



QUISPAMISIS TOWN COUNCIL

REGULAR MEETING

MINUTES

January 18, 2022, 7:00 pm

Council Chambers

Quispamsis Town Hall

Present:

Mayor Libby O'Hara
Deputy Mayor Mary Schryer
Councillor Mike Biggar
Councillor Noah Donovan
Councillor Kerrie Luck
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Beth Thompson
Brandon; Krista, Town Treasurer
Kennedy, Aaron; Acting CAO
Losier, Gary; Director of Engineering & Works
MacInnis, Lisa; Assistant. Clerk
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk

1. Approval of Agenda

Moved By Councillor Olsen

Seconded By Councillor Donovan

The Agenda be approved as prepared.

Motion Carried

2. Mayor's Comments

Mayor O'Hara shared a good news story that recently occurred at the qplex grounds. A young woman had lost her iPhone sledding, called the Town to see if anyone had found it. A bit later another individual emailed the Town that they found an iPhone, and the staff were able to connect the two, and the phone was returned, and everyone was happy.

Mayor O'Hara announced yesterday, due to concerns for the safety of their workers with the winter storm weather conditions, FERO had pulled their trucks off the road, and any garbage collection missed was to be picked up today. She suggested residents register online with Fundy Regional Service Commission to receive regular service reminders as well as any garbage collection notices, a free and worthwhile service they offer.

3. Treaty Acknowledgement - Moment of Reflection

Deputy Mayor Schryer read the Treaty Acknowledgement – Moment of Reflection.

4. Disclosures of Interest

No disclosures were declared.

5. Presentations

6. Public Hearings - As Virtual Meeting - Callers May Phone in Using the Following Number: 1-844-924-0630 Canada

(Dec.7/21) Public Hearing - David McKenzie, Ascension Elevating Devices Ltd. – 355 Hampton Road, David McKenzie, Application to Amend Section 59 CPA Agreement to Permit Addition of Accessory Buildings and Additional Staff

Mr. McKenzie, Owner of Ascension Elevating Devices Ltd., expanded upon his application to amend his Section 59 Amending CPA Agreement dated July 27, 2016 concerning his Neighbourhood Commercial property at 355 Hampton Road, PID No's. 00250787 and 30220644. The proposed amendment would -

- Permit onsite storage of elevator parts;
- Increase administrative staff from one to six;
- increase repair service providers from the current allowable 1 - 3 to 4.

Mr. McKenzie apologized for missing the January 11, 2022 PAC meeting due to a family emergency. He stated his business has grown and he needs the extra space to store his materials, noting the COVID pandemic has greatly changed how his business operates. Equipment that was normally shipped directly to the customer for installation is no longer possible due to supply chain challenges. The delays in delivery has necessitated the storage of project equipment on site as they wait for the necessary parts to arrive to complete a job. He stated he has included with his application letters of support of the proposed amendment from neighbours on both sides of his property. He noted the sea can storage unit is set back 180' from the road, is painted white, is difficult to see, and is not visible from the complainant's house. He acknowledged the mixed land uses along that section of the Hampton Road, including an arena, ballfields, churches, and seniors' housing complexes.

Objection Letter Received from Liz Flogeras - Mr. Rod Gillis, Solicitor, Speaking on Behalf of Ms. Flogeras

Mr. Rod Gillis, Solicitor, expanded upon his client, Ms. Flogeras' written letter of objection to the metal dome building which has already been constructed and is in use on the site. Ms. Flogeras' letter acknowledged the applicant did receive a cease and desist order from the Town early last fall, which had been ignored. By early October the front and rear walls had been painted and the building was in full use. Her objection lies with the warehouse building which she feels belongs in an industrial park with appropriate access for both delivery of incoming goods and outgoing services. She does not oppose the original small commercial business.

Mr. Gillis stated while the proponent has indicated it is difficult to see the metal dome sea can building from the road, he could see on google maps two 40 foot containers on the proponent's property. That, he said is an issue of concern in a Neighbourhood Commercial Zone, and this change in use of the property is more fitting to what is described under accessory buildings in a Light Industrial Zone. His client's concern is the shipping container, and what the proponent is asking for is to amend the Zoning By-law No. 038 with respect to changing the definition for size requirements of an accessory building in a Neighbourhood Commercial Zone. The Neighbourhood Commercial Zone is identified in the Zoning By-law to permit uses such as retail and services such as a convenience store, a grocery store, repair shops, service shops and professional services that offer convenience services to adjacent residential areas. He concluded stating the best place for this activity would be in a Light Industrial Zone as it does not fit in a Neighbourhood Commercial Zone.

Council members directed questions to Mr. McKenzie, including his intentions re this being a temporary arrangement until the business relocates, and his proceeding with constructing the storage unit without receiving the proper approvals from the Town.

Mr. McKenzie apologized for not going through the permit process, stating the sea cans were considered temporary to keep the snow off his trailers, and then to store equipment, as previously noted, when it got really busy with the Covid changes. He said he is just trying to run a small elevator company and if Council can give him a couple of years to continue at his present location, he could then relocate his business.

The Director of Engineering & Works informed Council the Planning Advisory Committee is responsible for considering variances to the Town's Zoning By-law re the accessory building size. However, once it was recognized that a Section 59 CPA Amendment to the Agreement was required, PAC decided to defer the decision on the variance until such time the Council has the opportunity to render a decision regarding the request to amend the Agreement.

Planning Advisory Committee - Request for Extension of Written Views

A Notice of Decision from PAC indicated the applicant, Mr. McKenzie of Ascension Elevating Devices Ltd. did not attend the January 11, 2022 PAC Meeting, therefore PAC is seeking an extension to the Section 110(3) Community Planning Act requirement of PAC submitting their written views to Council on a Section 59 CPA Agreement.

Moved By Councillor Olsen

Seconded By Councillor Biggar

In consideration of PAC's request for an extension to provide their written views as noted in their Notice of Decision, Council grant PAC their request for an extension up to 30 days from the date requested, (Jan 12, 2022), and further Council postpone Ascension Elevating Devices Ltd.'s application to amend their Section 59 CPA Agreement pending receipt of PAC's recommendations.

Motion Carried

7. Minutes of Previous Meetings

7.1 December 21, 2021 - Regular Meeting

Moved By Councillor Miller

Seconded By Deputy Mayor Schryer

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 2022 Applications for Borrowing - Staff Reports from Town Treasurer

8.1.1 Transportation Services - 2022 Street Capital

Ms. Brandon's Staff Report indicated as part of the 2022 Capital Budget, Council budgeted borrowing of \$600,000 as a component of the funding related to the 2022 Street Capital Program.

Moved By Deputy Mayor Schryer

Seconded By Councillor Thompson

That the Municipality of Quispamsis submit to the Municipal Capital Borrowing Board an application for authorization to borrow for capital expenses for the following terms and amounts:

PURPOSE	AMOUNT
TERM	

Transportation Services

2022 Street Capital - Paving \$600,000
15 years

Motion Carried

8.1.2 Protective Services - Fire Station No. 2 Renovations

Ms. Brandon's Staff Report indicated as part of the 2022 Capital Budget, Council budgeted for renovations to Fire Station #2. Quispamsis' share of the total renovation cost (shared with Rothesay) is estimated at \$1,785,000 which is 59.2242% of total estimated cost of \$3,021,439. Funding is coming from borrowing of \$1,356,000 and a transfer from reserves of \$428,264. Given the uncertainty with renovation projects and current supply chain issues, Ms. Brandon recommends that the borrowing be set up for Quispamsis' share of the full estimated cost, and at the time of actual borrowing only the amount needed be borrowed.

Moved By Councillor Miller

Seconded By Councillor Luck

That the Municipality of Quispamsis submit to the Municipal Capital Borrowing Board an application for authorization to borrow for capital expenses for the following terms and amounts:

PURPOSE	AMOUNT
TERM	
<u>Protective Services</u>	
Fire Station #2 Renovations	\$1,785,000
20 years	

Motion Carried

9. Correspondence

9.1 Concerns Re Consumer Fire Works

Memo from Fire Chief Bill Ireland - In Attendance to Respond to Any Inquiries

Chief Ireland was in attendance and expanded upon his Memo noting the current approach to regulating the use of consumer fireworks was endorsed by Council during the adoption of the new Fire Prevention and Protection By-law. Fireworks are statistically an insignificant cause of fires, however, more notably, the improper

use of fireworks has been known to cause significant injury to people. He feels the best and most efficient tool to ensure public safety is education. The existing Fire Prevention and Protection By-law is intended to address the risks associated with 'consumer' fireworks and strikes an appropriate balance between public safety and recreational activities in the community. It does not prohibit the use of consumer fireworks but provides requirements intended to ensure that fireworks are stored and discharged safely. Consumer fireworks are tested and approved by the Explosives Regulatory Division of Natural Resources Canada and are generally considered safe for backyard use.

Correspondence from Councillor Kerrie Luck and Residents Re Consumer Fireworks- Victoria Wright, Kris McGuire, Michael Cumming, Leslie Rice, Becky Thibault, and Kolin Henderson,

Correspondence from several residents expressed their concerns re consumer fireworks, including their affect on animals, people with PTSD, and autism. Also related was an incident that occurred on Christmas Eve when a round of fireworks were set off, and with the high winds, they fell over and fired everywhere, hitting a neighbour's dining room window and leaving burn marks on their exterior siding.

Councillor Luck noted the impetus of adding this item to the Council Agenda was the incident that happened over the holidays where damage was done to a neighbouring home. She noted this has become a hot topic of debate on social media, and it appears the regulations for consumer fireworks stated in the Town's Noise By-law and Fire Prevention By-law are not working as intended. She suggested in addition to education, that the Town look to a better way forward by researching best practices in other communities to see if the Town's by-law can be adjusted to find a happy middle ground re regulating consumer fireworks

Moved By Councillor Olsen

Seconded By Deputy Mayor Schryer

This item be referred to Staff to investigate through UMNB and FCM what other communities do re best practices to regulate consumer fireworks, and bring back recommendations to Council re an all encompassing by-law that deals with fireworks.

Motion Carried

- 9.2 Winter Trail Maintenance - Councillor Kerrie Luck and Letters from Residents - Steve Palmer, Don Clendenning, Carolyn & David MacLeod, Dana Manzer, Jeff McCluskey, Joe Culligan, Denise Connors, Daryl Steeves, Steve Dawes, Margie Leclerc, and Marilyn Isnor

Councillor Luck's correspondence acknowledged the spike in users of the Town's trail systems over the past two years, noting outdoor physical activity supports residents' health and wellbeing. She has received requests from residents over the last month asking why the Town does not keep the trail systems plowed to support their safe use during the winter months. She has requested this item be placed on the agenda to discuss with Council if this is something the Town should be exploring, even if it is to designate only one trail to be plowed during the winter season, especially during the pandemic.

Further correspondence from the above referenced residents expressed their views on winter trail maintenance, with the majority of them asking that the trails, particularly the paved QR Trail, be plowed and sanded during winter months so they can be safely used.

Staff Report from Director of Community Services

The Director of Community Services expanded upon her Staff Report informing Council as staff have been building trails over the years, they anticipated this would evolve into maintaining a section for winter walking, specifically the paved QR Trail. Currently staff grooms 10 kilometers of trail for snow shoeing, cross country skiing and walking. The pandemic has increased interest in outdoor recreation and trail use, which is wonderful to see. This generates a rise in expectations in the level of service including winter trail maintenance, year-round access to washrooms, more benches, garbage cans and poop and scoop bags.

Ms. Purton Dickson noted there are considerations to review for such requests such as -

- What are the resources required to fulfill this request?
- What is the budgetary impact?
- Does the Town have the ability to do the work with the existing staff complement and equipment?
- From a risk management and liability perspective, is the Town able to ensure regular inspections to document the work in this area?
- What is the level of service expectation, i.e. plowed and sanded within x number of hours after a storm, seven days per week. Trail location and distance.
- What is the best location from an accessibility perspective, for equipment and the community?
- Other factors to consider would be terrain, bridges, surface, etc. Once all the above have been determined a consistent communications plan for the public would be required. This would include posting on social media as well as installing additional trail signage.

Ms. Purton Dickson expects there will be more public discussion on this topic as part of the three (3) new plans currently underway – 1) the Master Transportation Plan, 2) the Master Recreation Plan and 3) the Strategic Plan, and then recommendations can be brought forth for the 2023 budget.

In response to several Council Members expressing an interest in exploring areas that might be feasible to provide the community with outdoor space this winter season, Ms. Purton Dickson stated she has received an estimate from a Contractor to plow and sand the 2 km portion of the QR trail for \$7,000 - \$8,000 to cover 15 plows. This would entail most of the trail and would end just below Selkirk where the bridge is located. The Community Services Department does not have the resources to do this work internally, but would still perform the inspection process as part of the Town's due diligence requirements. She noted Mr. Losier would need to comment on whether the Works Department's sidewalk plows have the resource capacity to do this work internally.

Moved By Councillor Thompson

Seconded By Councillor Miller

That Council consider the request for winter trail plowing and sanding in the 2023 budget process, if it is identified as a requested level of service through the Recreation Master Plan, Master Transportation Plan and/or Strategic Plan.

Against (1): Councillor Luck

Motion Carried

Moved By Deputy Mayor Schryer

Seconded By Councillor Donovan

In the interim, Staff be directed to look at the possibility of being able to plow any of the trails for the 2022 winter season; and report their findings back to Council, to include the Director of Engineering & Works' input.

Against (1): Councillor Biggar

Motion Carried

9.3 Rezoning Application - Propertystar - Residential (R1) to Highway Commercial (HC) - Proposed Two Phased Mixed Use Commercial Development - 36 Acres off Gondola Point Arterial

In Attendance: Mr. Mark Hatfield, President, Propertystar and Homestar Inc.

Attached Documents: Staff Report from Municipal Planning Officer, Rezoning Schedule, Preliminary Servicing Review Report by Don-Moore Surveys & Engineering Ltd., and Route 119 Homestar Access Traffic Impact Study by Englobe Engineering, Site Plans and Renderings

Mr. Mark Hatfield, President of Propertystar was in attendance and presented his rezoning application for a Municipal Plan By-law No. 054 Amendment and Zoning By-law No. 038 Amendment to Council. He is requesting a total of 17.12 hectares, (42.30 acres), identified as PID No. 250217, (11.45 hectares), and PID No. 173765, (5.67 hectares), situated between Route 119, (Gondola Point Arterial), CN Rail, Monarch Drive and Phinney Lane area be rezoned from Residential (R1) to Highway Commercial (HC) to develop a mixed use commercial development.

The property proposed has adequate access to the arterial, can be adequately serviced by water and sewer, is of sufficient size to meet parking, loading, setback, land landscaping requirements including consideration to protection of adjacent residential development by placement of a vegetated buffer strip. Access to the development is proposed through a public street off Route 119 with a future street connection to Phinney Lane.

The applicant has indicated the proposed development will be a multi-phase project with the office space in Phase 1 possibly becoming the location for the central office for the Homestar Group of companies currently located on the Elliot Road in Quispamsis and Hampton Road in Rothesay. Subsequent phases would see additional commercial developments that align with the Highway Commercial zone, (retail, office, food service, establishments, box stores).

The applicant has obtained approval from DTI for the street access to the proposed location. As indicated in Englobe's traffic study, at Phase I level of development, traffic control and access to the development is manageable by non-signalized control methods, (i.e. stand traffic control signs); however, with full development buildout and a future connection to Phinney Lane, a signalized intersection becomes necessary at the Route 119 access location. The cost of the construction of the signalized intersection will be on the Developer unless the Developer enters a cost-sharing arrangement made with the Town and/or other parties, with details of such arrangement being included in the Section 59 Agreement..

Moved By Councillor Olsen

Seconded By Deputy Mayor Schryer

Council schedule and advertise a Public Presentation date for February 15, 2022, to present the proposed Municipal Plan By-law and Zoning By-law amendments to the public pursuant to Section 25 of the *Community Planning Act*.

Motion Carried

- 9.4 Reappointment of Mayor Libby O'Hara to Kennebecasis Regional Joint Board of Police Commissioners - Recommendation from Nominating Committee

Moved By Deputy Mayor Schryer

Seconded By Councillor Thompson

Council endorse the Nominating Committee's recommendation to reappoint Mayor O'Hara as one of the Town's representatives on the Kennebecasis Regional Joint Board of Police Commissioners for a three (3) year term, effective immediately and expiring January 31, 2025.

Motion Carried

10. By-laws

- 10.1 Dec.21/21 - Proposed Amendment No. 05-22; A By-law of the Municipality of Quispamsis Respecting Sewerage Utility

Moved By Deputy Mayor Schryer

Seconded By Councillor Donovan

Third and Final Reading be given to Sewerage Utility By-law Amendment No. 005-22 -

A By-law respecting the Sewerage Utility, hereby amended as follows:

1. By deleting definition u) "Utility Inspector" in Section 2. and substituting the following:
 1. u) "Utility Inspector" means the Director of Engineering and Works or his or her designate.
2. By adding in a Section 8.h) which would read as follows:

The town will accept the "Residential Property Tax Credit Statement" for a multi-unit dwelling as a means of reducing the sewer billing by one dwelling unit. The statement shall be received by January 1st each year, or the billing will revert back to the designated number of dwelling units.

Motion Carried

11. New Business

11.1 Gondola Point Road Waste Water Pump Station No. 5 - Part A - Design Phase - Staff Report from Director of Engineering & Works

Mr. Losier's Staff Report informed Council, as part of the 2022 Utility Capital budget, the Town will be proceeding to Phase 2 of the Wastewater Pumping station upgrade located along the Gondola Point Road. The construction for the replacement and modernization of the WWPS #1 on Roberts Lane has already begun. The changes will divert a portion of flows away from the downstream WWPS along the Gondola Point Road. WWPS #5 will be replaced as the highest priority pump, and \$1.730 million was identified in the 2022 budget which will include a replaced pumping station, replaced force main to Quispamsis Road as well as an infiltration and inflow review of the catchment area and associated Engineering, land and legal costs.

Moved By Councillor Donovan
Seconded By Councillor Thompson

The Town direct Engobe Corp to commence Part A of the design phase Gondola Point Road WWPS #5 project since the project falls under current Municipal authority for award of consultants. Staff will provide council with reports prior to seeking formal authorization to proceed to Parts B and C of the project.

Motion Carried

11.2 Proposed Memorial and Dedication Program Policy No. 074 - Staff Report from Director of Community Services

A Staff Report from the Director of Community Services informed Council on occasion enquiries are received regarding the installation or dedication of a bench in the memory of a loved one. The Town recognizes the importance of providing residents the opportunity to create memorials while also enhancing the community's outdoor spaces. As such, Staff are recommending the adoption of the proposed Memorial and Dedication Program Policy to provide a methodology for the control and management of dedication requests on town owned properties.

Moved By Deputy Mayor Schryer
Seconded By Councillor Donovan

Council accept the Director of Community Services' recommendation to adopt the Memorial and Dedication Program Policy No. 074.

Motion Carried

12. Reports

- 12.1 University of New Brunswick's Integrated Health Initiative - Support Letter to Premier Higgs from Saint John Region Mayors
- 12.2 Planning Advisory Committee - December 14, 2021 Meeting Minutes
- 12.3 KV3C Thank You Letter - Donation and Use of qplex Conference Centre Rooms
- 12.4 Climate Change Action Plan - Copy of Letter from AMANB to Department of Environment & Local Government
- 12.5 UMNB January 2022 Bulletin

Moved By Councillor Olsen
Seconded By Deputy Mayor Schryer

Reports be received and filed.

Motion Carried

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

14. Adjournment

Moved By Councillor Luck
Seconded By Councillor Donovan

Meeting adjourn to February 1, 2022.

Motion Carried

Meeting adjourned at 9:15 p.m.

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk