

**RURAL MUNICIPALITY OF VICTORIA
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2023
6:30PM – OLD SCHOOL
730 VICTORIA RD., VICTORIA**

MINUTES

Attendance - Mayor Martin Ruben, Councillor Jean McCardle, Councillor Jamie-Lee Brown, Councillor Eric Gilbert, Councillor Tom Wright

CAO Anna Keenan, FAA Marsha Empson.

Members of the public attended in person and online.

1. Call to Order

a. Call to order

Mayor Ruben called the meeting to order at 6:30pm

b. Acknowledgement of attendance in person and electronically

Quorum met. Mayor Ruben acknowledged Council members, and attendees in person and on zoom.

c. Welcome from the Mayor

And noted the following aspects of procedure

- We'd try to keep the meeting as efficient as possible
- Requested that direct comments to all members of Council and the public audience, not to individuals.
- He has written a timed agenda and will try to keep the meeting to 2 hours.
- While this is a small group, he would like for Councillors to ask the Chair to be acknowledged, before jumping in and speaking.
- He would appreciate that when the Council is discussing a topic, each Councillor have the chance to speak once, before any Councillor speaks twice to a point.

d. Establish public participation method for this meeting

The public will be given the opportunity to comment and ask questions at item number 5 as per usual, as well as after Committee reports, and the CAO report.

2. Approval of agenda

Motion from by Councillor Brown to approve the circulated agenda, seconded by Councillor Wright.

Councillor Gilbert requested an amendment to the agenda, to add Discussion of EMO Plan (regarding the Emergency Contact point, and communication with the Red Cross) to section 13, New Business.

Motion to amend the agenda accordingly, from Councillor Brown, seconded by Councillor McCardle.

Amendment unanimously carried (4/4).

Motion to approve the agenda as amended, unanimously carried (4/4)

3. Declarations of conflict of interest

None

4. Adoption of Minutes

Minutes of the public portion of the August regular Council meeting.

(See also an item at the closed portion of the meeting, agenda item 14)

Motion moved by Councillor McCardle to accept the amended minutes of the August 21, 2023 meeting, seconded by Councillor Brown.

Corrections were discussed:

- Councillor Wright spotted a typographical error (removing the misplaced words ‘and that’)
- Councillor Gilbert moved to replace the words “drunk driving” with “driving under the influence”.

Motion to accept the amended minutes, carried unanimously (4/4).

5. Public Presentations/Petitions/Delegations & public comments questions

(No public Presentations/Petitions/Delegations requested this month.)

- a. **Brief period for questions & answers from the public to Council** (for matters not addressed elsewhere on the agenda - 10 mins)
 - Resident Cecil MacDonald commented that he was having issues accessing the full meeting package on his phone. CAO Keenan explained that the posted link was to a .zip file, because of the amount of information provided, but she could return to posting it as a .pdf file if required. Mr. MacDonald will try to open the package on his computer and will notify the office if this also presents a problem.
 - Mr. MacDonald also commented that he hadn’t received a public notice about the new fire chief. Mayor Ruben explained that the information was in the minutes from August, and will also be in the next community newsletter.

- Mr. MacDonald asked about the closing of the wharf restaurants for the season, if it would allow for the wharf work to be done. CAO Keenan explained that there is no plan for early closure anymore, and that she was in discussion with the restaurants. While they are willing to close early if needed, the tender had not yet been signed off by DFO and the Department of Environment, and they had requested changes to the engineering plans, before being able to sign off. Mr. MacDonald indicated that he'd be in favour of attempting to receive some sort of restitution from Stantec due to the delays on their part, as mentioned in the CAO report.

6. Business arising from Minutes

a. Motion #2023-54 - Approval of the bid on the Water & Sewer Generators

Mayor Ruben indicated that he had questioned the CAO regarding due diligence on the company who had provided the single quote, prior to the meeting, as the company is newly registered as of November 2022.

CAO Keenan confirmed that the company came with excellent recommendations from reputable sources and she provided some history on how the company came into existence after Fiona personally impacted the owner and he saw a real need for a company that did full-service residential and commercial generator installation on the Island. Craig Lukianchuk (of Bayside Generator) has a background in small engine repair and is certified for the work required, and has provided those certifications to the municipality.

This was the only bid received, which was under the budgeted amount. The accompanying unaccounted-for work that will be required (tree removal, propane installation) will raise the cost of the entire project to be over what was budgeted, but overall is reasonable in the opinion of the CAO, especially given that we are able to reallocate under-spent funds from the Causeway project.

Discussion:

- Other costs estimated at \$7K, including engineering costs, installation of propane tanks, tree & stump removal, and initial propane costs.
- \$164K total estimated costs, which is over budget, but Causeway project expected to come in under budget by approximately the same amount, to help fund generators.
- Propane usage is not currently budgeted for in our operational budget. Maintenance will be required but regular usage won't be required unless in an emergency situation.
- Review of summer expenses should occur after September, extra costs have come about (for example the Community Hall repair).
- One generator will power the pumphouse and the school house and one generator will power the waste water treatment plant. Expected install

timeframe is Jan-Feb 2024. It takes 14-16 weeks to source all required equipment once the bid is accepted.

- The municipality may be able to apply for \$50K government grant, to put towards the pumphouse/schoolhouse generator, if an updated Emergency Management plan is put in place prior to work being done. This is uncertain, but may be a possibility. It would be nice to find unexpected savings, but we do have the capital budget allocated this year.
- It would not be desirable to delay this project and the installation, which is ready, in order to wait for the finalization of the EM plan.

Motion moved by Councillor Wright, seconded by Councillor Gilbert.

Motion carried unanimously (4-0):

WHEREAS Robert Sear completed engineering designs on the Generators project, and circulated [a Tender](#) to potential contractors on August 23, with bids due by August 31.

WHEREAS a single bid (see attached) was received from Bayside Generator and Installations Inc, for a total cost of \$136,100+HST, and further, they communicated that the work could likely be completed within approximately 14-16 weeks of acceptance of the bid.

WHEREAS additional costs for the Generator project are expected by the CAO to be approximately \$7,000 (for engineering, installation of propane tanks, and tree felling and stump removal at the Wastewater Treatment facility site), in addition to approximately \$21,500 of GST/HST, bringing the total expected cost of the project to \$164,600 after taxes

WHEREAS total expected costs exceeds the capital budget allocation for this project (\$143,500) by \$30,100, however staff expect that the total cost for the Causeway project (\$99,348.50 after taxes for the construction contractor, and \$23,460 for engineering consultants) will be \$32,000 below the allocated budget (\$155,000),

WHEREAS the generators project is an urgent priority for the municipality, bringing substantial benefits including the ability to operate the schoolhouse as an emergency warming/reception centre in the event of a power outage,

WHEREAS this motion reflects the September 5 resolution of the Water & Sewer Commission to approve the same bid, and

WHEREAS a Permit to Modify a Water or Wastewater Treatment Facility is required from the Department of Environment before work is allowed to commence on the project

BE IT RESOLVED that the Rural Municipality of Victoria shall accept the bid from Craig Lukanchuk of Bayside Generator and Installations Incorporated, of \$136,100+HST, as soon as the required Permit to Modify a Water or Wastewater Treatment Facility is secured from the Department of Environment,

BE IT FURTHER RESOLVED that the CAO is authorised to reallocate any unspent CCBF funds from the Causeway project, to the Generators project.

b. ***Motion to re-schedule the Committee of the Whole Council for consideration of the Fire Services Bylaw***

The suggested date for rescheduling the Committee of the Whole was October 24, to accommodate availability of the Fire Chief after the closure of the fall Lobster season, and enable better all-around preparation for the meeting. Two members indicated that they could not attend that date. After discussion, October 17, 2023 was identified as a preferable date.

Motion moved by Councillor Wright, seconded by Councillor Gilbert, to reschedule the Committee of the Whole Council meeting for consideration of the Fire Service Bylaw, from the previously-scheduled date of September 19, to Tuesday October 17 at 6:30pm,.

Motion carried unanimously (4-0)

- c. ***Municipal sustainability & risk-management discussion***
- ***responding to CAO Note to Council in August,***
 - ***hearing report backs from Mayoral meetings***
 - ***considering potential actions to move forward***

Discussion:

- Mayor Ruben indicated that he'd like to see a motion come from this discussion, as a way forward, to determining what action Council will take, and how the municipality will proceed.

Discussion:

- Mayor Ruben has had two external meetings:
 - 1 - with the Federation of PEI Municipalities (John Dewey and Satyajit Sen), along with Councillor McCardle.
 - Mayor Ruben would like to table his notes as part of this meeting record, for full transparency. (They are attached as an Annex to these minutes).
 - From this meeting:
 - The new Minister Rob Lantz seems to be on board, and seeing a need for government to better support small municipalities.
 - The issue of municipalities not getting the level of property taxes back as seen in other provinces was discussed.

- Development in unincorporated areas is rampant and unmanaged - many developments are happening just outside of the bounds of municipally-serviced areas.
- 2 - recently met with the Mayor of Crapaud.
- A Councillor expressed two procedural concerns:
 - 1 - that the Mayor met to discuss amalgamation with representatives from other Municipalities, and the FPEIM, before Council has had a discussion & input.
 - Mayor Ruben responded that the purpose of the meetings he has attended are to build relationships and explore options for sustainability for the municipality, amalgamation being one of those options. This includes exploring interest in amalgamation, but no such process is being set in motion, nor can such a process be initiated unless RMV Council agrees.
 - CAO Keenan noted that from a procedural perspective, any Councillor (or the Mayor) is entitled to meet and speak freely with any person (residents or other , so long as they are clear that they are representing themselves, and are not making commitments on behalf of the municipality (which would require a decision of Council).
 - It would be good practice to report that back to all Council members, so that all Councillors have access to the same information.
 - Right now there is no formal process commissioned by Council (ie, a committee), so individual Councillors can simply gather information (through conversations).
 - Another Councillor noted that with some more notice, they may also have been able to attend the Mayor's meetings, and would have liked to have done so. Inclusion of all voices is valuable.
 - 2 - that Councillor Trainor (who is absent from tonight's meeting) should be involved in the discussion.
 - CAO noted that from a procedural perspective, Council can have discussions and make decisions even if a Councillor is absent, so long as quorum is met.
 - Councillors have the opportunity to provide written input in advance of a meeting should they so desire.
- Amalgamation is just one option in the broader discussion of sustainability. Other options should be explored.
 - The CAO named other potential options that Council could consider:
 - Amalgamation/Restructuring
 - Expanding municipal borders
 - Increasing municipal tax rates without changing Victoria's borders
 - No change

- Sustainability has been a discussion at every Council meeting, exploring options is a valid exercise to undertake, so long as information comes back to Council, and Council remains the decision-maker.

After some discussion to clarify the specific language of the motion, ***Councillor McCardle moved that Council establish a committee to investigate options for sustainability of the municipality of Victoria.***

Councillor Brown seconded the motion.

Discussion

- Do we want to define what the committee looks like?
- Exploring the options for sustainability is worthwhile, but the outcomes of this committee are undefined, and our CAO or Mayor or us all as Councillors could equally do such exploration, without a committee. If we had time to think about it, and come back next month. Obviously municipality is important: a little bit more planning about who will do what, when and where, that preparation would help to understand the value of the motion.
 - The CAO informed Councillors that according to our procedural bylaw, a Committee must consist of at least 3 members, including at least 2 Councillors as Chair and Vice-Chair.

Councillor Gilbert moved to defer discussion, given that the motion lacks clarity, and that he would prefer full Council attendance.

In response, Councillor McCardle stated that she understood from discussion that the motion was defeated and was no longer on the floor. The CAO clarified that a formal vote had not been taken, as votes for and against had not been called for by the Chair.

The motion was allowed to lapse without a formal vote, with consent from all Councillors.

Discussion on the topic of municipal sustainability continued, separate from consideration of the motion.

Further comments from Councillors:

- Other options could be considered
 - It is easier, cheaper and faster to annex unincorporated areas
 - Dissolution is another option
- Sustainability is a key issue. I would prefer to see it led by provincial government, rather than it being just Victoria. We share so many problems with so many other municipalities. It doesn't seem like there is sufficient pressure that is forcing the provincial government's hand.
- There may be other options to consider, for example Niagara Falls as a tourism levy, for raising additional taxes to support sustainability.

- As per earlier meetings with FPEIM, in PEI, municipalities get approximately 30% of the property tax based, whereas in other provinces, the percentage is greater than 50%. The under-funding is not a problem created by Victoria, but is structural. I don't think that Victoria should be leading the charge for amalgamation.
- The Municipal Sustainability Study was limited in scope, the options provided by it were not a solution to our problems, and don't solve our problems. I think that amalgamation with Crapaud could save some money on audits and staff, but then our community would also be competing with Crapaud for resources, so it doesn't solve the problem. I would explore many other options before amalgamation.
- The Municipal Sustainability Study was a very solid piece of work, there was a briefing to the public on the issue of possible amalgamation with outlying communities. There were recommendations made, the community is well aware of the discussion on sustainability and amalgamation.
- My view is that the MGA requires good government in municipalities, and the provincial government, who is responsible for the law, is responsible for ensuring its proper implementation, which means providing municipalities with the resources they need. To ask small municipalities with limited resources to try to figure it out and become sustainable, under the MGA, is . The provincial government is not leading municipal restructuring, but is asking municipalities to decide amongst themselves. Looking at a small municipality such as ours, the daily work already stresses our staff, given our limited resources and tax base, and to add restructuring to that staff burden seems impossible. Even a municipality the size of St John (NB) had trouble leading restructuring, so they brought in provincial government to hold the process of restructuring. I would like to have a well-resourced municipal government.

Procedural comments:

- Given the time-pressure in our Council meetings, it is hard to have really long conversations and deeply investigate topics like this. It is helpful to have motions prepared in advance, with rationale associated.
- Don't feel that we should be making up motions on the fly.
- I would want to sit down, go through the options and the information, to reach my decision about the direction that I think we should go in.
- I don't think that residents are sufficiently aware that we are talking about amalgamation.
- I'm mindful of the fact that we have a CAO with us who has already told us that the role is not going to last - we have about 6 months of a time horizon. Moving forward to explore options and engage the community is important, time is of the essence, and the earlier we can engage the community, the better.
- Mayor Ruben noted that with the time spent on this item, he's been unable to report back on the content of his meetings with the Mayor of Crapaud, the Mayor of Bredalbane, and with Municipal Affairs.

7. Reading of Correspondence

a. Correspondence with Amar

CAO Keenan stated that in the spirit of transparency she was had included in the meeting package, a letter from Gary Scales from Amar that included a preliminary site plan sketch, showing the 15 foot setback from the high water mark, setbacks from roads, a new proposed location for a building, the bank swallow nest sites. This was not a formal development application.

A few days after receiving this letter, CAO Keenan attended a half-hour meeting with Amar to discuss next steps. The attendance of the meeting and key points are summarised and are included in the meeting package.

CAO Keenan's key concerns that she represented in that meeting were:

- that the Department of Transportation and Infrastructure was not in attendance, as they are the key next decision-makers on the future of the land, before the municipality can make any decisions.
- That the municipality is interested in discussing a transfer of ownership or a new long-term lease, with more flexible conditions than the current lease, but ultimately the Department of T&I are the decision-makers, not anyone in the meeting called by Amar.
- Shoreline protection is a key interest of the municipality, and the intertidal reef example from Souris. This concern was shared by all in attendance.
- The municipality is still waiting on a formal application from Amar before taking any further action.

Discussion:

- A Councillor shared that they would have liked to attend the meeting with the CAO. And had thought that because no proposal had been received, that the municipality was not going to spend more time on the issue. They would like more information.

8. Reports from Standing and ad hoc Committees

- ### **a. Water & Sewer Commission - Councillor Brown provided a brief summary, the full report is included as a part of the meeting package.**

Discussion:

- There have been wharf station issues almost weekly this summer.
- If anyone sees Preston around, please thank him for the work he has done to keep the wharf lift station operating throughout this season.
- Wharf work won't be able to happen in the fall, but in spring. Restaurants will need to be informed if impacted.
- CAO is in constant communication with restaurants. She can't move timelines for construction and is trying to minimise the impact on restaurant opening dates, and to have no impact on the fishing season.

b. Planning Board - Councillor Gilbert provided a verbal update. There is no written report included in the meeting package.

- Last meeting was held on Sept. 21, some members were not able to attend.
- Still working through review, there is light at the end of the tunnel - currently working on the last section.
- Expecting one or two more meetings for the PB to finish their review, then there will be some fairly significant work required on the CAO's part - she estimates 2 weeks of solid work (if all other tasks were off her desk).
- Last steps are to hold a public meeting and then present it to council.
- Estimated timeline for completion of review and updates is January 2024 (CAO will be away for the month of December 2023).

9. Report from CAO

a. Activities report - summarized by the CAO and is included as part of the meeting package.

Some highlights:

- EM planning is top of list, in prep for hurricane season. EM planning meeting was held last week for a general potential emergency management scenario. A provincial EMO rep attended and commented that it was a good meeting and that having these conversations puts the village in good shape as they get started on updating the EM plan.
 - This Friday will be calling attendees to update on Hurricane Lee. Biggest critique from Fiona was lack of communication.
 - Newsletter to go out tomorrow with municipal emergency plans and suggestions for residents. CAO Keenan is listed as the emergency contact for the village.
- Mayor of Breadalbane requested to share election services and costs with Victoria, as they had two councillors, and their CAO, recently resign. FAA Empson agreed to be MEO, as with Victoria, and CAO Keenan agreed to be DEO, as with Victoria, so long as Breadalbane schedule their byelection on the same day.
 - When asked about providing shared CAO services to Breadalbane, CAO Keenan was clear that she is not interested in providing governance services (ie, preparing another package for a monthly Council meeting) for a second community. One Council is more than enough.

b. Actions list - included as part of the meeting package.

c. Development permits report - included as part of the meeting package.

d. Financial update - included as part of the meeting package.

e. Water test results transparency - included as part of the meeting package.

10. Inquiries by members of Council

No comments or questions from Councillors.

Public comments:

- Resident Linda Gilbert commented that it feels like the Amar situation is ‘a done deal’. She feels it would be appropriate for council to respond that the village is not prepared - with an Official Plan or bylaws are ready, and we don’t have an updated lease on the park - and therefore can’t reply or spend more time on the issue. It seems a W=waste of CAO time to focus on a matter that requires multiple other steps first.
- Resident Cecil MacDonald provided a personal observation that the last hour was distressing. He sees a lack of cohesiveness amongst council and feels that positions taken are sometimes too strong. He feels there is tension and a lack of respect. It’s his opinion that Victoria is lucky to have CAO Keenan on board. He stated that everyone else is “heading for the hills” and Victoria is arguing about shared services and meetings. Victoria needs to survive and do things differently.

11. Introduction and Reading of Bylaws

A Grease Traps Cleanout Schedule bylaw is not yet drafted, and is unable to and the CAO now expects a First Reading before the spring of next year. Even in the absence of such a bylaw, the Restaurants are aware of the need to be regularly cleaning grease traps.

CAO Keenan welcomes any volunteers that would be willing to supporting drafting of this bylaw.

12. Appointments to Committees

None this month

13. Introduction of New Business

a. EMO Plan Discussion

- CAO Keenan requested that this conversation focus on constructive comments that help to bring the plan to completion.

Councillor comments:

- recognized that the Councillors assigned to support on the Emergency Measures plan had not been able to put time in over the past few months
- Councillor Gilbert was not informed last year that he was the EMO contact during Fiona. He also didn’t realize he’s been replaced by CAO Keenan.

- Councillor Gilbert is still getting calls from Red Cross and recommended that CAO Keenan reach out to them, as the Red Cross will be helpful in putting an EMO plan together, and that the village should look at them as an ally and resource.
- The Red Cross emphasised that Victoria is not alone in not being behind on the plan.
- Grants are available for showers, generators, for a reception centre in Victoria, (Breadalbane was able to install showers), and this should be looked into.
- We should verify that contacts are updated with all three of: provincial EMO reps, Red Cross and Municipal Affairs.

Councillor Brown left the meeting at 8:03pm.

Councillor Wright moved to close the meeting at 8:04pm. Seconded by Councillor McCardle. Motion carried unanimously (3/3).

14. Items considered in closed session:

- a. Approval of minutes of closed session, Aug 21, 2023**
- b. (Without staff present) Quarterly CAO performance review.**

The meeting was re-opened to the public at 8:38pm.

Motion from Councillor McCardle: to ensure all permanent RMV employees have 10 days sick leave in their contract, effective September 01, 2023.

Seconded by Councillor Gilbert.

Unanimous approval (3 for, 0 against)

15. Adjournment

With no further business, Mayor Ruben declared the meeting adjourned at 8:40pm.

Meeting with the Federation of PEI Municipalities

August 30, 2023

Attending:

Bruce MacDougall, FPEIM President

Satyajit Sen, Policy and Special Projects Advisor, FPEIM

John Dewey, Executive Director, FPEIM

Martin Ruben, Mayor, RMV

Jean McCardle, Deputy Mayor, RMV

Meeting Objective:

The objective of this meeting was for the Mayor to catch up on what was happening at the FPEIM since meeting with the Executive Director back in December. As we are looking at options for how we might restructure our Municipality, we also wanted to take the opportunity to learn from the officials of the FPEIM about their involvement and experience with restructuring municipalities on PEI. Further, it was an opportunity to learn about the recommended process for moving forward should the RMV choose to pursue this option.

Meeting notes:

- In opening the meeting, the Mayor outlined that the RMV is a small community, with an large number of municipal assets that has significant sustainability issues. He pointed out that the CAO had provided a report to council describing the challenges for administering the municipality and her initial thoughts on potential restructuring with our neighbouring community, Crapaud.
- It will be important to identify options for improving RMV's current financial situation in the coming months as there is little time left before the finances will become critical. Martin noted that MRSB completed a study last year that made recommendations and provided options to improve Municipal finances. This included four options for changes to the boundaries of the Municipality.
- The RMV would like to work with the FPEIM and the provincial government, and to cooperate with other municipalities to the extent possible in assessing its options for addressing its sustainability issues.
- FPEIM MacDougall explained that the organization has had protracted discussions with the provincial government with the view to providing incentives for municipalities to consider restructuring with neighboring municipalities. Following is a review of what has taken place:

- Since the April 2023, election, there was a significant change in the individuals holding ministerial positions, in addition to changes with deputy ministers. Hon. Robert Lantz is now Minister of Housing, Land and Communities.
- Meetings have been held with four responsible ministers where the FPEIM is of the view there is a collective understanding of the need for attention to be paid to the municipalities.
- The current situation with only 35% of the area of PEI is incorporated, is not tenable. This leads to random and unmanaged development of large areas including agriculture land.
- John Dewey showed us a map of PEI that highlighted development on the island. The map has no other information than houses / businesses etc. and where they are located on the island map provides a clear reason for gaining better control of land use planning as it is clear that development is not being managed and that it is resulting in many additional costs and issues for Islanders.
- The FPEIM has identified property tax reform that could be used to incentivize the restructuring of municipal boundaries, including adding on unincorporated areas. However, the FPEIM officials recommended that our initial restructuring discussions be limited to the incorporated areas only due to the additional complexity involved. They mentioned how challenging the restructuring of the Town of Three Rivers was because it included unincorporated land.
- The FPEIM is advocating for the provincial government to complete the research and analysis that will lead to a province-wide land use plan.
- The FPEIM recommended that all dialogue, to the extent possible, should focus on the benefits of restructuring.
- Our restructuring initiative, should it proceed, could be used as an example for the rest of the province for the positive benefits that can be derived from working in collaboration with neighboring communities.
- Discussed the importance of communication for any kind of consolidation/sharing of resources. The FPEIM was working on a communication strategy that could assist with our initiative
- FPEIM suggested that some of the preliminary work for the restructuring could be undertaken by members of our Council, with the guidance and assistance of the CAO, as this is a policy initiative and not administrative.
- A meeting is being scheduled with representatives of the provincial government, to advise of the need for assessing options and to learn of the support/resources they can provide.
- RMV could arrange a meeting with Crapaud with the view to obtain their initial reaction/buy-in. Senior staff of the FPEIM agreed to participate in any meetings between the RMV and Crapaud if we felt it would improve the quality of the

discussions between us. They could provide, for example, independent information about the benefits of restructuring our respective municipalities.

- FPEIM agreed to assist with any discussions we have with provincial government politicians.
- Finally, Bruce MacDougall indicated that he was meeting with Mr. Lantz the same evening and that he would mention our interest to explore the