

IN ATTENDANCE -

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

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

CALL MEETING TO ORDER / WELCOME / DELEGATIONS

Mayor Dooley called the meeting to order 7:02

Resident from 6-12 Parsons Road, re: Municipal Supplementary Assessment - Property Tax Charges 2019-2022

ADOPTION OF THE AGENDA: February 28, 2023

Motion 2023-34 Layden/Clarke *No additions or deferments*

Be it resolved Council adopt the agenda for the Regular Council Meeting of February 28, 2023, as presented.

Favour 7; Opposed 0; Carried

MINUTES / COUNCIL MEETING / OTHER MEETING MINUTES / February 7, 2023:

Motion 2023-35 Snooks/Penney

Be it resolved Council adopt the minutes of the regular meeting of Council of February 7, 2023, as submitted.

Favour 7; Opposed 0; Carried

REGISTERED DELEGATE

Resident/Property from 6-12 Parsons Road, re: Municipal Supplementary Assessment – Supplementary Property Tax Charged from 2019-2022 for assessment of house built and occupied in 2018. Information/Discussion was deemed of a confidential nature; resident waived right to privileged meeting. The resident advised of the research conducted to date, noting conversations/emails from Mr. C. Stamp, Manager, Eastern Regional Office at MAPA, lawyers, as well as Municipal Assessment Agency representatives regarding this matter. The property owner requested clarification for the supplementary property taxes charged; Mayor Dooley and TCM provided an explanation along with information received from MAA and legislation within the Municipalities Act, 1999. Resident stated the bills will be paid if Council can prove they have the legislative right to charge the extra tax for the years in question. After hearing all information, the matter was referred to the Finance Committee for review and recommendation. Resident left the meeting at 7:35 p.m.

FINIANCIAL / COMM. / DEPT. & STAFF REPORTS

Bill/Accounts \$21,591.08 & Payroll: Total \$18,589.59

VVFD Payable Invoices #1 - #9

Councillors Layden/Penney, (Victoria Volunteer Fire Dept. Members), declared a conflict-of-interest as per NI2021 Chapter M-20.01, Municipal Conduct Act, Section 6. Conflict of interest re: councillors for accounts payable invoices #1 - #9 totalling \$3,848.09, leaving the meeting chambers at 7:36 p.m.

Motion 2023-36 Snooks/DM Moores

Be it resolved, Council approve payment of the accounts payable invoices incurred by the VVFD, as listed #1-#9 for \$3,848.09.

Favour 5; Opposed 0; Carried *C's Layden/Penney returned at 7:37 p.m.*

Councillor Clarke, (Trio Board Member & MNL Symposium Attendee), declared a conflict-of-interest as per NI2021 Chapter M-20.01, Municipal Conduct Act, Section 6. Conflict of interest re: councillors for accounts payable invoices items #10 & #11, leaving the meeting at 7:37 p.m.

Trio Benefits Insurance, Employee Ins. Jan 2023

Motion 2023-37 Penney/Layden

Be it resolved Council approve payment of accounts payable invoice #10, Trio Benefits February 2023 invoice (Employee Benefits), & #11 for MNL Symposium Registration for January 2023 totalling \$912.97 as presented.

Favour 6; Opposed 0; Carried *C/Clarke returned at 7:39 p.m.*

Remaining Payable \$16,480.02 & Payroll: Total \$18,589.59

Motion 2023-38 Penney/DM Moores

Be it resolved Council approve to pay the remaining accounts payable invoices listed #12- #26 totalling \$36,482.84 and further resolved to approve #27, Payroll for Period: 01/29/23 to 02/18/23 as presented.

Favour 7; Opposed 0; Carried

Public Works Committee Report Feb. 20, 2023

Topic 1: Request from Resident of #211A Highway East, Victoria re: Snow Clearing of Drung During Heavy Snowfall. **Committee Recommendation:** Snow-clearing equipment is not able to maneuver in such a confined place; snow clearing not recommended.

Motion 2023-39 Clarke/ DM Moores

Be it resolved that Council accept and approve the recommendation as set forth that snow-clearing equipment is not able to maneuver in such a confined place; snow clearing not recommended.

Favour 7; Opposed 0; Carried

Topic 2: Remote Meeting Policy review of #12 "A Councillor may not attend more than four (4) meeting of Regular meetings or Committee meetings of Council by remote attendance in one calendar year starting January 1st and ending December 31st."

Motion 2023-40 Kelloway/Snooks

Be it resolved that Council accept and approve the recommendation as set forth to revise wording of #12 within the Remote Meeting Policy as follows - "A Councillor may not attend less than 50% of Regular meetings or Committee meetings of Council in person in one calendar year starting January 1st and ending December 31st."

Favour 7; Opposed 0; Carried

Councillors Layden/Penney, (Victoria Volunteer Fire Dept. Members), declared a conflict-of-interest as per NI2021 Chapter M-20.01, Municipal Conduct Act, Section 6. Conflict of interest re: councillors, leaving the meeting chambers at 7:53 p.m.

Topic 3: VVFD Chief Parsons requesting Council to approve for plow operators to remove the snow left by the plow's wing-row from our firefighters' driveways because they are damaging their personal vehicles when responding to emergencies.

Motion 2023-41 Kelloway/DM Moores

Be it resolved Council agree the town's Snow Clearing Policy to remain unchanged and the request to remove snow left by the plow's wing-row from all firefighters' driveways be denied.

Favour 5; Opposed 0; Carried C's Layden/Penney returned at 8:04 p.m.

Topic 4: Pre-Operational Vehicle Inspection / Checklist & Defect Reports for both <4500kg & >4500kg vehicles.

Motion 2023-42 DM Moores/Layden

Be it resolved that Council accept and approve the recommendation as set forth to update the Pre-Operational Vehicle Inspection/Checklist & Defects Report, to include to check tire rims, nuts/bolts/studs/axels/track condition & regularly torch wheels on light vehicles minimum of once per/week and on vehicles >4500kgs the minimum of 2-3 times per/week, especially during winter seasons with snow & ice control equipment installed and further resolved to include additional recommendations and changes as discussed.

Favour 7; Opposed 0; Carried

Town Clerk's Report: Dated, February 6 – 24, 2023

Motion 2023-43 Snooks/Layden

Be it resolved, Council approve the Town Clerk Manager's Report for February 6 – 24, 2023 as submitted.

Favour 7; Opposed 0; Carried

Noted: TCM's report to be reviewed more closely due to important information contained in the reports that may be significant for a Council discussed.



Discussed problems with the 247 not working properly re: Brookside Service Station on site recently but dash warning messages nor catalytic converters were checked. Also noted list of work to be done with the John Deere Backhoe, which included replacement of the alternator/parts/labour.

Motion 2023-44 Kelloway/Snooks

Be it resolved that Council approve for Frank's Auto & Towing, Victoria be requested to check the output of the alternator in the John Deere Backhoe and report the findings back to Council. **Favour 7; Opposed 0; Carried**

Price Quotes, re: Repairs to Backhoe for loss of power, replace alternator, other parts/supplies, and travel. Brandt Tractor total price \$9,215.45 and Brookside Service Station total price \$10,288.15.

Motion 2023-45 Clarke/Penney

Be it resolved Council approve the quote from Brandt except for the alternator, which shall be checked prior to awarding quote and if alternator is confirmed to be replaced, to proceed with all stated work including alternator and all other associated costs. **Favor 5; Opposed Mayor/Kelloway; Carried**

Permit Registry #543 Business Permit Issued Cabot Massage & Lymphatic Clinic

Motion 2023-46 DM Moores/Snooks

Be it resolved, Council approve permit #543, pending business/work is completed/carried out 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 7; Opposed 0; Carried**

CORRESPONDENCE & OTHER ITMES FOR ACTION

1. Development Application, re: Renovate house to Air BnB Rental Property at #312 H/E in a Mixed Development Zone.

Motion 2023-47 Clarke/Kelloway

Be it resolved Council agree to defer until more information can be obtained to confirm compliance with the town's Municipal Plan and Development Regulations and any other applicable Provincial Legislation.

Favour 7; Opposed 0; Carried

TCM to obtain all necessary documentation associated with this type of business and to contact the Local Governance and Land Use Planning Division for information pertaining to Air BnB's, etc.

2. Affidavits - Non-Business (2), re: Alleged Vehicle Mechanical & Other Repairs Business Activity #169 H/E and Fulltime Year-Round Crafting Business by Resident at #9 Dean's Road.

Motion 2023-48 Clarke/Snooks

Be it resolved Council accept the signed affidavits stating no business operating from resident at #169 Highway East, alleged to operate a Vehicle Mechanical & Other Repairs Business Activity and from resident at #9 Dean's Road alleged to operate a Year-Round Crafting Business. **Favour 7; Opposed 0; Carried**

CORRESPONDENCE & INFORMATION FOR REVIEW/DISCUSSION

1. Re-tabled, re: Request to park Travel Trailer on Vacant Land. Reply from Local Governance & Land Use Planning of MAPA.

Motion 2023-49 Clarke/Penney

Be it resolve Council approve the request by the owner to temporarily park and occupy a travel trailer on vacant land located at #317A Old Track Road with stipulations that all town regulations and other applicable by-laws are always followed and further resolved that wastewater be removed frequently in compliance with all applicable environmental standards. **Favour 7; Opposed 0; Carried**

TCM asked if a permit was required and was told it was not. TCM advised this was in contravention of the town's Municipal Plan and Development Regulations and information received from the Local Governance and Land Use Planning Division relating to this situation.

Mayor Dooley declared a conflict-of-interest as per NI2021 Chapter M-20.01, Municipal Conduct Act, Section 6. Conflict of interest re: councillors leaving the meeting at 9:49 p.m. with DM Moores taking over as chair of the meeting.

2. Email Response from resident at #211 Highway East to a Business Affidavit issued pertaining to business advertisement, re: Gemini Interior Decorating, 2022 business tax and business application, etc. TCM advised a reply was issued to the respondent 2023-02-20 however, cooperation as not achieved. Council agreed that due to non-compliance with the town's adopted Business Affidavit, the business is presumed to be operating, with no further action required by Council, and to carry out collection methods as per the town's adopted Tax policy for outstanding taxes or fees. *Mayor Dooley returned at 9:59 p.m. & resumed chairing the meeting.*

3. Email on behalf of Property Owner #24-38 King's Road, re: Request for Approval or Acknowledgement of registered documents and property lines as being correct. Councillor Kelloway asked Council to decide if he was in conflict of interest, regarding this subject matter as per *declared a conflict-of-interest as per NI2021 Chapter M-20.01, Municipal Conduct Act, Section 6. Conflict of interest re: councillors #5.*

Motion 2023-50 Clarke/Layden

Be it resolved that, being satisfied with the explanation provided by Councillor Kelloway that there is no personal affiliation by him to the property owner of #24-38 King's Road nor is there any affiliation by the said property owner to the Victoria Heritage Society of which he is a member, Council deem he is not in conflict regarding item #3, re: Email on behalf of Property Owner #24-38 King's Road.

Favour 3; Opposed 3 (Dooley/Moores/Penney); Vote Tied

As per Section 6. Conflict of interest re: councillors #7 of the said Act, Councillor Kelloway left the meeting chambers at 10:05 p.m.

Motion 2023-51 Clarke/DM moores

Be it resolved Council respond advising there are no legislative provisions within the Municipalities Act, 1999 granting a municipal council legal authority to determine ownership of land nor the authority to verify or contradict registered documents and property lines to be true, correct, or incorrect.

Favour 5; Opposed 1 Layden; Carried C/Kelloway returned at 10:22 p.m.

4. MAPA Circular to Municipalities, Reminder of Mandatory Training Requirement by Councillors/CAO's.

5. Dept of Environment & Climate Change, Release of Climate Change Flood Risk Mapping Study for 4-areas is published with a copy received for the town's review and accompaniment to further planned development.

6. Joint Council of Conception Bay North, re: Review of the organization's purpose. It was noted that reports or minutes from their meetings should be distributed to all Councillor's via email when received.

7. Town Vehicle Maintenance & Repairs, & Where to take for servicing; previously discussed during Public Works Committee Report.

GENERAL / NEW BUSINESS

Minutes from 1970's – 1980 etc., scanned and will be posted to the town's website. Asked what to do with originals, photocopies, etc. and it was recommended to store originals in town's filing room and dispose of photocopies.

Boardwalks: Pedestrians not able to use due to being snow covered. Council to consider purchasing a snow blower to clear snow. Also mentioned town garage depot needs to be cleaned up and organized. Asked staff to push snow back at the corner of Swansea Road and parking lot due to line of sight obscured.

Notice of Motion: C/Clarke, re: Purchase of Snow Blower to be used to clear snow from boardwalks, along with other uses.



PRIVILEGED MEETING: Human Resources matters & Collective Agreement Review/Discussion deemed as private in nature.

Motion 2022-52 Snooks/Kelloway

Be it resolved, due to the nature of the discussion and subject matter, Council approve to convene into a Privileged Meeting at 10:48 p.m.

Favour 7; Opposed 0; Carried

Motion 2022-53 Clarke/Penney

Be it resolved having dealt with items deemed as privileged information, Council reconvene into a regular meeting at 11:34 p.m.

Favour 7; Opposed 0; Carried

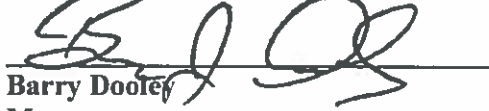
ADJOURNMENT OF MEETING

Next Regular Council Meeting: March 21, 2023

Motion 2023-54 Penney/Layden

Be it resolved Council approve the regular council meeting adjourn at 11:37 p.m. **Favour 7; Opposed 0; Carried**

Signed:



Barry Dooley
Mayor

Signed:



Shelly Butt
Town Clerk/Manager

