



**QUISPAMISIS TOWN COUNCIL
REGULAR MEETING
MINUTES**

**September 20, 2016, 7:00 pm
Council Chambers
Quispamsis Town Hall**

Members Present: Deputy Mayor Libby O'Hara (Presided)
Councillor Lisa Loughery
Councillor Sean Luck
Councillor Emil T. Olsen
Councillor Pierre Rioux
Councillor Beth Thompson
Deuille, Susan; CAO
Kennedy, Aaron; Communications Manager
Losier, Gary; Director of Engineering & Works
Purton Dickson, Dana; Director of Community Services
McGraw, Jo-Anne Town Treasurer
McPhee, Richard; Town Solicitor
Snow, Catherine; Town Clerk

Members Absent: Mayor Gary Clark (out of province)
Councillor Kirk Miller (out of province)

1. Approval of Agenda

Moved By Councillor Rioux
Seconded By Councillor Olsen

The agenda be approved as prepared with the addition of the Extended Producer Responsibility– Plastic & Printed Paper Management Program, (EPR –PPP Program), being added to Unfinished Business.

Motion Carried

2. Mayor's Comments

Deputy Mayor O'Hara extended congratulations to the New Brunswick International Sculpture Saint John Symposium on the success of their hosting eight (8) accomplished artists who participated in the third New Brunswick Sculpture Symposium, shaping chunks of local granite to works of art that will be distributed around the Province.

3. Moment of Reflection

4. Disclosures of Interest

No disclosures were declared.

5. Presentations (none)

6. Public Hearings

6.1 (August 16/16) Proposed Car Wash Operation (Wash 66) - Portion of PID No. 30256226 Off Pettingill Road (Adjacent to Rothesay's Detention Pond)

Applicant, Dr. Jeffrey Sheppard, In Attendance - Proposed Zoning By-law Amendment No. 038-22 to Permit a Car Wash Operation on the Above Referenced Property as a Notwithstanding Use

6.1.1 Application from Dr. Jeffrey Sheppard (Includes Water Consumption Summary & Building Design Plans)

Dr. Jeffrey Sheppard, further to his original application before Council two years ago, presented his current plans to develop a tunnel carwash operation on a property situated off the Pettingill Road. He highlighted the changes made from the initial application, as follows:

- A reduction of the environmental footprint by using only two self-serve bays instead of the originally proposed four.
- A new location, on the same track of Centrally Commercial zoned land, however, situated immediately adjacent to the Rothesay detention pond. This area is removed from the Greenwood and Pettingill Road intersection and has no current neighbours on either side of the development.
- The proposed lot is on a smaller 0.05 acre vs the previously proposed 1 acre lot.
- The vacuum facility will now be covered to reduce noise pollution.

- The new location is an area with lower density of wells, which the applicant stated, will decrease the strain on the wells and water table in the immediate area.
- The building materials will closely resemble the existing structures in the immediate commercial zone, and will allow this proposed development to function as a transitional commercial proposal to stimulate further development of the remaining adjacent three acres of vacant land.
- Reference to the Water Consumption Report, that ample steps are being planned to mitigate the fact that the car wash would be on well water and not connected to municipal water. Dr. Sheppard stated the steps proposed will diminish any excessive water demands on the local well water supply.

6.1.2 Staff Report from Municipal Planning Officer

Mr. Colbourne's Staff Report provided background information on the proposed Zoning By-law Amendment 038-22. The application, he stated, is now at the Public Hearing stage where concerns and support regarding the development can be heard and discussed. The main concern expressed to date has been regarding the water source and supply. The Zoning By-law identified certain uses that are only permitted when a municipal water supply is available, or, the applicant can provide sufficient evidence to satisfy the Town Engineer that the proposed water source has adequate capacity to supply the proposed use, and that it will not adversely affect the capacities of wells.

In the absence of the hydrogeological report from a qualified professional engineer at this time, Mr. Colbourne stated, it is difficult to say with any level of certainty that the site can support the required water demand from the on-site wells. Council, he advised, has the following options to consider prior to third and final reading and the execution of a development agreement:

1. Request the completion of a full hydrogeological study;
2. Request an abbreviated study as completed by a qualified professional that would look at well capacities and drillers logs in the area to provide some base regarding the capacity of the area to support the water demand, with the need for a full hydrogeological study at a future date as specified in the development agreement.

3. To cap the maximum level of well demand to that of an average residential home, which would involve careful monitoring and submission of reports to the Town with completion of a full hydrogeological study at a future date as specified in the development agreement; or

4. Water to be supplied from an off-site source, (possible connection to Town of Rothesay or trucking in water).

Additionally, Mr. Colbourne recommended the approval process should also require a stormwater report. Traffic Management should not be an issue based on the previous traffic studies completed, and the speed of the car wash technology that will be used.

6.1.3 PAC's Written Views

Deputy Mayor O'Hara referenced PAC's Notice of Decision indicating PAC's written support of the proposed amendment to the By-law No. 038 to permit a car wash to operate at 15 Pettingill Road; a portion of PID No. 30256226 through the use of a notwithstanding clause subject to the condition that Town Staff is satisfied with the water consumption report.

6.1.4 Public Submissions

Petition Signed by 57 Longwood Park Residents - Spokespersons -
Stephanie Patterson & Mary MacMillan

Stephanie Patterson spoke expressing concerns, on behalf of the Longwood Park residents, of the proposed car wash operation and the potential repercussions it could have on surrounding residences' well water. She questioned how could Council or Staff determine if there is sufficient ground water to support the car wash without having a full hydrogeological report done. She asked can Council be sure the contaminated water from the previous dry cleaning solvent spill into Oakville Acres water supply not be drawn into the water table. She urged Council, prior to approval of the proposed development, to confirm through a proper assessment that it will not have an adverse impact on the local groundwater table.

Mary MacMillan spoke on behalf of the Longwood Park residents noting they do not oppose the car wash operation as long as there are guarantees that it will not adversely affect the residents' water supply. She feels a full hydrogeological study is needed.

Bliss Hanson spoke, noting he had signed the Longwood Park petition, and had written a letter on the original proposal two years ago. His concern is strictly based on the well water situation.

Individual Letters Received from Don Connolly, Greg MacIntosh, Richard & Valerie Platt & Town of Rothesay

Don Connolly was in attendance and expanded upon his correspondence, noting he understands the resident's concerns re water, however, his main point is he does not feel a car wash is a good fit for this property from a planning point of view. He noted there are already three car washes in the Kennebecasis Valley and does not feel there is need for more. The Pettingill Road is a very busy connector road carrying 12,000 vehicles per day. The development in that area is geared more towards soft support type businesses, and suggested a higher density housing development, close to amenities, would be a better use of this property.

Brian White, Town of Rothesay's Director of Planning & Development Services was in attendance and expanded upon his correspondence. He noted he is neither for nor against the proposed car wash development, but wants to ensure if it is approved, then restrictions are placed to ensure that all non-domestic waste from the vehicle wash operation is directed to sedimentation pits and to one or more oil/water separators before discharged to the sewer. Regular inspections of the sewer, sediment pits and oil/water separators should also be done, noting more specifics are provided in his letter. He also encouraged Council to consider as part of any approvals, the requirement for a storm water management system to be designed by a professional engineer to ensure drainage run off is properly addressed.

Mr. Greg MacIntosh was in attendance and expanded upon his correspondence, highlighting a number of concerns re the proposed car wash, with water quality and purity being his utmost concern. He questioned the possibility of contaminating the water source in Longwood Park Subdivision, noting the spill of a known carcinogenic compound a number of years ago resulted in a moratorium on further building in Oakville Acres. He noted the potential for contaminants – road salts, oils, waxes, etc. seeping into the municipal sewer system. He also referenced the smaller footprint would reduce the distance from the tunnel exit to

Pettingill Road, and could cause a safety concern with ice buildup from excess water dripping off the washed vehicles and onto the street.

Deputy Mayor O'Hara asked three times if anyone further wished to speak for or against the proposed Zoning By-law Amendment No. 038-22. No one spoke further.

Dr. Sheppard was invited back to the podium to present a final summation on his proposed car wash operation. He noted the residents' main concerns relate to water. He referenced the following points from his Water Consumption Report:

- The proposed operation would reclaim 50% of the water used in both the tunnel and self-serve bays.
- The well production for the year, based on a conservative estimate of 4 gallons/minute and only pumping 12 hours per day, will yield 99% of their own water needs, based on mid-range projections of cars washed per annum.
- Planned on-site water storage that will have the capacity to store 45,000 gallons, enough to wash 2,250 cars. A prediction of a busy week will see no more than 1500 tunnel car washes
- Once the on-site water storage tanks are filled to capacity, the pump will automatically shut off.

Dr. Sheppard concluded by stating the proposed Wash 66 is a good project, very clean and professional, and will help support the tax base.

Council Members asked Dr. Sheppard various questions concerning his proposal. He stated a full hydrogeological report will cost him in the vicinity of \$20,000 and he doesn't want to invest that kind of money prior to the application being approved. Further, specific environmental regulations would need to be followed concerning the oil and soap separators. These types of issues, he noted, would be addressed through the developer's agreement.

Moved By Councillor Olsen
Seconded By Councillor Luck

Based on further discussions of the options available to address the water issues prior to third reading; at this time, first reading be given to the proposed Zoning

By-law Amendment No. 038-22 to permit a car wash operation as a notwithstanding use on a portion of PID No. 30256226.

Nay: Deputy Mayor O'Hara, Councillor Loughery, Councillor Rioux & Councillor Thompson

Motion Defeated

Moved By Councillor Olsen
Seconded By Councillor Luck

Council reconsider its aforementioned motion of first reading to the proposed Zoning By-law Amendment No. 038-22.

Motion Carried

Moved By Councillor Olsen
Seconded By Councillor Thompson

Council table consideration of first reading to give Dr. Sheppard the opportunity to meet with Town Staff to review all options re addressing the water and other issues and Town Staff report the outcome of these discussions back to Council.

Motion Carried

6.2 R025- A By-law To Repeal Zoning By-law Amendment No. 38-14 - Re Cancellation of CPA Developer's Agreement - 199 Hampton Road Re Storage Bin Units

(Procedural Requirement - Following Public Hearing, first and second reading for By-law R025)

A Staff Report from the Town Clerk informed Council, further to its resolution of June 21, 2016 accepting the property owner's request to cancel the Section 39 developer's agreement as the applicant no longer wishes to pursue developing storage units at 199 Hampton Road; Section 74 of the *Community Planning Act* requires the same procedure be followed to repeal a by-law under the *Act* as to enact a by-law.

No written objections were received.

6.2.2 PAC's Written Views - A Notice of Decision from the Planning Advisory Committee supported Council in the repealment of Zoning By-law No. 38-14.

Moved By Councillor Olsen
Seconded By Councillor Loughery

First reading by given to By-law No. R025; A By-law to Repeal Zoning By-law No. 38-14.

Motion Carried

Moved By Councillor Olsen
Seconded By Councillor Luck

Second reading by given to By-law No. R025; A By-law to Repeal Zoning By-law No. 38-14.

Motion Carried

7. Minutes of Previous Meetings

7.1 September 6, 2016 - Regular Meeting

Moved By Councillor Thompson
Seconded By Councillor Loughery

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (July 19/16) Anglophone School District South - Cancellation of Lease Agreement - Lands Behind QES

Correspondence from John MacDonald, Anglophone South School District's Finance Director, advised the District is in agreement with the Town's decision that as the QES's previous plans to develop an outdoor classroom at QES has not moved forward, the lease agreement between the Town and the District for

use of the Town-owned lands situated behind the school be terminated at this time.

Moved By Councillor Rioux
Seconded By Councillor Olsen

The agreement lease agreement in question be terminated as its intended purpose did not occur and the letter from Anglophone School District South be received and filed.

Motion Carried

8.2 (Aug.16/16) Five Year Provincially Designated Highways Program - Recommendations

The Staff Report from the Director of Engineering & Works acknowledged the Province's introduction in 2015 to a financial assistance program whereby a municipality must contribute 15% - 25% towards the costs of its Provincially Designated Highways' priority projects. The Hampton Road has been highlighted as the Town's preferences for future Designated Highway projects. However, it should be noted as the Town examines future expansion of the municipal water system along the Hampton Road, it would be irresponsible, at this time, to seek any resurfacing of streets that potentially could be excavated for waterlines in a 2 to 5 year window. Mr. Losier stated as an immediate priority, the Town has identified a cost share in the turning lanes from the Gondola Point Arterial onto side streets such as the Chamberlain Road and Meenan's Cove Road using similar cost share that was used for Monarch Drive, Squire Drive and Riverfront Crescent.

Moved By Councillor Thompson
Seconded By Councillor Rioux

Council accept the Director of Engineering & Work's recommendation to submit the proposed priority list for Quispamsis' Five Year Designated Highways Program 2017-2021 that identifies the potential for a cost share arrangement for a right hand turning lane at the Chamberlain Road exit off of Rte 119. Further that the Designated Highways Program for future years be referred to the budget process and the Municipal Plan process to incorporate future infrastructure planning such as water mains along the Hampton Road so that the town may be in a position to make a cost share proposal at some time in the future.

Motion Carried

- 8.3 (Sept.2015) Extended Producer Responsibility– Plastic & Printed Paper Management Program, (EPR –PPP) add c) PPP Program

Moved By Councillor Olsen

Seconded By Councillor Thompson

Follow up letters be issued to The Honourable Serge Rousselle, Minister of Environment and Local Government and Recycle New Brunswick requesting an update and a response to the Town's correspondence of February 18, 2015 and September 1, 2015 re Quispamsis Council's endorsement of the Extended Producer Responsibility Program – "Plastic and Printed Paper Management", and request to Recycle NB to continue the legislative process with a planned implementation date of January 1, 2017; and the follow up letter be copied to Premier Gallant, UMNB, MLA Blaine Higgs, MLA Gary Crossman, and the Fundy Regional Service Commission.

Motion Carried

9. Correspondence

- 9.1 Transport Canada - Requirements under the Grade Crossings Regulations Re Railway Safety Act

Correspondence from the Director General of Rail Safety, Transport Canada, informed Council on November 28, 2014 the new Grade Crossings Regulations came into force. The regulations apply to all public and private grade crossings on federally regulated rail lines, for the purpose of improving safety by establishing comprehensive safety standards for grade crossings. Furthermore, the letter advised, new requirements are upcoming, specifically road authorities and railway companies will be required to share safety-related information with each other by November 28, 2016.

Staff Report from Director of Engineering & Works – In response to Transport Canada's upcoming new requirement to share safety related information by November 28, 2016; Mr. Losier informed Council municipalities and railways have until December 2016 to share critical safety information re existing crossings, and until December 2021 to ensure existing crossings meet basic safety requirements. He noted in Quispamsis, the Town is responsible for three grade crossings, 1) Service road crossing to the Longwood lagoon; Pettingill Road crossing with safety gates and crossing signals, and Hammond River Road with crossing signals.

Moved By Councillor Thompson
Seconded By Councillor Olsen

Town Staff communicate with CN Rail the information pertaining to the three grade rail crossings in the community as required, and further, Staff identify any necessary changes for the crossings in order to meet regulations and identify a schedule for future budget considerations and potential for grant funding applications.

Motion Carried

10. By-laws (none)

11. New Business

11.1 Tender Award - 2016/2017 Municipal Tractor Tender No 2016TQ08-20

Moved By Councillor Olsen
Seconded By Councillor Loughery

Council award Tender No. 2016TQ08-20 2016/2017 Municipal Tractor to the low bidder, Saunders Equipment Ltd. for the submitted price of \$126,700.00; (HST not included), and that the balance of the allocated capital budget be utilized to purchase the required Snow Blower, Plow and sander attachments for this unit.

Motion Carried

11.2 Proposed Code of Conduct Policy - Town Facilities

The Director of Community Services related Code of Conduct policies are common practice in many municipal facilities. The proposed policy before Council has been researched and reviewed by Staff, the Deputy Police Chief, and the Town Solicitor. It will apply to all municipal facilities, and is for the safety of the staff, the user groups, officials and patrons to adopt a code of conduct policy that clearly outlines what will happen to individuals that are abusive and disrespectful to others in Town facilities.

Moved By Councillor Luck
Seconded By Councillor Olsen

Council accept Staff's recommendation to approve Policy No. 056; A Code of Conduct Policy that is to be followed at Town Facilities, and the recommended signage be posted at all Town facilities.

Motion Carried

11.3 Extension of Sanitary Products Contract

The Staff Report from the Director of Community Services – Ms. Purton Dickson’s correspondence informed Council in October, 2013, Chandler was the lowest bidder on the sanitary products’ three year contract for municipal facilities. The contract is now up for renewal and staff would like to extend this contract by one year. The Town has been pleased with the products and service and is recommending extension of their existing contract with a 1.97% increase of the approximate \$29,000 yearly contract. It is being recommended the next contract for sanitary products be put out for public tender in the summer of 2017.

Moved By Councillor Rioux

Seconded By Councillor Olsen

Council approve the extension of the sanitary products contract with Chandler Sales Ltd. for a one year term, expiring September 30th, 2017, as recommended by the Director of Community Services.

Motion Carried

12. Reports

12.1 Telus Cup - Funding Legacy - 2016 - Press Release

Mr. Aaron Kennedy, Communications Manager, referenced the Press Release re the 2016 Telus Cup, noting the event’s net profit for the event held last April at the qplex totaled \$175,000, the largest funding legacy in the history of the Telus Cup. He noted this record setting legacy is the result of phenomenal community support from sponsors, volunteers and fans, and a tremendous performance by the silver medalist, the Saint John Vito’s. The funds, he noted, will be donated back to the community in support of various grassroots hockey initiatives. Mr. Kennedy encouraged people to attend and support the Major Midget Vito’s at their opening game this coming Friday at the qplex at 8:00 p.m.

Councillor Olsen commended Mr. Kennedy and Ms. Purton Dickson for their efforts in bringing the Telus Cup to Quispamsis, and thanked all those who had volunteered to help make this event such a success.

- 12.2 Animal Control Reports As At August, 2016
- 12.3 Barry Ogden – UNB Saint John Seawolves Football Game Season
- 12.4 Dr. David Stephen Memorial Foundation – Award of Distinction Recipient – Paula Maher
- 12.5 Fundy Region Solid Waste Newsletter – Fall, 2016
- 12.6 PRO Kids – Thank you for Donation
- 12.7 Quispamsis Planning Advisory Committee Minutes of August 9, 2016 Meeting

14. Adjournment

Moved By Councillor Olsen

Seconded By Councillor Thompson

Meeting adjourn. Meeting adjourned at 8:30 p.m.

Motion Carried

X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

