 31st the Town will lose the preferred rate.



Councillor Dawson asked for Kevin to provide her with that information in writing.

Mayor MacFadyen asked if there is a safety procedure in place in case the lights were turned on by accident. Kevin explained that the lights are currently turned off and the staff have the keys to the building.

Deputy Mayor Easter asked Councillor Lannan if Book King will allow people to make payments and book reservations on line. Councillor Lannan believes this to be the case. Deputy Mayor Easter noted that Book King does more than just track payments and provide receipts.

Deputy Mayor Easter asked for a comment on the donation policy with the Eliot River Ramblers. Councillor Lannan stated the Parks and Recreation Department are making changes to the donation policy so it will better reflect the various priorities in the Community so that no one group would benefit more than the other. The Ramblers would be able to request a donation the same as the other groups.

Deputy Mayor Easter asked if the request to waive the rent for the Seagull Tournament has been accepted. Councillor Lannan stated the Town has waived the rent because the Town then gains the use of the Club House which has washroom facilities. Mayor MacFadyen asked Kevin for further clarification. Kevin explained that an agreement is being drafted between the Town and the Ramblers addressing all issues of usage and cost.

Mayor MacFadyen asked if the agreement would come before Council. Kevin explained there is a draft which will go to the Solicitor for review and then a resolution will be put forth to Council in March.

Deputy Mayor Easter has a concern regarding maintenance of the field in New Haven. Councillor Lannan explained there is no grass cutting, just lining the field on an infrequent basis. Councillor Lannan had hesitation about going outside of the Town; however, this is the most cost effective way.

Deputy Mayor Easter asked for clarification about how the concerns regarding the Turf field lights will be met. Councillor Lannan explained that a time limit for each field is being considered. We are considering an attachment to the lights to lessen the light in the direction of the residents.

Mayor MacFadyen asked the Recreation Department look into solutions in order to decrease the noise. Residents have called and voiced concern regarding the noise level which is a bigger concern for them than the lights and they have asked for a response either way.

Councillor Hunt expressed concern about the soccer nets being placed on Town land. It is a great idea, but there have been deaths in the Province from soccer nets falling. Councillor Hunt asked that the nets be securely anchored.

Mayor MacFadyen asked if an agreement for security has been put in place for the Potato and Lobster bowls as they are both large events. Councillor Lannan stated there is no agreement yet, a proto-type rental agreement is being drafted to include security for big events.

#### **FINANCE & ADMINISTRATION - COUNCILLOR ERNIE GALLANT**

Councillor Gallant provided a current draft of the budget to Council earlier in the week. One financial change was made which was discussed with Deputy Mayor Easter. There are a number of questions to be asked which will be discussed in detail at a meeting scheduled for February 22, 2007 at 7:30 p.m. at the Town Hall.

Councillor Ernie Gallant moved, Councillor Irene Dawson seconded,

Be it resolved that Mayor Patrick MacFadyen or designate Deputy Mayor Charles Easter and Chief Administrative Officer Kevin McCarville or designate Financial Coordinator Danielle Herring be the designated signing officers for the Town of Cornwall accounts at the National Bank of Canada

#### **MOTION CARRIED 2007-02-1441**

#### **COMMUNICATION - MAYOR MACFADYEN**

Mayor MacFadyen wants everyone to be aware of the public meeting to be held on March 12, 2007 at 7:30 p.m.. It has not yet been decided where the meeting will be taking place. A press release will be put out on March 9th, 2007. Also, he reminded of the meeting set for Saturday, February 24, 2007 at 9:00 a.m. to discuss the Transportation Master Plan.

Mayor MacFadyen requested Council provide information about their Committees for the newsletter.

Councillor Hunt asked for clarification on the length of the information to be provided. Mayor MacFadyen suggested 300 – 400 words.

Councillor Gallant asked for clarification of whether the meeting was strictly to discuss the budget or other items as well. Mayor MacFadyen felt the floor would be opened up.

Deputy Mayor Easter felt residents will want to speak about other items and would agree the meeting be held at the Civic Centre in case a lot of people do attend. Mayor MacFadyen asked that the Civic Centre be booked for the public meeting.

Mayor MacFadyen, Deputy Mayor Easter and Councillor Dawson spoke of the beneficial orientation session hosted recently by the Province and FEIM.

Councillor Dawson reminded Council of the annual meeting for the Federation of P.E.I. Municipalities coming up in April.

**OTHER BUSINESS:**

Mayor MacFadyen opened up the floor to the residents who were in attendance at the meeting .

Tanya Oregan, Manager of the Cornwall Roadhouse, requested the Town of Cornwall write a letter to the Liquor Commission stating that live entertainment be allowed to extended from 1:00a.m. to 2:00a.m. similar to other licensed establishments. Ms. Oregan explained they had a license until 2:00a.m. but due to noise complaints it was changed to 1:00a.m. and since that time a smoking room was built to lessen activity outside of the establishment. The Liquor inspector was in and stated that you could not hear the music from outside. Business is being hurt because they cannot spend money bringing in entertainment because they lose money at the door during the last hour.

Ms. Oregan explained how the Liquor Commission made a ruling a year ago to rule out any live entertainment based on a letter received from the Town of Cornwall. Four (4) months ago they went through mediation and were given their entertainment license until 1:00a.m. based on a four (4) week trial period which went well. They have approached the Liquor Commission and have been told a letter must come from the Town of Cornwall saying that it would be okay to extend live entertainment until 2:00 a.m.

Mayor MacFadyen asked if Council had any questions. He noted that Council has an upcoming meeting on Saturday and thought it would only be fair if the new Council could get some background information from staff since the Town sent the letter and then it can be discussed Saturday morning.

Councillor Gallant recalled being at a public meeting as a resident when this issue was discussed and understood that someone at the meeting had said they did contact the Roadhouse about the noise verbally. Ms. Oregan said that she was not aware of it.

Councillor Lannan asked why anyone from the Town would send a letter to the Liquor Commission if there wasn't any complaints.

Mayor MacFadyen commented that he is aware that this issue is important to their business and the matter will be discussed at the meeting on Saturday.

Mr. Fouad “Freddie” Yammie introduced himself to Council and explained that he is trying to do business in the Town and has taken care of the property since he took over ownership of the Roadhouse. Mr. Yammie explained it has cost him \$10,000.00 in legal fees so he could conduct business properly and he finally won that case with the exception of the stipulation of 1:00.m. to 2:00a.m. which is the most important hour when you have live entertainment. Mr. Yammie invited Council to his establishment to have a drink or meal to check out the noise factor. There are no violations to the Liquor License and this is very important. Mr. Yammie does not feel this is fair, this is a community pub not a downtown bar and he only has a live band every second weekend. Mr. Yammie is hosting a Town event on March 3rd and would like to be able to operate as other bars do.

Mayor MacFadyen thanked Mr. Yammie and Ms. Oregon and stated that Council will be in contact as soon as they have a discussion and realizes that time is a factor for Mr. Yammie.

#### **ADJOURNMENT**

The meeting adjourned at 9:20 PM by Mayor Patrick MacFadyen on motion of Councillors Dawson and Beer.

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PATRICK MACFADYEN  
MAYOR

KEVIN MCCARVILLE  
ADMINISTRATOR