

**ATTENDENCE -**

**Mayor Barry Dooley**  
**Councillor Sharon Snooks**  
**Councillor Art Kelloway**  
**Councillor Dion Penney**

**Deputy Mayor Jennifer Moores - regrets**  
**Councillor Jim Layden**  
**Councillor Glenn Clarke - Virtual**  
**Shelly Butt, Town Clerk/Manager**

**CALL MEETING TO ORDER / WELCOME / DELEGATIONS: None**

Mayor Dooley called the meeting to order at 7:00 p.m.

**ADOPTION OF THE AGENDA: November 1, 2022. Addition: CEEP Grant Approval - #13****Motion 2022-240 Layden Penney**

Be it resolved Council adopt the agenda for the Regular Council Meeting of November 1, 2022.

**Favour 6; Opposed 0; Carried**

**MINUTES / COUNCIL MEETING / OTHER MEETING MINUTES / October 11, 2022:****Motion 2022-241 Snooks/Penney**

*No errors/omission noted*

Be it resolved, Council adopt the minutes of the regular Council meeting held October 11, 2022, as presented.

**Favour 6; Opposed 0; Carried**

**BUSINESS ARISING – None****FINANCIAL / COMM. / DEPT. & STAFF REPORTS**

Bill/Accounts \$46,821.75 & Payroll: Total \$17,087.20 Oct 1-22, 2022

A/P Invoices Victoria Volunteer Fire Dept. itemized from #1 - #5

*Councillors Layden/Penney, (Captain & Fire Dept Member - Victoria Volunteer Fire Dept.), declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207-1 for items #1 - #5, leaving the meeting at 7:06 p.m.*

**Motion 2022-242 Kelloway/Snooks**

Be it resolved, Council approve payment of the accounts payable invoices incurred by the VVFD, listed #1-5 for \$561.33, as presented.

**Favour 4; Opposed 0; Carried C's Layden/Penney returned at 7:07 p.m.**

*Councillor Kelloway, (member - Victoria Heritage Society), declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207-1, for listed item #6 & #7, leaving the meeting at 7:07 p.m.*

Victoria Heritage Society, re: Reimbursement of Expenditures & Heritage Barn Expenses totalling \$22,545.67.

**Motion 2022-243 Snooks/Layden**

Be it resolved Council approve payment of accounts payable invoice #6 incurred by the VHS totalling \$20,415.67 & #7, Victoria Heritage Barn incurred expenses for \$2,130.00 total \$22,545.67.

**Favour 5; Opposed 0; Carried C/Kelloway returned at 7:08 p.m.**

*Councillor Clarke, (Trio Board Member), declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207-1, for listed item #8, leaving the meeting at 7:08 p.m.*

**Motion 2022-244 Snooks/Penney**

Be it resolved Council approve payment of accounts payable invoice #8, Trio Benefits (Employee Benefits), for October, November, & December 2022 totalling \$2,860.08.

**Favour 5; Opposed 0; Carried C/Clarke returned at 7:09 p.m.**

Remainder of Accounts Payables, \$20,854.67 & Payroll Oct 1-22, 2022, \$17,087.20.

**Motion 2022-245 Penney/Snooks**

Be it resolved Council grant approval to pay the remaining accounts payable invoices listed #11-29 totalling \$20,854.67 and further resolved to approve #30, Payroll for Oct 1-22, 2022, \$17,087.20 as presented.

**Favour 6; Opposed 0; Carried**

Town Clerk's Report: Dated October 11 - 29, 2022

**Motion 2022-246 Layden/Snooks**

Be it resolved, Council approve the Town Clerk Manager's Report for October 11 - 29, 2022, as submitted.

**Favour 6; Opposed 0; Carried**

Working Foreman's Report to October 28, 2022

**Motion 2022-247 Layden/Penney**

Be it resolved, Council approve the Working Foreman's Report to October 28, 2022, as submitted.

**Favour 6; Opposed 0; Carried**

Tender Results, Mini-Excavator & Trailer Pkg, all prices HST included.

1. Harvey & Company: New Holland E37C	Mini-Excavator \$94,145.90	(Met Spec's)
	Trailer <u>\$14,300.80</u>	
	Total <u>\$108,446.70</u>	
2. Battlefield (Toromont): 302.7 CR	Mini-Excavator \$79,370.70	(Did not Meet Spec's)
	Trailer <u>\$19,262.50</u>	
	Total <u>\$98,633.20</u>	
Battlefield (Toromont): 303 CR	Mini-Excavator \$88,525.85	(Did not Meet Spec's)
	Trailer <u>\$19,262.50</u>	
	Total <u>\$107,788.35</u>	
3. Atlantic Power Train: 2024 Yanmar VIO25-6B	Mini-Excavator \$73,573.55	(Did not Meet Spec's)
	Trailer <u>\$11,494.25</u>	
	Total <u>\$85,067.80</u>	
4. NL Kubota Ltd. U27-4	Mini-Excavator \$62,9291.69	(Didn't Meet Spec's)
	Trailer <u>\$14,871.80</u>	
	Total <u>\$77,163.49</u>	
NL Kubota Ltd. KX033.4	Mini-Excavator \$83,405.31	✓(Met Spec's & Recommended)
	Trailer <u>\$14,871.80</u>	
	Total <u>\$98,277.11</u>	

**Motion 2022-248 Clarke/Layden**

Be it resolved, Council accept and approve the tender from NL Kubota Ltd, for the purchase of 1-KX033.4 Mini-Excavator and Towing Trailer package for a cost not to exceed \$98,277.11 **Favour 6; Opposed 0; Carried**

Permit Registry: Permits #528 - #537 issued from Oct. 11-28, 2022 (#530 & #532)

*Mayor/C-Layden, declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207 leaving the meeting at 7:54 p.m. C/Snooks took over as chair of the meeting.*

**Motion 2022-249 Penney/Kelloway**

Be it resolved, Council approve permit #530 & #532, pending work is completed in compliance with details of the application/permit, the Town of Victoria's Municipal Plan & Development Regulations and any other applicable policies, regulations, or stipulations, if attached.

**Favour 4; Opposed 0; Carried** *Mayor/C-Layden returned at 7:55p.m. Mayor Dooley resumed as chairperson.*

**Motion 2022-250 Snooks/Penney**

Be it resolved, Council approve permit #528, #529, #531 & #533 - #537 issued from Oct. 11-28, 2022, pending work is completed in compliance with details of the application/permit, the Town of Victoria's Municipal Plan & Development Regulations and any other applicable policies, regulations, or stipulations, if attached.

**Favour 6; Opposed 0; Carried**

*Councillors Layden/Penney, (Captain & Fire Dept Member - Victoria Volunteer Fire Dept.), declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207-1, leaving the meeting at 7:58 p.m.*

## VVFD requests:

1. VVFD: Santa Claus Parade Changes to Routine/Procedures for December 10 & 17, 2022. Discussed with Council noting a traditional town event was changed without consultation or authorization which may affect the town's residents and other groups/organization, i.e.: VRC & the Victoria Army Cadets, etc. TCM instructed to request Fire Chief Parsons to obtain official written confirmation from the Town of Salmon Cove Council and from the SCPCFD noting the new parade format has received approval and as to what contributions will be made to offset any associated costs to carry it out and received for the next Council meeting agenda.

VVFD: Donation Request towards their 2022 Santa Claus Parade was discussed however, was agreed to defer further discussion until the outcomes of the requested information related to item #1 has been received and reviewed by Council at the next regular Council Meeting.

2. Vehicle Inspection for 242 & 245.

**Motion 2022-251 Snooks/Kelloway**

Be it resolved Council approve to proceed immediately with motor vehicle inspection of 2006 Freightliner Truck, currently expired and thereafter proceed with motor vehicle inspection of the 2004 Pierce Pumper before the stated expiration date. **Favour 4; Opposed 0; Carried**

3. Change of Fluids, (i.e.: Transmission, Coolant, Power Steering etc.), in emergency vehicles #242, #245, & #247 as outlined in email of Oct 25/22 from Fire Chief Parsons; discussed but not approved.

4. Undercoating for all 3 Emergency Vehicles, 242, 245, & 247.

**Motion 2022-252 Snooks/Kelloway**

Be it resolved Council approve pending the minimum of three quotes are obtained and submitted to the TCM, who shall select the best price to proceed with this work. **Favour 4; Opposed 0; Carried**

*C's Layden/Penney returned at 8:36 p.m.*

**CORRESPONDENCE & OTHER ITEMS FOR ACTION**

1. Adoption: Municipal Codes of Conduct for Councillors & Municipal Officials, previously issued.

**Motion 2022-253 Penney/Layden**

Be it resolved, Council approve to adopt the Municipal Codes of Conduct for Councillors and Municipal Officials as prepared and provided by the Department of Municipal and Provincial Affairs coming into immediate effect. **Favour 6; Opposed 0; Carried**

2. Canadian Red Cross Donation to Fiona Disaster Fund.

**Motion 2022-254 Snooks/Penney**

Be it resolved Council approve to donate \$1,000.00 to the Fiona Disaster Fund through the Canadian Red Cross. **Favour 6; Opposed 0; Carried**

3. Tract Consulting, re: Mandatory Requirement – Town to adopt an Asset Management Policy.

**Motion 2022-255 Penney/Snooks**

Be it resolved Council approve to adopt the Asset Management Policy for the Town of Victoria in compliance with the development of the Asset Management Plan as stipulated in the funding grant established by the Federal Government. **Favour 6; Opposed 0; Carried**

*Councillor Penney requested to be excused for an emergency phone call; approve & left the meeting at 8:49 p.m., returning at 8:54 p.m.*

4. VCDL Letter requesting permission and direction to install a swale to divert water run-off away from their building under an approved JCP Project, (No Cost To TOV).

**Motion 2022-256 Kelloway/Layden**

Be it resolved, Council approved to allow the VCDC to install a swale on the town's property to be tied into the town's ditch on the same side of the road as their building to assist with water problems and further resolved should direction from the Working Foreman be requested to ensure the swale is properly tied into the town's ditch, that it to be approved. **Favour 6; Opposed 0; Carried**

5.1 Victoria Recreation Commission: Minor interior upgrades and repairs, including replacing some electric heaters; other information to be provided at meeting.

**Motion 2022-257 Clarke/Penney**

Be it resolved Council approve to include the stated interior repairs and upgrades to the Victoria Recreation Complex Building in the CEEP Grant Application Amendments. **Favour 6; Opposed 0; Carried**

5.2 Victoria Recreation Commission, re: Request for approval to reallocate up to \$2,200 in their 2022 granted funding from the Town of Victoria for Christmas Lights, Signs & Accessories for their 1<sup>st</sup> Festival of Lights.

**Motion 2022-258 Clarke/Penney**

Be it resolved, Council approve the request from the Victoria Recreation Commission to reallocate up to \$2,200 of their 2022 granted funding for the purchase of Christmas Lights, Signs & Accessories. **Favour 6; Opposed 0; Carried**

6. Municipal Budget 2023, request for direction from Council. Discussion took place with the TCM requested to calculate figures on possible mil-rate reduction, i.e.: ½ to 1-mil for consideration at the next Council meeting.

7. Street Light Request, intersection of Country Road and Old Track Road. Photos were provided identifying two existing streetlights near the intersection, one on Old Track Road and another on Country Road. Also noted, a new dedicated utility pole would need to be installed directly at the intersection, along with realignment of all streetlights on both streets for compliance with the town's streetlight policy. After evaluating all information, the request was not approved.

8. Business Closure, re: Account # 112507 Energy Logic Spray Foam Ltd.

**Motion 2022-259 Snooks/Kelloway**

Be it resolved Council accept the Business Closure Notice from Account # 112507 Energy Logic Spray Foam Ltd and resolved the account be closed. **Favour 6; Opposed 0; Carried**

9. Resident at #24-#32 King's Road Request to Meet with Council. Council discussed the request along with other details. It was agreed to write a letter to the resident requesting a copy of all relevant information that was previously shown to the Public Works Committee members for Council's review in advance of scheduling a meeting with the resident, if deemed necessary.

10. Trinity Conception Square, Annual Toy Tree Opening, Thursday Nov. 17/22 @7:00 p.m.

**Motion 2022-260 Kelloway/Layden**

Be it resolved Council approve a \$100.00 donation to the Trinity Conception Square, Annual Toy Tree Campaign. **Favour 6; Opposed 0; Carried**

11. Royal Canadian Legion, Carbonear Branch 23, re: Poppy Champagne 2023.

**Motion 2022-261 Penney/Clarke**

Be it resolved that Council approve a \$200.00 donation to the Royal Canadian Legion Carbonear Branch #23 for their Annual Poppy Campaign, (2022). **Favour 6; Opposed 0; Carried**

12. *Mayor Dooley declared a conflict-of-interest as per the Municipalities Act, 1999, Section 207 leaving the meeting at 9: 40 p.m. C/Snooks took over as chair of the meeting.*

Kings Road Water/Sewer Project, Award Recommendations & Tender Results

**Motion 2022-262 Layden/Kelloway**

Be it resolved, Council acknowledges, accepts, and approves the recommendation by Dynamic Engineering Ltd.'s as also approved by the Municipal Infrastructure of the Dept. of Transportation and Infrastructure as per letter COR/2022/12811, to award the tendered contract to Shaw Ventures Company Ltd, for the amount not to exceed \$333,549.14.

**Favour 5; Opposed 0; Carried**

*Mayor Dooley returned at 9:43 p.m. & resumed chairing the meeting*

13. Municipal & Provincial Affairs, COR/2022/01849, re: CEEP Grant Approval 17-CEEP-23-103 for \$25,000.00.

**Motion 2022-263 Penney/Layden**

Be it resolved Council accept the funding offer as per correspondence from the Department of Municipal & Provincial Affairs, COR/2022/01849, re: CEEP Grant Approval 17-CEEP-23-103 for \$25,000.00.

**Favour 6; Opposed 0; Carried**

**CORRESPONDENCE & INFORMATION FOR REVIEW/DISCUSSION**

1. TOV's Site Specific Health & Safety Plan endorsed by the Dept. of Transportation & Infrastructure (TI).
2. Gemini Interior Design, New Business Advertised on Facebook, Oliver Controls & Electric Inc. 303 Old Track Road, Victoria. Hair Salon Businesses in residents' homes, (Country Rd & King's Rd) & vehicle repairs/painting on Highway East, plus other businesses not taxed.

**Motion 2022-264 Kelloway/Layden**

Be it resolved, as per the adopted 2022 tax structure for the Town of Victoria in compliance with the Municipalities Act 1999, Council direct the TCM to charge a business tax for 2022, issue a development application and letter of acknowledgement to businesses, Gemini Interior Design #211 Highway East, Oliver Controls & Electric Inc., 303 Old Track Road, and Hair Salons Businesses operating at #23A Country Road and #4 King's Road without Council approval.

**Favour 6; Opposed 0; Carried**

3. Royal Canadian Legion, Carbonear Branch 23, invitation to the Remembrance Banquet Nov. 12, 2022, at 6:30 p.m.; Mayor Dooley will attend on behalf of Council.
4. Stantec Engineering, Report On Lagoon Systems; previously circulated. All details were reviewed and noted the lagoon system and UV Light Disinfection system working as designed with periodic higher than normal water flow levels being noted as a concern, with sump-pump usage identified as a significant contributing factor.
5. Gov. Services Centre, re: Water Sample Results to Oct. 26, 2022, all noted satisfactory.
6. Dept. Environment & Climate Change, re: Omiachi Cattle Farm Swansea Rd, Proposed Undertaking for Victoria Abattoir, & Environmental Assessment Registration for the Victoria Abattoir (File Registration No. 2222), detailed info at link: <https://www.gov.nl.ca/ecc/env-assessment/projects-list/>
7. MAPA Information Circulars, COR/2022/12566, Call For Project Applications, (2<sup>nd</sup> Notice Oct. 25/22).
8. Privileged Information, Letter from Stewart McKelvey, re: Justice of O'Brien in 2021 01G 3718 SM023645.00004 E.T. Cole v. Eastern Newfoundland Regional Appeal Board and the Town of Victoria (the "Town")

**Motion 2022-265 Penney/Layden**

Be it resolved that, due to the subject of the letter, Council convene into a privileged meeting for discussion at 9:52 p.m.

**Favour 6; Opposed 0; Carried**

**Motion 2022-266 Penney/Layden**

Be it resolved, having discussed the subject matter, Council reconvene into the regular meeting reconvene at 9:58 p.m.

**Favour 6; Opposed 0; Carried**

**Motion 2022-267 Clarke/Layden**

Be it resolved that Council approve for Stewart McKelvey to represent the town at the Regional Appeal Board in relation to the Supreme Court's decision on this matter. **Favour 6; Opposed 0; Carried**

**GENERAL / NEW BUSINESS**

Victoria Recreation Commission: When using funding granted by the Town of Victoria, the proper public procurement procedures must be followed when purchases are being considered.

Councillors calling staff into work. This issue was discussed with municipal legislation being reiterated and everyone minded of the consequences, with any calls to Councillors being forwarded directly to the Town Clerk Manager to administer.

**ADJOURNMENT OF MEETING**

Next Regular Council Meeting: November 22, 2022.

**Motion 2022-268 Layden/Kelloway**

Be it resolved Council approve the regular council meeting adjourn at 10:03 p.m. **Favour 6; Opposed 0; Carried**

Signed:

Signed:

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**Barry Dooley**  
Mayor

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**Shelly Butt**  
Town Clerk/Manager