

COVID-19 COMMITTEE
Approved Minutes
Meeting of June 2, 2020 - Reconvened on June 5, 2020

DATE: June 5, 2020
TIME: 10:00 a.m. – 12:21 p.m.
PLACE: Zoom online platform

PRESENT: Deputy Mayor Gary Clow; Councillors Jill Burridge; Gail MacDonald; Steve Gallant; Derek Smith; Darren MacDougall; Robert Hughes, CAO; Jeremy Crosby, Deputy CAO and Director of Infrastructure; and Mary McAskill, Recording Clerk

REGRETS: Wendy Watts, Community and Business Engagement Manager

CHAIR: Mayor Steve Ogden

7. Records Management Bylaw (updated draft bylaw included in agenda package as well as an email)

Robert gave an overview of the draft Records Management Bylaw and then took questions from Council. Some of the concerns noted were the length of time records should be kept – some felt they should be kept longer, while others felt they should be destroyed as stated in the draft bylaw. Robert noted that to address some of the concerns, he will add in that the agenda packages be kept permanently. Council was concerned on the section that stated that they had to maintain the records, and Robert will change that to read Chief Administrative Officer. He noted every community in PEI has to adopt this bylaw and follow the provincial regulations.

Mayor Ogden called for the vote, but added that Robert will seek a legal opinion on the privacy issues that were raised before the Council meeting is held.

RESOLUTION

It was moved, seconded, and carried that the Records Management Bylaw be forwarded to Council for approval.

Mayor Ogden noted that he did receive a response from Minister Aylward regarding public meetings for rezoning and other issues that require public meetings, and the Minister indicated that at present we are permitted to have up to 20 people in a room with appropriate spacing. Another option for larger groups might be to set up a secondary satellite room for overflow with audio/visual support. Minister Aylward also said at present there are no discussions to amend the Municipal Government Act (MGA) to allow virtual

June 5, 2020 Covid-19 Zoom Meeting

meetings, but that he will continue to push for that option. Mayor Ogden noted that we could have a public meeting with 20 people in one room and have the overflow in the gym with audio/visual support. He asked if that was something we could do and Jeremy replied that he thought the guidelines stated that only 15 people were allowed indoors and 20 people outdoors, but added that may have changed. Mayor Ogden asked if this was something we could do even with 15 people and Robert replied that technically it would be possible to do, but it would be a lot more difficult and challenging than an amendment to the Act. Robert also said he was surprised that Minister Aylward gave him that information because Minister Fox had indicated that they were going to do something with the Act. However, Robert stated that staff will have a Plan B in place that will be similar to what Minister Aylward has said. People would have to register in advanced so we know how many people will be attending and some people could be asked to join the meeting online. Robert also wanted to note that it will not be guaranteed to be upheld at IRAC.

Councillor Burrridge stated that she spoke with stakeholders and developers and there will be a 'push on' from their end to the province.

Councillor Smith stated that he would suggest two separate meetings because he felt one of the projects would have many more people attend than the other.

Mayor Ogden asked about the status of the resident survey and Robert replied that both he and Wendy received a draft copy, but they haven't reviewed it yet. He added that they will go through it and give their comments to the consultant who will then send a final copy which he will circulate to Council.

3. Asset Management

Mayor Ogden noted that at the last meeting Council had asked for more time to review the asset management documents and if everyone is comfortable with the policy, we can take it to Council for approval. He polled the Councillors and everyone was ready to vote.

RESOLUTION

It was moved, seconded, and carried that the Asset Management Policy be forwarded to Council for approval.

Discussion: Nil

Question: **CARRIED**

8. PACE Atlantic (Property Access Clean Energy)

Robert stated that the best document to look at is the one labelled BM PACE Atlantic briefing notes. There are four municipalities included and they are the Town of Wolfville, the Town of Kentville, the Town of Stratford, and the City of Charlottetown. When we

June 5, 2020 Covid-19 Zoom Meeting

were approached Digby was part of it, but Digby dropped out very early because of Covid-19. Berwick was also part of it and they dropped out just a couple of weeks ago because they are going to opt into another program. The company we will be using is called PACE Atlantic and what is being proposed is that we are going to apply to the Federation of Canadian Municipalities (FCM) for 10 million dollars and 5 million dollars in a grant, and the idea is for PACE Atlantic to design, implement, and administer a program on behalf of the four municipalities. They will recover some of their costs for setting the program up from FCM through the grant and they will set a 5% administration fee on an on-going basis to do the work, so we won't need staff resources to do this.

Robert noted that a big concern when we brought the spear program in was the fact that we didn't know how many people would access it and hiring people was a little risky so this way we have removed some of that risk; we are not hiring people to run the program. However, we are offering residents something to incentivise them to take advantage of the opportunity to either put in renewable energy or make their home more efficient or both. The PACE Program stands for Property Access Clean Energy, and there are a number of them in place in this country. The idea is the residents borrows the money up front and do some retrofits or renewable energy installation, and then they pay the loan back with their savings. When paid, the full savings will accrue to the property owner.

Robert noted that part of what they are going to do with the FCM application is setup a number of online tools and we are going to try and do as much of the online as possible, so home owners can do a self-assessment first to determine if it is feasible for them to put in something like solar energy, or more insulation. The plan is to offer a low interest loan using the FCM money and it will be completely integrated with the provincial Efficiency PEI Program. Whatever they have to offer will be built into the application process so that we take advantage of any program that they have on behalf of our residents. What they found in places like Berwick where they have had a PACE Program for a few years is that they are getting about 10 time the participation in the provincial programs because of the PACE Program. We had asked ourselves that question – why would we do it if the province is already providing incentives. However, we are taking it to a whole new level by giving them some tools upfront, easing the administration burden, and not having to go to as many providers, and what the data from other places show is that it will actually increase participation and use of the provincial program. Robert noted that we put \$5,000 towards the development of the FCM application and Efficiency PEI also put in \$5,000 towards it on our behalf, as well as Charlottetown's behalf. Robert noted that is the high level overview, but there are a lot of details to be worked out. We have to draft a bylaw to implement the program which they will help us develop.

June 5, 2020 Covid-19 Zoom Meeting

The two things we will have to do is promote it through our social media channels and there will be some paper work in the finance department to record the loans and take the payments from residents, because they will be paying us directly. It will be setup as an invoice in our Townsuite program similar to a utility bill, so there will be a little bit of work for the finance department. However, on a day to day basis the homeowners will contact PACE Atlantic who will answer all their questions and help them through the application process. They are the delivery agent on our behalf, so the majority of work will be done by PACE Atlantic.

Mayor Ogden polled the Councillors starting with Councillor Burrridge. Councillor Burrridge asked if they have a good working history with other municipalities and Robert replied that the first person 'Julian Boyle' is the person who established and ran the PACE Program in Halifax – the Halifax solar city program – and he has been in the industry doing this for 25 years and is well regarded by FCM. Their application has been very well received by FCM in part because of the principals in PACE Atlantic. The other person is a former energy efficiency manager for the province of Nova Scotia and a 25 year civil servant who is very well respected in Nova Scotia.

Councillor Burrridge asked if they are going to lean on us for contractors who work in Stratford and Robert replied what we will do is use the provincial list. The overall cost to the Town for this is very minimal - \$5,000 and Robert replied that the \$5,000 is for the application. He added that there will be some ongoing staffing, but no out of pocket costs. Councillor Burrridge is good to move ahead with it.

Councillor MacDonald went back to how reputable the company was noting she did a quick google search of PACE Atlantic and it didn't show up. She asked if Stratford is the 'guinea pig' for this project and Robert replied that we were approached by Equilibrium Engineering in the beginning. They are a well-established consulting firm in Nova Scotia and that is a local office – they also have a national office. They do a lot of work for Efficiency Nova Scotia, as well as auditing energy efficiency programs run by provinces, so they have quite a bit of experience. When we were approached by Mr. Boyle he was a part of their team. Somewhere along the way they decided to separate that out, so PACE Atlantic is a new company and it may not be registered yet. However, the two gentlemen who were involved right from the beginning are still involved, and Equilibrium Engineering is still part of the team. They are still going to do all of the third party attestation/audit type work on the project. PACE Atlantic is a new company but we are their only focus right now. They were set up strictly to do this program, but they hope to expand and bring other municipalities on board in the future. We will have their complete 100% commitment to make this work because it is their business project.

June 5, 2020 Covid-19 Zoom Meeting

Mayor Ogden felt Councillor MacDonald made a very good point and asked what would the Town do if the company was to go under, and Robert replied if that happened, the four municipalities would have to take over the program. We might find another third party contractor or we might hire someone, or possibly join together to form a company. There are a number of options available to us. Robert stated that it is definitely a risk because we are entering into a contract with the private sector party to work on our behalf. He is not saying this is without risk, but he felt we are mitigating the risk as much as we can by using FCM's money.

Councillor MacDonald noted that we will be taking the payments and she asked if someone doesn't make a payment whose job will it be to follow up and Robert replied it would be the Town, the same way we do with our Utility collections. Robert added that in Halifax the rate of people who don't pay is very small because it can become a lien on their property. Mr. Boyle also indicated that 20 to 30% of citizens end up using their own bank.

Councillor Gallant stated that most of his questions have been answered. He noted that he liked the program. His only concern is with Covid-19 on the go and mortgages and car payments being deferred – will it be hard for people to tap into this program at this time and Robert replied what we will look for is experience with the Town and with the province. If they pay their property tax and they pay their Utility bill and any other monies owing to the Town, we will consider them to be a good risk.

Councillor MacDougall is in favour of the program. He considered it to be a good program and he sees a lot of good for the residents and he sees very little down side. He is in favour of the program and added that it fits with the Town's sustainability initiative.

Councillor Smith noted that he is in favour of the program for the following reasons: the seniors and low income people will benefit from the program. Some low income families can't get a loan and this will allow them to upgrade their homes. Last week we had a presentation about the future of the Town and he can see where the future of this program will be used by a lot of people. Councillor Smith stated that he was recently speaking with a contractor in the Town and they are looking at laying people off, but a program like this would allow them to keep their workers. He is all for the program.

Deputy Mayor Clow noted that he had some concerns with the program at the present time. He believes there will be a big impact on Town employees and there will be a cost to the Town. Who in the Town will be responsible for the file, and what is the annual average cost for running the program. Deputy Mayor Clow noted that when he read through the document, it said one staff member will be required to look after the program. This staff member will have to be trained for PACE best practices with workflow in securing debt, LIC

June 5, 2020 Covid-19 Zoom Meeting

billing, and collections. PEI has very little LIC experience so the training will take time away from the employee's work. There is a lot of risk involved with this program at the present time due to Covid-19. There is a higher than expected number of default payments and that came right from PACE Atlantic report. They also said there is a lack of internal staffing and competency because people are working from home. There is a financial risk as Covid-19 environment presents a host of variables that could impact the viability of the program. This is a time of uncertainty for municipalities, residents, and businesses. As noted by Councillor Gallant people are deferring mortgage and car payments because everyone is hurting right now. How will this impact the program marketing and communications – how will it be handled in the social distancing world. Deputy Mayor Clow stated that this information is all in the PACE report. He added that he knows they are offering low interest rates, but he believes if you were to go to a bank you would probably get the same rate. The bottom line is there is a lot of uncertainty with Covid-19 and he questioned why only four municipalities are involved in the program and felt that this project should be deferred until Covid-19 is over. Deputy Mayor Clow added because of the issues noted he would have to vote nay on it.

Mayor Ogden asked Robert to respond to the concerns. Robert replied that there were a few things mentioned and he will start with the staffing. PACE Atlantic will process the applications and do the credit checks. They approached a relatively small number of municipalities to start. There were municipalities that were already thinking about doing this type of thing and already had a community energy plan approach. Robert stated that he can only speak for the Town of Stratford noting that we were approached because we have a community energy plan and we ran a pilot program to implement this type of a program. In terms of the impact, what they predicted was 1.8 million dollars investment a year in Stratford in homes and businesses, and 115 properties is their projection. It is hitting a lot of our targets in helping us reduce our greenhouse gas emissions, it is helping residents save money, and it is also creating local economic activity by having an investment in the community that wouldn't otherwise happen. Robert felt that the benefits are huge. He agreed there is risk, but there is risk in everything we do. He felt that the risks are fairly minimal and he doesn't see it becoming a huge burden on staff. We are hiring a new environmental sustainable coordinator and overseeing this program is included in their job description that we developed a few years ago - when we implemented the community energy plan, so we have allocated some resources to it already. Robert stated that it is an investment on behalf of the residents.

Councillor MacDougall concurs with Robert and he reiterated that it is more of an upside than down. He would argue Deputy Mayor Clow's points of the project being a huge impact on staff. He felt it was a minimal risk and not a drain on resources and he is in favour of it.

June 5, 2020 Covid-19 Zoom Meeting

Deputy Mayor Clow noted that he felt it is a risk to the Town right now with Covid-19 and he does believe it will have an impact on Town staff. He stands by what he said earlier and he is ready to vote on it.

Councillor MacDonald asked if we are signing a contract with PACE Atlantic what is the length of the contract and Robert replied that a contract has not been negotiated yet. All we have so far is the Memorandum of Understanding (MOU) which Robert sent out for everyone to review. Until we actually get the FCM funding, we won't have a contract. We will negotiate with PACE and the other municipalities as we go along for the next six months and Council will have a chance to look at it and approve it. Right now it is just a commitment to work together to try and get the FCM funding and then we will have to work out some of the details. It was also noted that the FCM application has to be approved at the June Council meeting in order to meet the deadline.

RESOLUTION

It was moved, seconded, and carried that the FCM Application be forwarded to the June Council meeting for approval.

Discussion: Deputy Mayor Clow wanted to note that he is not against the program, but he is against the timing of it.

Question: **CARRIED (2 against Deputy Mayor Clow and Councillor Gail MacDonald)**

9. Council Remuneration and Allowances Commission (draft Terms of Reference and Charlottetown Report included in the agenda package)

Robert noted that he, Deputy Mayor Clow, Councillor MacDonald, Councillor Smith and Mayor Ogden held a zoom meeting because the direction received from Council was to put together a process for reviewing Council remuneration. The first part of the terms of reference is an introduction. However, it does state in the Act you have to, by bylaw, establish compensation for attending meetings and carrying out municipal duties for reimbursement of expenses and payment for any other purpose, and a bylaw can establish pensions and severance payments. In the Act, Section 82, states if Council wants to review remuneration, they need to appoint an Independent Remuneration and Allowances Commission and that is what the terms of reference is for. Robert displayed the draft terms of reference on the screen and gave an overview of the contents. He also gave a bit of history on the current Remuneration Bylaw. It was noted that in 2019 there was a change of one-third of the allowance being removed, and there is a document that was provided by FCM that we can give to the person(s) we appoint to do this work. It gives a summary of that one-third being removed. Council would appoint a one person or a three person panel and they would follow the terms of reference and come back to Council with a report.

June 5, 2020 Covid-19 Zoom Meeting

Robert noted that the recommendation is to review the types, rates, and conditions of compensation allowances, and benefits that are paid to Council. We ask the Commission to give particular consideration to the federal tax change in 2019 and the administrative burden on the meeting stipend because Council would like to replace it. We are also asking them to look at the compensation of members of Council of other municipalities of similar size in the region. When they are doing the work they will consult with members of Council and members of the public, and they will recommend any changes as a result, as well as the date those changes are to become effective. We are asking that they complete the work in 90 days. Council can decide if they want a one or three person commission. Consideration should be given to a former member of Council, as well because they understand what the job requires rather than two judges.

Mayor Ogden read a report from Fredericton that Councillor Burrridge had sent him adding that it was an excellent report with an excellent methodology. He added that there is a lot of analysis in the report that is very relevant to what we are discussing. There are some valid points about the 30% reduction and how that was handled in Fredericton.

Deputy Mayor Clow stated that he is fine with what is presented and he would be okay with a previous Councillor sitting on the commission.

Councillor Burrridge noted that she was trying to educate herself on this issue as she has no history, and she came across the Fredericton report. The report said you should absolutely not tie remuneration to the tax code change. If you want to have a compensation review tying it to the tax code change is a mistake. She asked if the Commission recommended a raise how would we pay for it; we have had a rough few years and we have raised taxes and water and sewer costs. She doesn't feel this is the right time for a review. She noted that she would like to remove the severance pay from the terms of reference as well. She is not a huge supporter of this initiative, and she felt that the Fredericton report is well worth the read.

Mayor Ogden felt we should answer the question of are we in favour of doing a review at this time.

Councillor MacDougall felt that this is not the time to be doing a review, as it is a budgetary issue and also it is not good timing with Covid-19.

Councillor Gallant stated that he has looked at this a number of times. He noted that he attended the FCM Conference last year and everyone was talking about the tax cut. He felt that some compensation might also include a cell phone and possibly health benefits. He stated that he didn't feel we were big enough operation for a severance package so he does

June 5, 2020 Covid-19 Zoom Meeting

not agree with that. Councillor Gallant stated that he would like to see the review done now.

Deputy Mayor Clow felt ready to have the review done now.
Councillor Smith is in favour of doing the review now.
Councillor Gail MacDonald is in favour of now the review now.

Councillor Burrridge is not in favour of doing the review now. She felt that more thought needs to be put into it. She would prefer to see it done at certain intervals and linked to the budget.

Robert noted that he did just circulate the Fredericton Report around for everyone to have a look at it. In terms of whether or not to go ahead, it is Council's decision entirely. He added that he personally didn't feel that there was anything wrong with doing a review.

RESOLUTION

It was moved, seconded, and carried that Council move forward with a compensation review.

Discussion: Councillor Burrridge is not in agreement with moving ahead with a review now.

Question: **CARRIED (2 Against – Councillor Burrridge and Councillor MacDougall)**

Mayor Ogden noted that we will have a second discussion prior to going to Council. He asked Robert to review the Fredericton Report and come forward with a methodology for a second vote. It won't be going to the June meeting; we can look at doing it at the July meeting.

Deputy Mayor Clow understood that that we were looking at either a one or three person commission and all this other information is new to us as a committee. We were deciding which of the two would be better and he thought that was what we were to vote on. Mayor Ogden stated that today we determined when to do the review and the next vote will be how to do the review – whether it is a one or three person commission will be part of that. Whatever methodology Robert brings forward is what we will vote on at our next discussion on this item. Deputy Mayor Clow understood that would be today because Robert did make a recommendation on the commission. Our recommendation today was to vote on a one or three person commission. Deputy Mayor Clow felt that we are extending the issue again and he felt it wasn't necessary. The committee met and drafted a terms of reference and now we are looking at July and he felt Council should be voting now. Mayor Ogden felt that because of the importance of the issue it was felt the time we take to consider it is very important. We don't want to have it perceived as being rushed and we want to be sure all points of view are considered, especially where we have some new

June 5, 2020 Covid-19 Zoom Meeting

information that all Councillors have not had a chance to review. Mayor Ogden noted that he wants to move forward with a rational approach well founded on evidence and analysis and with the best recommendation possible.

Councillor MacDonald felt that this is not being rushed. She noted that we are about 18 months behind most other municipalities in Canada who have already made the decision on this and as politicians we are not making the decision. We agreed to a commission whether it be a one or three person commission and other than the terms of reference that was presented as an agenda item, we should not micro manage the commission; we should let them do their work. A committee was formed and the committee met and spoke on this at length and she doesn't understand the reason for the delay. Mayor Ogden formed the committee to make a recommendation to Council on how to proceed which they have done. That recommendation was to proceed with the review and to go with a three person commission.

Mayor Ogden noted that we choose to vote on the timing of the review and the next vote will be on the procedure that will be followed – the methodology. He felt that was not out of line with the committee that was formed to make recommendations to Council. The recommendations are absolutely going to be respected and they will be voted on at our next Committee of the Whole meeting. If everyone has a chance to look at all the evidence, and if Robert is able to come forward with a methodology for next Tuesday, and Councillors have a chance to review the Fredericton Report, as it is the only report being considered at this time, we can then bring it to Council. Councillor MacDonald asked why there is no other report being considered at this time. Mayor Ogden replied that we are also considering the Charlottetown Report that was just done as it has a solid methodology. Councillor MacDonald noted that she is unable to comment on the Fredericton Report, because she just received it.

Robert noted that he did have a chance to review the Fredericton Report, and he believes that the terms of reference that we drafted were fine. He didn't feel it was much different than what was done in Fredericton. Robert stated that he would not recommend that the terms of reference be any different because he has already had the benefit of looking at the Fredericton Report. Councillor MacDonald didn't see what other work Robert could do other than the terms of reference. She noted that we are governed under the Municipal Government Act (MGA) and Fredericton is not. Councillor MacDonald asked Robert if he could make an amendment to #3 in the terms of reference – it says Remuneration and Allowances Commission is hereby established to review the types, rates, and conditions of compensation, allowances or benefits. She would like to have it read *and/or benefits*. She also noted that under #1 it states that the bylaw may establish or provide for pensions and severance payments she would like to put in health and medical benefits too. Robert noted

June 5, 2020 Covid-19 Zoom Meeting

that he extracted the pensions and severance payments from the Act, although he used laymen's terms instead of the technical terms. Robert stated that reimbursement of expenses is what is allowed but he can add the word expenses to make it more clear.

Mayor Ogden would like to propose that we have a vote on the terms of reference.

Councillor Smith strongly supported voting now. Let the commission do their work. We will give them all the information we have and they can make a decision. We can then either accept or reject their recommendation.

Councillor Burrridge felt that the additions that were asked to be added to the terms of reference were more of a provincial thing. She noted that she wouldn't identify items, she would leave it open to a total compensation package because it would include all those things that are mentioned. Councillor Burrridge felt that it would be guiding them and she would leave it out. Councillor MacDonald noted that Robert put it in for a reason and he took it from the MGA so she has no problem leaving it as it is.

Councillor MacDonald asked if everyone had a chance to speak on this issue.

Councillor MacDougall noted that he has no issue with the terms of reference.

Councillor Gallant agreed that the compensation package – he doesn't like the word severance and at the end of the day the commission is going to make the decision, so we should leave it in their hands.

Councillor Smith stated that he will be voting for the terms of reference.

Deputy Mayor Clow is also in favour of the terms of reference.

RESOLUTION

It was moved, seconded, and carried that the terms of reference be approved.

Discussion: The discussion was held previous to the vote.

Question: **CARRIED (1 Against – Councillor Burrridge)**

Mayor Ogden asked if there was anything else we needed to do before we move on and Robert replied that we need to decide who the commission is going to be with one or two alternates. We will also need to call them to see if they will accept sitting on the Commission.

It was moved, seconded and carried that the meeting go in-camera

June 5, 2020 Covid-19 Zoom Meeting

Selection of the Commission

The Council discussed whether or not to have a one or three person commission and following the discussion it was agreed that it will be a three person commission as noted in the following resolution:

RESOLUTION

It was moved, seconded, and carried, that the commission will consist of three people.

Discussion: None

Question: **CARRIED (1 Against – Councillor MacDougall)**

After a lengthy discussion it was agreed that the following people will be contacted to see if they will agree to sit on the Commission:

Judge John McQuaid, with Justice Gerard Mitchell as a backup

Resident Stan MacPherson, with Ray Murphy as a backup

Mike Farmer, with Randy Cooper and Kevin Jenkins as backups

It was moved, seconded and carried that the meeting come out of in-camera.

Robert suggested that due to the time, we could stop at this point and continue the meeting next Tuesday and everyone agreed.

Town Council Resolution Items – Deferred

- a) **Fire Company Lease**
- b) **PACE Application Approval**
- c) **Street Names**
- d) **Utility Loan Renewal**
- e) **Records Management Bylaw**
- f) **Asset Management Policy**

10. Covid-19 Operational Status Report

Deferred

11. Covid-19 Contingency Fund

Deferred

12. Communications to Residents

Deferred

June 5, 2020 Covid-19 Zoom Meeting

13. Council Inquiries

14. Other Business

Jeremy mentioned that he did a CBC interview and emphasized the fact that the sludge removal was done and also emphasized that the number one priority of Council.

15. Date of Next Meeting

Tuesday, June 9, 2020

16. Adjournment

The meeting adjourned at 12:21 p.m.