

Special Council Meeting
Monday, February 5th, 2018

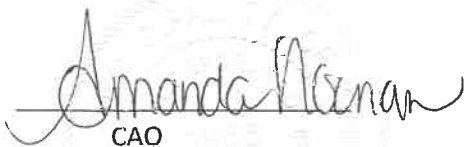
Present: Mayor Patrick Duffy, Councillors Roger Savoie, Damien McAvinn, Steven Dawson, Les Nantes, Janet Payne, CAO Amanda Noonan, and ten residents.

1. **Approval of the agenda:** Councillor Roger Savoie motions to amend the agenda to incorporate bills from Duffy Construction for the CWWF Project and the Gas Tax Sidewalk Project. Seconded by Councillor Damien McAvinn. All in favor. Motion passed. Councillor Roger Savoie motions to approve the amended agenda.
2. **Phase One Kinkora Rink Project:** The rink committee joined the meeting to give council and the residents an update on the rink project. They mentioned that the lights will be installed this week. They advised council that they have not had terrific weather for the rink, it has been too warm. They told council that the Grand Opening will be on Saturday or Sunday, weather permitting, and they will have hot chocolate and a BBQ. They told council that they would have benches in the gazebo and mats going down to the rink so people could put their skates on and walk down to the ice. Issac Jay thanked council for their support and thanked the fire department for their help. They advised council that they should start working on the rink a little earlier next year. Councillor Roger Savoie thanked the committee for their time and dedication. CAO Amanda Noonan addressed the residents on the ongoing concerns regarding the Phase One Kinkora Rink Project and read an apology letter to the residents on behalf of council (see attached). Councillor Janet Payne advised the residents that council had a closed meeting last week to discuss the concerns. She explained that there had been two issues: Funding through Gas Tax and conflict of interest. She stated that she believed that no one acted to take advantage of the community and she believed that Duffy Construction had acted to save the community a great deal of money. She stated that the cost of engineering alone would have been approximately \$3000.00-4000.00, that he saved approximately \$3500.00-4000.00 in fill, and approximately \$3500.00 for the cement posts. 2018.02.05-1: *Councillor Janet Payne motions that council pass a resolution to rescind the previous resolution to apply to the Gas Tax Rebate Program for Phase One Kinkora Rink Project. Seconded by Roger Savoie. No Discussion. All in favor. Motion passed.* 2018.02.05-2: *Councillor Janet Payne motions that a conflict over the source of funding no longer exists because Robert Duffy is willing to donate the full costs associated with Phase One of the Kinkora Rink Project. Seconded by Roger Savoie. No discussion. All in favor. Motion passed.* 2018.02.05-3: *Councillor Janet Payne motions that Robert Duffy be given authority to name the outdoor rink in appreciation of this significant donation. Seconded by Roger Savoie. No discussion. All in favor. Motion passed.* 2018.02.05-4: *Councillor Janet Payne motions that Robert Duffy be deemed in conflict of interest over not abstaining from the vote regarding payment of this bill. Seconded by Roger Savoie. No discussion. All in favor. Motion passed.* Janet Payne also wanted it noted in the minutes that council as a whole has not always followed the Municipal Act to the letter of the law and that there was never any intention for personal interest, but only for the well being and cost saving of the community. 2018.02.05-5: *Councillor Roger Savoie motions Robert Duffy be pardoned by the council for the following issues: 1. Never had three quotes / tenders in regard to the rink project. 2. The conflict of interest*

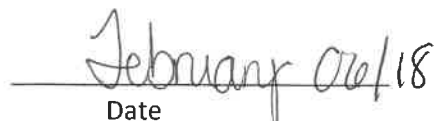
in above mentioned project. Seconded by Damien McAvinn. No discussion. All in favor. Motion passed. 2018.02.05-6: Councillor Janet Payne motions that council deems the following two actions priority and to be completed within two months: 1. Creation of procedural policies in regard to code of conduct and conflict of interest. 2. Review of procurement bylaws to determine more realistic tendering processes, which council will follow. All in favor. Motion passed.

3. **2018 Black Fly Program:** CAO Amanda Noonan gave council the two written quotes for the Black Fly Program for 2018. Bug Busters Inc. was \$5982.30 and Dale Wood was \$7000.00 plus HST. Council discussed the two options and it was asked if Bug Busters Inc. was HST included or plus HST. The quote did not say either way. Councillor Steven Dawson suggested we take it back to the next meeting on February 26th and Amanda would find out if Bug Busters quote included HST. **Action: Amanda Noonan is going to contact Bug Busters Inc. to ask about the HST being included or plus HST.**
4. **Bylaws for the Community of Kinkora:** CAO Amanda Noonan told council and residents about the bylaws that the Municipality Act will require us to instate. She provided copies of the templates and a time line of when each bylaw is required to be in place. She asked the group for volunteers to help create the bylaws. Joan Mulligan, Anne Marie Shea, Les Nantes, and Pat Duffy offered to help out. Damien McAvinn also Amanda that he would help if he could. Mayor Pat Duffy informed everyone that Kevin Coady, the CAO in Cornwall, who is a lawyer, has agreed to review our bylaws once we have them drafted. CAO Amanda Noonan told everyone that they must be read at two council meetings and should be available to the public prior to the first reading.
5. **Bills:** CAO Amanda Noonan presented council with the bill from Duffy Construction Ltd. For the CWWF project in the amount of \$1,231,700.31 HST included. 2018.02.05-7: Councillor Roger Savoie motions to pay Duffy Construction Ltd. In the amount of \$1,231,700.31 for the work on the CWWF Project. Seconded by Les Nantes. Discussion: CAO Amanda Noonan did want to have it noted that the \$1,231,700.31 does in fact include the 5% holdback, but Duffy Construction will present the Community of Kinkora with a certified cheque for the holdback. She mentioned that Garth Simmons, from Infrastructure, had requested this to finish off their year end accurately. All in favor. Motion passed. CAO Amanda Noonan then presented council with a bill from the Sidewalk Project from Duffy Construction Ltd., in the amount of \$165,294.10, HST included. 2018.02.05-8: Councillor Roger Savoie motions to pay Duffy Construction \$165,294.10 per the tendered contract. Seconded by Les Nantes. No discussion. All in favor. Motion passed.
6. **Motion to adjourn meeting at 7:35 pm by Mayor Patrick Duffy. Seconded by Roger Savoie.**

Mayor


CAO

Date


Date

February 5, 2018

To the Community of Kinkora Residents:

In the past few weeks, it was brought to Council's attention that there were some procedural concerns with the way the Phase One Kinkora Rink Project was handled.

In saying this, council agrees that there were conflict of interest issues and are working on the best possible way to handle them.

Council, as a whole, apologizes for the way Phase One Kinkora Rink Project was addressed, and vow to improve how future projects are handled.

Council is currently working with Municipal Affairs, becoming more educated on the new PEI Municipal Act, and promise residents that all procurement policies and act regulations will be followed in the future.