



QUISPAMISIS TOWN COUNCIL REGULAR MEETING MINUTES

February 7, 2017, 7:00 pm
Council Chambers
Quispamsis Town Hall

Members 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
Deville, Susan; CAO
Kennedy, Aaron; Communications Manager
Losier, Gary; Director of Engineering & Works
McGraw, Jo-Anne; Town Treasurer
McPhee, Richard; Town Solicitor
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk

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** - No disclosures were declared.

5. **Presentations**

5.1 Ellen's Law - Mr. Wayne Arrowsmith, In Attendance to Present to Council

Mr. Arrowsmith of the Cycling Advocacy Coalition, was in attendance, and requested Council's endorsement of their proposal to the Provincial Minister of Public Safety to amend the *Motor Vehicle Act* to improve safety for cyclists. The proposal has become known as #Ellen's Law in memory of the late Ellen Watters, a NB Cycling Athlete who was struck by a vehicle while cycling in Sussex this past December, tragically ending her life. Mr. Arrowsmith summarized the requested changes to Section M-17 of the *Motor Vehicle Act*, as follows:

- a) Adding rules respecting bicycle lanes;
- b) Requiring motorists to leave at least one metre of space between their vehicle and a bicycle it is passing;
- c) Expanding the description of a bicycle to include other similar human powered vehicles;
- d) Adding specific rules regarding bicycles on sidewalks;
- e) Replacing rules regarding cycling on the extreme right;
- f) Allowing local authorities to designate sidewalks as trails and regulate the use of bicycles there on;
- g) Adding alternate right turn hand signals for cyclists;
- h) Adding human powered to 'vehicle' definition clarifying policing of bicycle activity on highways.

In addition to the Province's agreement to introduce new cycling safety legislation, Mr. Arrowsmith suggested Municipalities invest in infrastructure and by-law requirements to improve conditions for cyclists.

Mayor Clark acknowledged the NB Government has confirmed they will be moving ahead with introducing legislation this month to improve cycling safety for New Brunswickers.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Rioux

Mr. Arrowsmith's following suggestions be referred to the Director of Community Services for review and recommendations back to Council:

- Create more bicycle lanes on municipal streets;
- Lobby the local Chamber of Commerce to encourage business owners to install bicycle racks at their commercial establishments;
- Incorporate the requirement of bicycle rack installation as a condition in the Town's Zoning By-law for multi-residential and commercial developments; and,
- Engage the Saint John Cycling Group in the Town's discussions on its Active Transportation Plan.

Motion Carried

Moved By Deputy Mayor O'Hara

Seconded By Councillor Thompson

WHEREAS Ellen Watters, a Canadian competitive cyclist was critically injured and succumbed to her injuries in a collision with a car while on a training ride in Sussex, New Brunswick, December 23, 2016. The New Brunswick-born Watters, was widely hailed as a rising star in the Canadian cycling sporting world;

WHEREAS as a result of this accident, the cycling communities in the Province and their supporters have called for legislation that requires drivers to keep a distance of one metre from cyclists;

WHEREAS this legislation if passed, would be known as Ellen's Law;

WHEREAS other New Brunswick Municipalities are pledging support for this legislation to be passed and have added a request for the

development of a provincial health and safety active transportation education program for all modes of active transportation for use on our provincial roads and highways;

BE IT THEREFORE RESOLVED that Mayor Clark send a letter of support on behalf of the Quispamsis Town Council for Ellen's Law and for the development of a provincial health and safety active transportation education program to the Premier of New Brunswick and the Provincial Minister of Justice & Public Safety.

Motion Carried

6. Public Hearings (none)

7. Minutes of Previous Meetings

7.1 January 17, 2017 - Regular Meeting

Moved By Councillor Miller

Seconded By Councillor Luck

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (June, 2016) Council Resolution to Levy Costs on Property Owners - Local Improvement By-law No. 011-2016-1 - Staff Report from Town Clerk

A Staff Report from the Town Clerk informed Council, pursuant to Section 6.D) of Local Improvement by-law No. 11; each year on or before March 31st, the Council shall, by resolution determine the owner's portion of the cost of each work completed within the preceding year and shall direct the Clerk by Warrant of Assessment to assess and levy such costs by issuing Notice to the Treasurer to collect the required amount by lump sum or annual installment of the sum owing.

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

WHEREAS pursuant to By-law No. 011-2016-1, passed on the 19th day of July, 2016; the Council of the town of Quispamsis has completed as a local improvement the Installation of Storm Sewer Works, at a cost of \$28,655.68, within the twelve months preceding the 30th day of March, 2017.

AND WHEREAS pursuant to By-law No. 011-2016-1 of the town of Quispamsis, the owner's portion of the costs of the work to be raised by special frontage assessment is \$21,491.76;

AND WHEREAS such frontage assessment is payable in either one lump sum or ten (10) annual installments;

The Clerk and/or Treasurer are therefore directed to assess and levy the sum of \$21,491.76 on the several parcels of land abutting on the said work and cause the same to be collected and paid by either one lump sum or ten (10) annual installments by the owner of such parcels in accordance with the provisions of the By-laws of the town of Quispamsis.

GIVEN under the Corporate Seal of the town of Quispamsis, this 7th day of February, 2017.

Motion Carried

8.2 (Oct. 18/16) Update from Raymond Murphy, Ex. Dir., UMNB Re EPR-PPP Program & Associated Correspondence

An update from Raymond Murphy, Ex. Director of UMNB informed Council that Mr. Mark Léger has been hired by Recycling NB to bring about the required changes to legislation to allow for the implementation of the EPR-PPP Program. Mr. Léger and Pat McCarthy of Recycle NB will attend and update the Board at the May UMNB Director's Meeting. At that time a coordinated effort will be made to bring about the desired changes. It was noted Mr. Marc Leger has extensive experience with the Provincial Government, including having served as the Executive Council and Secretary to Cabinet, and senior positions including serving as Deputy Minister to the Departments of Health; Public Safety and Post-Secondary Education, Training and Labour. Mr. Murphy stated all pertinent information will be included on the annual UMNB Conference agenda in the fall, and

they hope to provide, at that time, a positive report on the implementation of this program.

A copy of correspondence from the Minister of Environment and Local Government was included in the package, addressed to Mr. Steve Sanderson in response to his letter to the Premier on the EPR-PPP Program. The Minister wrote the Province has been very active in recent years exploring and gathering information on an EPR Program for PPP. They have been involved in Recycle NB's recent and ongoing stakeholder engagement and have been discussing with the other Atlantic Provinces the possibility of harmonizing a PPP Program. The Province, the letter concluded, will continue in the coming year to gather information and monitor current PPP Programs from other jurisdictions.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Loughery

A letter of thanks be issued to Raymond Murphy, UMNB Ex. Director, for his update on the status of the EPR-PPP initiative, and correspondence be received and filed.

Motion Carried

9. Correspondence

9.1 Recommendation of Nominating Committee to Appoint Councillor Pierre Rioux to Kennebecasis Public Library Board

Correspondence from the Nominating Committee, recommended Councillor Rioux be appointed to the Kennebecasis Public Library Board, replacing Councillor Loughery, for a term effective immediately and expiring June 30, 2018.

Moved By Councillor Luck

Seconded By Councillor Miller

Council accept the Nominating Committee's recommendation to appoint Councillor Pierre Rioux to the Kennebecasis Public Library Board of Directors for a term effective immediately and expiring June 30, 2018.

Motion Carried

9.2 Steve Sanderson & Nancy Lyon - Letter Re Admitting Members of the Public Before Council Procedure

Correspondence from Steve Sanderson and Nancy Lyon expressed their disappointment that they were not given opportunity to speak to their four items of correspondence included in the January 17, 2017 Regular Meeting agenda. They noted they were pleased to hear, at that meeting, the ROC has met to address ESJ's upcoming plans, and suggested this Committee meet regularly and share the evolution of ideas and decisions arising from these meetings at open council meetings to keep both Council and Citizens up to date. Further, Mr. Sanderson and Ms. Lyon wrote, with respect to the implementation of the EPR-PPP Program, a further step to consider is a campaign throughout all municipalities to first inform citizens about the Program, and then request those who express enthusiasm for the program to send letters to the Premier urging the Province to move forward on this file.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Luck

Ms. Lyon and Mr. Sanderson be thanked for their correspondence, and letter be received and filed.

Motion Carried

10. By-laws

10.1 (May 20, 2016) By-law No. 052; A By-law of the Town of Quispamsis Respecting Animal Control - Presentation by Gary Losier, Engineering/Works/By-law Enforcement

Mr. Losier highlighted the changes to the proposed Animal Control By-law stating it is the Town's ultimate goal to protect its residents and general public, while enabling residents to enjoy their private property. The by-law encourages responsible pet ownership, provides dog friendly amenities and seeks compliance with the Animal Control By-law. He acknowledged monthly reporting validates the need for Animal Control Services, noting

the most common complaint Quispamsis receives is dogs at large with 100 - 150 complaints of this nature received over the last five years.

Council, last spring, felt the By-law could be revised to meet current needs and referred it to Staff and Legal for examination of opportunities. An Ad Hoc Committee was struck to review the By-law which consisted of Town Staff, the Town Solicitor, two Veterinarians, a KRPF Police Officer and Citizen Members who had advocated for the by-law change. The By-law review consisted of more owner responsibility vs penalizing the animal; strict conditions for euthanasia; fierce or dangerous provisions, and a process for owner appeal.

Mr. Losier clarified euthanization of an animal only occurs when it is directed by a Veterinarian and/or the Courts, and is still a component of all responsible animal control by-laws for the most serious incidents. In the new by-law, Fierce or Dangerous Animals will be defined more specifically, and will include the new introduction of the Appeal process, including the owner's ability to appeal to a Court. The Animal Control Appeal Committee will consist of a group of individuals residing in the Town of Quispamsis, including where possible, members of the Kennebecasis Regional Police Force and Veterinary Service Providers; who are willing to objectively participate in a review process when an animal's owner appeals a decision made in relation to fierce or dangerous deeming of an animal.

In addition to the Town's off-leash dog park, dog friendly beach and the poop and scoop stations, the Town is introducing a new facebook site for residents to place notice if their animal has gone missing.

Council Members commended the Ad Hoc Committee for its dedicated work in developing a collaborative and transparent draft Animal Control By-law that addresses the residents' prior concerns, while focusing on protecting residents and the public, and encouraging responsible pet ownership.

Moved By Councillor Olsen

Seconded By Councillor Miller

First Reading be given to Proposed By-law No. 052; A By-law of the Town of Quispamsis Respecting Animal Control.

Motion Carried

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

Second Reading be given to Proposed By-law No. 052; A By-law of the Town of Quispamsis Respecting Animal Control.

Motion Carried

10.2 (Aug.2016) Proposed Zoning By-law No. 038-22 Re Car Wash Operation (Wash 66) - Portion of PID No. 30256226 off Pettingill Road

Mayor Clark and Councillor Miller left the meeting as they did not attend the Public Hearing. Deputy Mayor O'Hara presided.

PAC's Written Views - PAC's written views recommended support of the Auto Car Wash (Route 66) Operation as a Notwithstanding Use in a Central Commercial Zone on a portion of PID No. 30256226, 15 Pettingill Road, subject to Town Staff being satisfied with the water consumption report.

Abbreviated Water Supply Source Assessment conducted by Fundy Engineering – Fundy Engineering's Study determined the proposed Wash 66 Car Wash Operation, based on their desk-top survey, indicates there appears to be water in sufficient quantity for a single-family residential water supply, i.e. consumption rate of 1800 L per day. The Study's findings support water supply is not a concern; however, they recommend that the peak pumping rate be capped at 13.5 L per minute and the daily extraction be capped at 1800 L/day until such time a comprehensive water supply source assessment is completed to determine on-site aquifer characteristics.

Staff Report from the Director of Engineering & Works, Asst. Municipal Planning Officer – Mr. Losier's report informed Council, further to the January 17, 2017 Regular Meeting, the Solicitor has determined, in general terms, the conditions proposed by Staff could be considered reasonable if the applicant is agreeable. The Staff report indicated the

Applicant has suggested as an alternative to using the domestic well for the car wash operation, he would be willing to import water from offsite for the ongoing operation of the car wash, and use the domestic well only for the office's washroom, and lunchroom. If the applicant, in future, wished to change the developer's agreement to permit water from the onsite domestic well, he would be required to do a full hydrogeological assessment and go through the public process of amending a Section 39 CPA agreement.

Council Members asked the Director of Engineering & Works various questions for clarification purposes concerning the proposed car wash operation. Mr. Losier informed the applicant has offered to import water that would be used for washing the vehicles, and, at its busiest time, it is anticipated the proposed car wash would wash 1500 vehicles per week, which would require 30,000 gallons per week, or 6000 gallons of water delivered five times a week. The proposed storage tank has a maximum capacity of 45,000 gallons, and will be designed to reclaim 40%-50% of the water used.

Moved By Councillor Luck

Seconded By Councillor Rioux

Second reading be given to proposed Zoning Bylaw Amendment No. 38-022, with the understanding that the applicant will be agreeable to the proposed alternative approach to groundwater use by importing water from offsite for the car wash use. Further the Municipal Planning Officer and the Town Solicitor be directed to finalize a draft developer's agreement with the applicant for Council's review and consideration of third reading at the February 21, 2017 Regular Meeting.

Motion Carried

Mayor Clark and Councillor Miller returned.

10.3 (Jan.17,2017) By-law No. 053: A By-law of the Town of Quispamsis Respecting the Establishment of A Planning Advisory Committee

Further to Council's acceptance of the Nominating Committee's recommendation to reduce the number of members on the Planning

Advisory Committee from 8 to 7, a proposed new PAC By-law No. 053 was presented to Council for consideration of first reading.

It was noted the Town Solicitor will be reviewing the proposed PAC By-law No. 053 prior to Council's consideration of further readings, in particular the necessity to include Section 2) b) reference to a Regional District Planning Commission.

Moved By Councillor Luck

Seconded By Deputy Mayor O'Hara

First reading be given to proposed By-law No. 053; A By-law to Establish a Planning Advisory Committee.

Motion Carried

10.4 Proposed Municipal Plan By-law Adoption Timeline - Staff Report from Municipal Planning Officer

- Submission of New Municipal Plan (Draft) Feb. 21, 2017
- Public Open House Feb. 23-24 & 27th, 2017
- Revisions to Draft Municipal Plan Feb. 28 – Mar 15, 2017
- Section 25 Public Presentation of Plan March 21, 2017
- Set Public Hearing Date and Refer to PAC April 18, 2017
- Presentation of Zoning By-law will be at this meeting
- Section 68 Public Hearing – Municipal Plan & Zoning By-law May 16, 2017 (*Consideration of 1st & 2nd Reading*)
- Adoption of the Municipal Plan June 20, 2017
Zoning By-law enactment can take place at same meeting subsequent to adoption of the Municipal Plan or can occur at the next meeting. (Consideration of 3rd & Final Reading)

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

Council approve the revised Municipal Plan adoption schedule as submitted in response to the request of Council at the January 17, 2017 Regular Meeting.

Motion Carried

11. New Business

11.1 Award of Tender 2017TQ01-1, 3/4 Ton 4 x 4 - Staff Report from Director of Community Services

Moved By Councillor Rioux

Seconded By Councillor Loughery

To accept the bid received from Downey Ford Ltd. for the purchase price of \$42,588 plus HST for a 2017 Ford F250 – 4X4.

Motion Carried

12. Reports

12.1 Planning Advisory Committee Minutes – December 13, 2016 Meeting

12.2 Kennebecasis Joint Board of Police Commissioners – Minutes of November 2016 Meeting

12.3 Kennebecasis Public Library Board Minutes of November, 2016 Meeting

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 Deputy Mayor O'Hara

Seconded By Councillor Thompson

Meeting adjourn.

Motion Carried

X

Gary Clark
Mayor



X

Catherine P. Snow
Clerk

