RURAL MUNICIPALITY OF VICTORIA
WATER & SEWER CORPORATION BOARD MINUTES
MONDAY 13 NOVEMBER, 2023
2pm – OLD SCHOOL
730 VICTORIA RD, VICTORIA

Committee members (4):
Chair, Councillor Ben Smith
Vice-Chair, Councillor Linda Gilbert
Committee Members Pat Smith, Hilary Price

Ex-officio able to vote: Mayor Martin Ruben

Staff: CAO Anna Keenan

1. Call to Order

Chair Ben Smith called the meeting to order at 2:04pm.

2. Approval of Agenda

To agenda as circulated, Ben Smith proposes adding an item at 7b: purchase a laptop computer for use of the W&S Board chair. No objections.

Motion to approve the amended agenda moved by Hilary Price, seconded by Pat Smith. Motion carried unanimously (4/0).

3. Declaration of Conflict of Interest
None declared

4. Approval of Minutes
   a. W&S Commission meeting September 5, 2023 - Draft minutes available on RMV website

Motion to approve the minutes of the September 5 meeting as circulated moved by Hilary Price, seconded by Pat Smith.
Motion carried unanimously with one abstention (due to absence) (3/0).

5 Public Presentations – None

6. Business Arising from Minutes
   a. General Progress report: Generators project, Causeway project, annual IRAC filing.

Updates provided by CAO Keenan:
- Work has begun on generators, starting with pad construction. Concrete pouring should occur before the ground freezes.
- Parts expected to arrive shortly.

Questions:

- Were there extra costs associated with the generators?
    - For tree removal, still within budget. No municipal funds needed to cover.
- Was a request to increase water and sewer rates submitted to IRAC?
    - No, that was done last year. Review of next year's budget will determine if another increase is needed.
- How are rates determined for the restaurants?
    - Number of units determines rates. Residential is 1 unit, restaurant units are calculated based on seating, number of washrooms, etc. Fees taken in are operational, wharf project fees are from capital funds.
- Has there been any expansion of seating capacity?
    - No.
- Is there any additional risk to the municipality due to the delays with the Causeway project?
    - Minimal. Only if freezing occurs and work gets delayed further.
- Capacity - customer leases vs fire permit capacity (especially for takeout institutions).

6b. Move to closed portion of the meeting as per section 119 (1) (e) of the Municipal Government Act.

Motion to go into closed session moved by Hilary Price, seconded by Mayor Ruben. Motion carried unanimously (4/0).

Motion to open the meeting moved by Hilary Price, seconded by Linda Gilbert. Motion carried unanimously (4/0).

***c.* Consideration of and Motion to accept bids to proceed with construction on the Wharf Sewer Infrastructure project** which was put out to Tender for bids to be received by November 9.

Question to ask the suppliers:

- Can we wait until as late as January 9 to accept the provisional items (pipe replacement) in the bid?
    - Approving the lift station and holding off on the provisional items is a legal question - this may be a change order to the original contract. Need to do a little bit of extra research on
        - a) lead times, and
        - b) adjusting a contract at a later date.
    - We have the substantial completion date (commissioning of the station, not reinstatement)
        - Liquidated Damages clause - if commissioning doesn't occur by May 1st, then $1000/day in liquidated damages - included in the tender document.
        - They are hoping to have the construction done by April 1st, so they are giving themselves an extra month.
        - Reinstatement with asphalt may be in June, because asphalt plants are
    - If the municipality were found to be liable to the restaurants for the work not being completed on time, and the amount was more than $1000 per day, would the liquidated damages clause cover that cost?
        - The restaurants: we should be covered in the contract for the cost of any delays.

- Legal advice - is the Liquidated Damages clause an automatic minimum amount guaranteed per day, OR is it ?
    - How does Insurance play into this?

Discussing the Motion: how do we move forward?

- Ifs:
    - Negotiating with Stantec to a pre-agreed amount
    - Legal advice on capital projects - now are not allowed.

Hilary Price moved the following:

BE IT RESOLVED THAT *if the following two conditions are both met, then, subject to the passing of an identically-worded motion by Council, the Water and Sewer Corporation Board instructs the CAO to accept, without delay, Island Coastal's bid for the Lift Station Replacement items alone, while proceeding to investigate bridge-funding possibilities that would enable us to also proceed with the provisional items in the bid (pipe replacement). Conditions:*

1. *That it is legally and contractually possible to separate the bid on the Lift Station items from the bid on the provisional items (pipe replacement) without jeopardising the possibility of accepting the bid on the provisional items at a later date.*
2. *That the CAO is satisfied, after researching legal interpretations on Liquidated Damages provisions and after speaking with insurance representatives, that the clauses for Liquidated Damages provide the municipality & the Water & Sewer Corporation with adequate protection from financial risk.*

BE IT FURTHER RESOLVED *that if the above conditions are unable to be met by November 20, 2023, and if no special meeting takes place by that date to approve bridge financing that would enable the provisional items to also be accepted, then the Water & Sewer Corporation Board instructs the CAO to accept the bid on the Lift Station items alone.*

Seconded by Linda Gilbert.
Approved unanimously (4/0)

7. New Business - None

a. Correspondence received: annual Pesticide residue testing.

- It was noted that the results listed are from 2022 or earlier, but were received at the municipal office only recently.
- This info is shared for transparency, the W&S Board is not legally responsible for acting upon pesticide results. The province is responsible for detecting unhealthy limits and notifying the municipality.
- The W&S Board is welcome to establish more stringent controls than the province, if desired.
- Engagement with Pesticide Free PEI is a possibility.
    - Action - CAO to share annual pesticide report to Pesticide Free PEI and ask about comparison points.
- How do we compare to other municipalities?
    - Action - CAO to ask the province: Does the province provide open data from all other municipalities on pesticide numbers? If not, can you please do so?

- Point of interest mentioned - Shellfish within a certain proximity to a wharf are considered contaminated from old timbers, fuel, bilge water, sewage etc.

b. Considering the purchase of a computer for W&S

Councillor Smith expressed his difficulty in keeping up with the work of Council and the W&S Board, not having access to a personal computer, and having eye challenges.

CAO Keenan stated that the value of supporting access to the information required for Councillors is tremendously important. Providing required information on paper is onerous, considering staff is not always present or available to provide materials.

Mayor Martin Ruben moved the following:

BE IT RESOLVED *that the W&S Corporation approve the purchase of a basic laptop, to be supplied to committee members as needed, to support access to meetings and to conducting the business of the Corporation.*

Seconded by Pat Smith.
Approved unanimously (4/0)

With no further business, the Chair declared the meeting adjourned at 3:45pm.

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Approved by Chair Ben Smith