



**QUISPAMIS TOWN COUNCIL  
REGULAR MEETING  
MINUTES**

**April 3, 2018, 7:00 pm  
Council Chambers  
Quispamsis Town Hall**

**Present:**

Mayor Gary Clark  
Deputy Mayor Libby O'Hara  
Councillor Lisa Loughery  
Councillor Sean Luck  
Councillor Kirk Miller  
Councillor Emil T. Olsen  
Councillor Pierre Rioux  
Councillor Beth Thompson  
Kennedy, Aaron; Communications Manager  
Losier, Gary; Director of Engineering & Works  
McGraw, Jo-Anne; Town Treasurer  
Purton Dickson, Dana; Director of Community Services  
Snow, Catherine; Town Clerk

**Absent:** Deuville, Susan; CAO (vacation)

**1. Approval of Agenda**

**Moved By** Deputy Mayor O'Hara  
**Seconded By** Councillor Thompson

The Agenda be approved as prepared.

**Motion Carried**

**2. Mayor's Comments (none)**

**3. Moment of Reflection**

Deputy Mayor O'Hara read the Moment of Reflection.

**4. Disclosures of Interest**

- 4.1 Councillor Loughery declared a conflict of interest on Item 6.1 - A. E. McKay Builders Ltd. - Rezoning Application - R1 to R2 - PID No. 00252403, 309 Hampton Road.

**5. Presentations**

**5.1 Standing for Water Presentation - World Water Day**

Presenter: Ms. Peggy Woolsey

Ms. Woolsey referenced the correspondence she had submitted to Council indicating the Standing for Water Committee had initially wanted Council to acknowledge World Water Day on March 22, 2018. The theme of World Water Day this year honored and included Nature's own methods for protecting and regulating water. It can also be an occasion, the letter stated, to examine actions and attitudes toward water and to practice thinking in its favour. Ms. Woolsey noted the Committee's letter provided observations and questions concerning water conservation policies within the Town. She then introduced her husband, Mr. Mark Woolsey, who performed the song, "Cool Clear Water" in honour and recognition of this valuable and precious resource.

Council Members thanked Mr. Woolsey for his performance and acknowledged the importance of preserving water, along with actions the Town has taken to protect the groundwater, including hydrogeological studies.

Councillor Olsen suggested the Town introduce a water protection by-law and/or policies that would make it mandatory for residents on the municipal water system to conduct actions that would conserve water, as

well as encourage residents on individual wells to voluntarily take actions to protect and conserve water consumption.

**Moved By** Councillor Thompson

**Seconded By** Deputy Mayor O'Hara

Mr. and Mrs. Woolsey and the local Standing for Water Committee be thanked for their presentation, and the Town forward to Ms. Woolsey a formal response informing her of the many initiatives the Town has undertaken to conserve and protect the Town's groundwater supply.

**Motion Carried**

## **6. Public Hearings**

### **6.1 (Feb.20/18) A. E. McKay Builders Ltd. - Rezoning Application - R1 to R2 - PID No. 00252403, 309 Hampton Road (Tom Daly Property) - Proposed 42 Unit Apartment Building**

Councillor Loughery left the meeting.

The Town Clerk stated, as the previously scheduled March 20, 2018 Public Hearing did not take place due to a lack of quorum, and pursuant to the *Community Planning Act* requirement re the process for establishing a Public Hearing date and the associated notice, it is recommended that a new date be set for a Public Hearing, by resolution of Council, and the notice process be repeated.

**Moved By** Deputy Mayor O'Hara

**Seconded By** Councillor Luck

As there was no quorum present for the previously scheduled Public Hearing of March 20, 2018; a new Public Hearing date be set for May 1, 2018 at 7:00 p.m. in the council chambers of the Quispamsis Town Hall to hear and consider any objections to A. E. McKay Builders Ltd.'s application to rezone 309 Hampton Road from R1 to R2 for the purposes of building a 42 unit apartment complex; and the new Public Hearing date be advertised on the Town's website with notice being issued to property owners within 100 m radius of the property proposed for rezoning; and further, all correspondence received to date on this item, including PAC's written views, be referred to the May 1, 2018 Public Hearing.

**Motion Carried**

Councillor Loughery returned.

**7. Minutes of Previous Meetings**

**7.1 February 20, 2018 - Regular Meeting**

**Moved By** Councillor Rioux

**Seconded By** Councillor Miller

Minutes be approved as prepared.

**Motion Carried**

**7.2 March 20, 2018 - Record of Proceedings (No Quorum)**

**Moved By** Councillor Thompson

**Seconded By** Councillor Olsen

The Record of Proceedings indicating the lack of quorum for the March 20, 2018 Regular Meeting be accepted as prepared.

**Motion Carried**

**8. Unfinished Business**

**8.1 2018 Street Capital Program – Proposed Adjusted Street List**

Staff Report from Director of Engineering & Works

Mr. Losier's Staff Report indicated in preparation for the 2018 Street Capital Program, Engineering Staff has completed street inspections and assessing the infrastructure located within each street right of way to determine the level of repair or rehabilitation required as part of the street construction. Once assessed, the streets are assigned design sections and estimated construction costs are prepared in advance of preparation of tender documents. During this process, the Engineering Department discovered there were more extensive repairs and upgrades required for some of the storm infrastructure to bring them to an acceptable standard. As a result, the initial estimated cost for the 2018 street capital program was placed at approximately \$1,875,000. This amount exceeds the allocated budget of \$1,247,000 approved for 2018.

Mr. Losier expanded upon his Staff Report noting the extra cost is directly attributed to the replacement of two major cross road culverts, one located on Colton Brook Road and the other on Scarlett Drive. The costs associated with culvert replacement and new retaining walls for these culverts account for approximately \$400,000.

To bring the estimated tender closer to the approved budget amount, Staff propose to remove those street sections directly impacted by the cross road culvert construction. The streets would be the full length of Scarlet Drive along with a portion of the Colton Brook Road and Phinney Lane. The removal of the cross culverts, asphalt and incidental work results in an estimated tender price of \$1,250,000; - closer to funding approved during the budget process. It was noted the streets being removed will be set aside in case the tender does come in below budget, and they can be re-added to the project, otherwise they will be considered high priority for the 2019 capital street program.

**Moved By** Councillor Luck

**Seconded By** Councillor Loughery

Town Staff be directed to remove Scarlet Drive, Phinney Lane and a portion of the Colton Brook Road from the proposed 2018 Street Capital Program in order to bring the Program within the allocated 2018 Budget allocation.. Should the tender come in below the budgeted amount, then Staff be directed to prepare an additional recommendation for possible additions to the tender.

**Motion Carried**

## 8.2 Local Improvement Project 011-2017-1 - Notice of Warrant of Assessment

Ratification of Email Poll - Adoption of Proposed Resolution No. 2018-14 Authorizing the Levying of Costs Associated with Local Improvement By-law No. 011-2017-1

**Moved By** Councillor Olsen

**Seconded By** Deputy Mayor O'Hara

Council ratify the email poll conducted by the Clerk on March 27, 2018 authorizing, pursuant to By-law No. 011-2017-1, passed on the 17th day of October, 2017, providing authority for the completion of a local

improvement for the Installation of Storm Sewer Works, at a cost of \$13,240.18, with the owner's portion of this work, based on special frontage assessment, representing \$9,323.12;

THAT the Town Treasurer be directed to levy the sum of \$9,323.12 on the several parcels of land abutting the said work and cause the same to be collected and paid by either one lump sum or ten (10) annual installments in accordance with the provisions of the By-laws of the town of Quispamsis.

**Motion Carried**

## **9. Correspondence**

### **9.1 Graham Foggo - Concern Re Minimal Fine Amount (\$25) for Illegally Parking in Disabled Parking Zones**

Correspondence from Mr. Foggo expressed concern that the \$25 fine for parking illegally in a Disabled Parking Zone is not a sufficient amount to put a stop to this violation. He noted the critical importance of having these parking spaces available for people with disabilities who need them, and feels a higher fine amount might act more as more of a deterrent to prevent people from illegally parking in these spaces.

A memorandum from the Town Solicitor indicated Section 113 of the Motor Vehicle Act gives a municipality the authority to establish and regulate the use of locations reserved for parking for disabled persons. The new Local Governance Act provides for the imposition of 'administrative penalties'; separate from fines, which are dealt with by the Court if the administrative penalties are not paid. If payment is made, it avoids further prosecution. If not, then the individual could be prosecuted in Provincial Court for the by-law offence and be subject to payment of a fine. Therefore, the \$25 penalty could be increased, but would require the re-enactment of the Traffic By-law to update it and make it compliant with the provisions of the new Local Governance Act.

Council Members suggested as part of this review, the Town of Rothesay also be requested to consider revising their Traffic By-law to implement any fine/penalty changes that Quispamsis does with respecting to parking

violations so that they can be administered consistently by the Kennebecasis Regional Police Force.

**Moved By** Councillor Thompson

**Seconded By** Councillor Loughery

Council refer the Traffic By-law to the Town Solicitor to conduct a general review of the By-law including the issue of increasing the minimum voluntary fine amount of \$25 for violations associated with parking in designated parking spaces, updates to be incorporated as a result of requirements in the new Local Governance Act, as well as the consideration of the proposed changes required to incorporate a 40 km per hour speed zone on local subdivision streets, as per Council's previous resolution.

**Motion Carried**

9.2 Town of Quispamsis Ice Helmet Policy at Arenas - Proposed Amendment  
- Staff Report from Director of Community Services

The Director of Community Services expanded upon her Staff Report acknowledging the Town's commitment to the safety of people using its facilities. Further to Council's adoption of a mandatory ice helmet policy last year, Ms. Purton Dickson is recommending that the Ice Helmet Policy at Arenas be amended to eliminate the application for exemptions. The exemption clause in the policy has allowed some users to challenge the Town to not wear a helmet. Certified CSA approved ice helmets are proven to help reduce the risk of head injuries for participants of ice activities. She noted groups such as the Figure Skating Club, professional hockey associations and the Quebec Major Junior Hockey League would remain exempt from this policy as they are insured through their national bodies.

**Moved By** Councillor Luck

**Seconded By** Councillor Miller

Council accept the Director of Community Services' recommendation to amend Policy #058; A Policy of the Town of Quispamsis Pertaining to the Requirement to Wear Ice Helmets at Town Arenas' Ice Surfaces by eliminating the application for exemptions clause.

**Motion Carried**

**9.3 Marilyn Isenor - Pedestrian Safety Concerns**

Ms. Isenor's correspondence expressed concerns re pedestrian safety. Her letter noted for the past eight years, she has purposely abandoned driving a motor vehicle opting instead to experience active transportation by walking to most of her destinations. She acknowledged the environmental and health benefits offered by this option. With her many hours of walking, she has determined intersections as the higher risk areas for pedestrians, usually as a result of driver inattention, and while she employs various supports with safety in mind, there has been close calls at specific intersections. She offered the opportunity to discuss her observations with Council to move toward improving pedestrian safety in the Kennebecasis Valley, and urged Council to examine potential improvements to lessen risk to pedestrians.

**Moved By** Deputy Mayor O'Hara

**Seconded By** Councillor Thompson

Correspondence be issued to Mrs. Isenor thanking her for her suggestions to improve pedestrian safety, acknowledging the recent actions the Town has taken with respect to upgrades to crosswalks, including installation of overhead lit crosswalks, as well as other traffic calming measures the Town has taken in recent years to improve pedestrian safety.

**Motion Carried**

**10. By-laws:**

**10.1 (Feb.20/18) Proposed By-law Amendment No. 034-01; A By-law Respecting the Days of Rest (Addition of Family Day)**

(Consideration of Third and Final Reading - to be read in its entirety)

Councillor Miller read proposed By-law No. 34-01 in its entirety.

In response to Councillor Rioux, the Director of Community Services related the Community Services Department may host activities for future Family Days, possibly a Pubic Skate. Further she noted the dates of the Greater Saint John Regional Winter Fest weekend correspond with the

February Family Day holiday, and the potential exists to combine activities for these occasions.

Deputy Mayor O'Hara noted Family Day is also an occasion for people to spend time with their families, including Town Staff.

**Moved By** Councillor Miller

**Seconded By** Deputy Mayor O'Hara

Third and final reading be given to By-law No. 034-01; to include "Family Day" the 3rd Monday in February, in By-law No. 034; A By-law Respecting the Days of Rest.

**Motion Carried**

## **11. New Business**

### **11.1 Assent of Fernhill Subdivision Phase 2B**

**Moved By** Councillor Miller

**Seconded By** Deputy Mayor O'Hara

Council grant assent to Fernwood Subdivision Phase 2-B to permit registration of the subdivision plan and Development Agreement subject to the following conditions:

Execution of a standard Developer's Agreement with the Town;

Depositing with the Town the appropriate security bonding as determined by the Town;

Submission of copies of all inspection reports and record drawings for the road construction and all utility and Storm Water Management infrastructures confirming compliance with the engineered design drawings and the Municipal Subdivision Specifications and Guidelines.

Stormwater management system be constructed in accordance with the engineered design as submitted and approved by the Town, which shall include the construction of a stormwater detention area within the land to be transfer to the Town for Land for Public Purposes (identified as LPP-3 on the Subdivision Plan).

Subdivision filing fees in the amount of Two Hundred and Eighty Dollars (\$280.00) for an eight (8) lot phase;

The LPP requirement of One Thousand Ninety (1090) sq. metres to be satisfied through land dedication (being identified as LPP-3 on the plan) for the purposes of retaining of greenspace, construction of a Storm Water Detention area and pedestrian trails, and to provide a land buffer between the CNR Right-of-Way and the residential lots. The balance of the land area being credited toward satisfying LPP requirements in future developments;

Properly signed subdivision plans are to be submitted to the Town for final approvals; and

Building Permits will be issued subject to the provisions of Quispamsis Subdivision By-law No. 35 and Quispamsis Building By-law No. 44.

**Motion Carried**

## **12. Reports**

12.1 Kennebecasis Regional Police Force –Minutes and Summary of Calls – January 2019

12.2 PRO Kids Executive – Appointed for 2018

12.3 Copy of Town's Response to Minister of Transportation & Infrastructure Re Squire Drive and Route 119 Intersection

12.4 Animal Control Report – As at March 2018

12.5 Fundy Regional Service Commission – Update on Recreation Plan

12.6 Fundy Regional Service Commission – Landfill Containment Cell – Borrowing Notice

12.7 Draft Regulations Under the New Local Governance Act

12.8 Copy of Letter from Grand Bay – Westfield Opposing Amalgamation of Greater Saint John

12.9 Saint John Police Force – Christmas Cops Committee

12.10 Town of Quispamsis – Building Report As At February 2018

12.11 Kennebecasis Public Library Board – January Minutes and Associated Documents

**Moved By** Councillor Olsen

**Seconded By** Councillor Miller

Reports be received and filed.

**Motion Carried**

**13. Business Arising from Committee of the Whole (none)**

**14. Adjournment**

**Moved By** Councillor Rioux

**Seconded By** Councillor Olsen

Meeting adjourn.

**Motion Carried**

Meeting adjourned at 8:15 pm



X

Gary Clark  
Mayor



X

Catherine P. Snow  
Clerk

