



QUISPAMIS TOWN COUNCIL

REGULAR MEETING

MINUTES

June 16, 2020, 7:00 pm

Meeting Conducted By Electronic Participation

Present:

Mayor Gary Clark
Deputy Mayor Libby O'Hara
Councillor Sean Luck
Councillor Lisa Loughery
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Pierre Rioux
Councillor Beth Thompson

Deuville, Susan; CAO
Krista Brandon
Kennedy, Aaron; Communications Manager
Losier, Gary; Director of Engineering & Works
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk
MacInnis, Lisa; Assistant Clerk

1. Approval of Agenda

Moved By Councillor Rioux

Seconded By Councillor Miller

The Agenda be approved as prepared.

Motion Carried

2. Mayor's Comments

2020 High School Graduation Ceremonies - Mayor Clark congratulated graduates of Kennebecasis Valley High, Rothesay High, Rothesay-Netherwood, Samuel-de-Champlain, and Valley Christian Academy, noting that although graduation ceremonies will look different this year due to COVID-19, it doesn't diminish their achievements.

Mayor Clark announced that Council will approve the bursaries for two deserving Quispamsis residents who will be pursuing post-secondary education in the fall. He congratulated both recipients.

3. Moment of Reflection – Councillor Miller read the Moment of Reflection.

4. Disclosures of Interest - Councillor Olsen stated he will recuse himself from item 8(1).

5. Presentations (none)

6. Public Hearings

6.1 (May 19/20) Rezoning Application - Elmtree Developments Ltd. - 258 Hampton Road, PID No. 251959 (Corner of Hampton Road & Pinewood Crescent) - In Attendance: Peter MacKenzie, Comeau MacKenzie Architect, & Jonathon Rasenberg

Single or Two Family Dwelling (R1) to Multiple Residential (R2) Zone for the Phased Development of Three (3) Four-Storey Multiple Residential Apartment Buildings (Total, 100 Units)

Peter McKenzie, Comeau MacKenzie Architect, on behalf of Elmtree Development presented the rezoning application for the construction of a three phased multiple residential development proposing the construction of three (3) four-storey apartment buildings (100 total units), as well as a community garden, a community building and pickle ball court and a private lane access – Elm Tree Drive, at 258 Hampton Road.

Jonathan Rasenburg, Realtor, also spoke on the rezoning application, highlighting the need for small-scale housing options in Quispamsis.

Letters of objection were received from the following:

Scott & Bonnie Demmons - Mrs. Demmons expanded upon their written letter of objection, expressing concern about traffic, pressure on existing infrastructure and services and the number of units in proposed development.

Greg & Bev Fergus - Mrs. Fergus expanded upon their written letter of objection, expressing concern about the height of the building, access for emergency vehicles, traffic, the number of units, as well as expressing concerns regarding noise and lighting pollution, and garbage and snow removal. Mr. Fergus referenced letter from Alta Long and highlighted her concerns regarding the height, privacy and pest control.

Susan McCoy & Graham Fraser – Ms. McCoy expanded upon their written letters, stated they are opposed to the rezoning, as they thought all surrounding property would remain Residential (R1) with single family homes.

David & Shelia Henry – Mrs. Henry expanded upon their written letter expressing concerns about the environment and what effect the proposed underground parking excavation could have on their well.

Carolyn & Scott McCavour – Mr. and Mrs. McCavour both expanded upon their written letter expressing concerns about traffic and the height of the building.

Sandra McIlwraith - Ms McIlwraith expanded upon her written letter expressing concerns about water run off, traffic and the current infrastructure.

Dave & Jacalyn McLean - Mrs. Mclean expanded upon their written letter expressing concerns about traffic, current infrastructure and construction timelines.

Kevin & Bev Tupper - Mrs. Mclean expanded upon their written letter expressing concerns about the proximity to their property and the height.

Other letters of objection were received from Richard Burrell, Donald & Louise McConaghy, Robert McIlwraith, Ben Reynolds, Michelle Reynolds, and Bob & Faye Sherrard.

Letter from Chief Bill Ireland, Kennebecasis Valley Fire Department Inc., with information regarding Fire Service to Proposed Development.

Mayor Clark asked if anyone wished to speak for or against the proposed developer's agreement amendment.

Andrew Foley, who lives at the corner of Balsam Court and Pinewood Crescent, stated that he is concerned with traffic and stormwater run-off.

Due to technology issues this was heard later in meeting - John Likourgiotis, who lives on Balsam Court, stated he moved from Saint John for green space and privacy and feels the property is not appropriate for the size of this project.

No one spoke further.

Peter MacKenzie, Comeau MacKenzie Architect, responded to concerns regarding the parking, construction timelines, stormwater study and the buffers.

Jonathan Rasenburt spoke further on the importance of trees on the property and maintaining a thick buffer.

PAC's Written Views – A Notice of Decision from the Planning Advisory Committee support the Council in the rezoning of 258 Hampton Road (PID 30327753) from Single or Two-Family Dwellings (R1) to Multiple Residential (R2) for a three phased multiple residential development proposing the construction of three (3) four-storey apartment buildings, as well as a community garden, a community building and pickle ball court, subject to the following terms and conditions:

1. Approval of the lot width variance of seventy-six (76) metres from the Town's Zoning By-law 038 Section 9.(B)(1);
2. Approval of a two decimal nine (2.9) metre height variance (26%) from the Town's Zoning By-law 038 Section 9.(E)(1);
3. Approval of a seven (7) percent variance for the number of parking spaces from the Town's Zoning By-law 038 Section 9.(I)(1);
4. A traffic study is conducted to determine if there are conflicts or concerns with traffic patterns, the turn movements at Pinewood Drive and McCarron Drive at peak traffic volumes;
5. A comprehensive storm water management report is prepared by a qualified engineer registered to the province of New Brunswick; the

Site Plan must demonstrate and acknowledge that there will be a need for onsite storage as indicated by the stormwater detention pond;

6. The development must connect to the municipal water and sewer systems;
7. A detailed landscaping plan is prepared demonstrating adequate buffering from adjacent residential properties;
8. All on-site lighting to be directed downward;
9. The development must be completed as per all applicable Town By-laws, and policies thereto; and
10. Building permits are issued in accordance with the National Building Code of Canada.

A lengthy discussion ensued concerning the issues brought forth by nearby residents.

Moved By Councillor Luck

Seconded By Councillor Rioux

Council consider first reading of Proposed Zoning By-law Amendment No. 038-33, to rezone the property identified as 258 Hampton Road with PID No. 251959 from R1 to R2 subject to the terms and conditions of a Section 59 CPA Agreement.

Motion Carried

Moved By Councillor Luck

Seconded By Councillor Olsen

Council consider second reading of Proposed Zoning By-law Amendment No. 038-33, to rezone the property identified as 258 Hampton Road with PID No. 251959 from R1 to R2 subject to the terms and conditions of a Section 59 CPA Agreement.

Motion Carried

7. Minutes of Previous Meetings

7.1 May 19, 2020 - Regular Meeting

Moved By Councillor Rioux

Seconded By Councillor Luck

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (Mar.17/20) Dr. Jeff Sheppard, Wash 66 Ltd. - 7 Pettingill Road - Request to Amend Developer's Agreement to Allow for Drilled Wells for Water Source instead of Importing Water

Councillor Olsen left the meeting.

Referred from May 19, 2020 Public Hearing

Municipal Planning Officer provided Council an update stating that he and the Town Solicitor have been working with the applicant and their engineering consultants on drafting the amending agreement.

He noted that correspondence was received from the applicant, dated June 16, 2020, requesting that this matter be postponed until the Regular Council meeting in July, 2020.

Moved By Councillor Thompson

Seconded By Councillor Luck

Council postpone decision until an agreement defining the specific terms and conditions of the amendment is negotiated and signed by Wash 66 Ltd, and the agreement returns to the Council for review before a final vote on the request to amend the Development Agreement is made.

Motion Carried

Councillor Olsen returned.

8.2 (May 19/20) Traffic Noise Complaint from David Harrison, Gondola Point Road & Quispamsis Road Intersection

Moved By Councillor Luck

Seconded By Deputy Mayor O'Hara

Council accept the Town Solicitor's recommendation to refer this issue to the Engineering and Planning Departments to consider the possibility of signage, rezoning and speed limit changes; and further, the issue of muffler noise be referred back to the Kennebecasis Regional Police Force to monitor and take whatever action they feel is appropriate under the Motor Vehicle Act.

Motion Carried

8.3 (June 9/20) Scholarship Committee's Recommendations for Award of Town Scholarships - Ratification of Email Poll

Moved By Deputy Mayor O'Hara

Seconded By Councillor Rioux

Council ratify the Email Poll conducted June 9, 2020 to award the Town's two Scholarships to the two recipients as recommended by the Scholarship Committee and outlined in the Community Services Director's Staff Report dated June 9, 2020.

Motion Carried

8.4 Ratification of Email Poll Re Beaches Contract

Moved By Councillor Loughery

Seconded By Councillor Miller

A motion of Council would be in order to ratify the Email Poll conducted June 11, 2020 authorizing the amendment to the Beaches Contract as outlined.

Against (1): Councillor Luck

Motion Carried

8.5 (May 5/20) Photo Radar - Response from Kennebecasis Regional Board of Police Commissioners (Councillor Miller)

Moved By Councillor Olsen

Seconded By Deputy Mayor O'Hara

The Kennebecasis Regional Joint Board of Police Commissioners be thanked for their thorough report on the subject of Photo Radar, and Councillor Miller to consider this matter further as he had initially brought it forward, and he inform Council at a subsequent meeting if it is his desire to pursue this matter, at which time the KRJBPC's Report could be referred to the Provincial Department of Public Safety requesting the Province's position on implementing legislation that would permit the use of Photo Radar by New Brunswick policing authorities.

Against (1): Councillor Luck

Motion Carried

9. Correspondence

9.1 Letter from Kevin Johnson, Express Sports Excellence - Requesting the Reopening of qplex prior to September, 2020

Mr. Johnson was in attendance via Go-to Meeting and spoke further on his correspondence regarding his request to reopen the qplex prior to September 2020.

Members noted that this was a very tough decision, however reduced revenues due to COVID-19 compared to the expenses involved in running the qplex would put significant pressure on the Town.

The Director of Community Services also noted that QMA would also be unavailable and outlined the various capital projects happening at that facility this summer. Further noting, that arena staff were already redeployed to the Parks and Facilities Department until the Fall.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Miller

Mr. Johnson be thanked for his correspondence and he be informed that while it was a very difficult decision for Council to keep the qplex pool,

arena, walking track and conference centre closed this summer, it was felt to be the best decision with respect to the physical distancing requirements and it was also felt to be the most prudent financial decision acknowledging the costs to operate the facility compared to the minimal amount of revenue that could be generated during this time.

Motion Carried

9. Correspondence

9.2 Proposed 2021 Budget Timelines - Staff Report from CAO Susan Deuville

Moved By Councillor Rioux

Seconded By Councillor Olsen

That staff be directed to send letters to the various boards and commission advising them of the change in their budgetary timelines, due to changes implemented by the provincial government.

Motion Carried

9.3 Letter from Abigail Reinhart Re Policing Services

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

Ms. Reinhart be thanked for her letter and it be received and filed.

Motion Carried

9.4 Letter from Minister Jeff Carr, Minister of Environment & Local Government Confirming Town of Quispamsis' 2020 Allocation of Gas Tax Funds

Moved By Deputy Mayor O'Hara

Seconded By Councillor Miller

Minister Carr's letter be received and filed with thanks.

Motion Carried

10. Bylaws (none)

11. New Business

11.1 Town Committee Reappointments - Recommendation from Nominating Committee

Moved By Councillor Luck

Seconded By Councillor Rioux

Council accept the Nominating Committee's recommendation to reappoint all Committee appointments that were expiring May 31 or June 30, 2020 for a further one year term.

Motion Carried

11.2 2020 Sunset Drive Watermain Expansion Tender 2020TQ05-15

Moved By Councillor Rioux

Seconded By Councillor Olsen

Recommend the town award the 2020 Sunset Drive Watermain Expansion, Tender No. 2020TQ05-15 to the low tenderer, Dexter Construction Company Limited for the tender price of \$510,945.00 (Including HST) and that, if required, the budget overage be reassigned from our Federal/Provincial Gas Tax allocation and furthermore Town staff be directed to accordingly adjust the Project Planning Report and Annual Project Outcome Report submitted for Gas Tax funding.

Motion Carried

11.3 Council Resolution FCM Asset Management Grant Application - Quispamsis Phase 2

Moved By Councillor Luck

Seconded By Councillor Loughery

Be it resolved that Mayor and Council of the town of Quispamsis directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for "Phase 2

Quispamsis Asset Management Plan- Recreation and Parks Asset Inventory and Condition Assessment Programming."

Be it therefore resolved that the town of Quispamsis commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance our asset management program:

1) Outdoor Park and Recreation Sites Pilot Study to provide the Town with an asset inventory data standard for outdoor recreation sites, a condition assessment program, and replacement cost estimating, useful life estimating, and criticality rating guidelines.

2) Development of Critical Asset Condition Assessment Program to identify priority assets which warrant regular condition assessments and develop comprehensive condition assessment programs for each.

Be it further resolved that the town of Quispamsis has committed \$60,000 from its budget toward the costs of this and other asset management initiatives.

Motion Carried

11.4 Tender Award for Meenan's Cove Beach House Expansion Project - Staff Report from Director of Community Services

Moved By Councillor Olsen

Seconded By Councillor Thompson

That the Town award the Meenan's Cove Beach House Expansion and Renovation, Tender No. 2020TQ05-14 to the lowest bidder, Bird Construction Company, for the tender price of \$1,403,000 (Excluding HST).

Against (1): Councillor Luck

Motion Carried

11.5 Gondola Point Park Subdivision - Phase 11 - Staff Report from Municipal Planning Officer (Off Kane Road - Maddie Lane)

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

The Council grant assent to the Gondola Point Phase 11 Subdivision Plan so the plan can be stamped and signed by the Town Clerk and Development Officer and registered in the provincial land registration system.

Motion Carried

11.6 Queensbury Heights Subdivision - Land for Public Purposes - Council Assent

Moved By Councillor Miller

Seconded By Councillor Thompson

The Council grant assent to the Queensbury Height Subdivision Land for Public Purposes LPP-1 so the plan can be stamped and signed by the Town Clerk and Development Officer for registration in the provincial land registration system.

Motion Carried

11.7 Fernwood Park Subdivision Phase 4 - Council Assent

Moved By Councillor Rioux

Seconded By Councillor Luck

The Council grant assent to Fernwood Park Subdivision Phase 4, subject to execution of a standard Development Agreement, so the plan can be stamped and signed by the Town Clerk and Development Officer for registration in the provincial land registration system.

Motion Carried

11.8 Queensbury Heights - Phase 13 - Council Assent

Moved By Deputy Mayor O'Hara

Seconded By Councillor Loughery

The Council grant assent to Queensbury Heights Phase 13 Subdivision, subject to execution of a standard Development Agreement, so the plan can be stamped and signed by the Town Clerk and Development Officer for registration in the provincial land registration system.

Motion Carried

12. Reports

- 12.1. Town of Quispamsis - Annual Report
- 12.2. Town of Quispamsis Unaudited Financial Statements As At April 30, 2020
- Town Treasurer's Staff Report & Associated Documents
- 12.3. Town of Quispamsis 2019 Gas Tax Report - Town Treasurer
- 12.4. Town of Quispamsis - Animal Control Call Summary Report
- 12.5. Kennebecasis Valley Fire Department Inc. - Audited 2019 Financial Statements
- 12.6. Kennebecasis Regional Joint Board of Police Commissioners' Audited 2019 Financial Statements
- 12.7. Kennebecasis Regional Joint Board of Police Commissioners' April 29, 2020 Meeting Minutes, Financials & Associated Documents
- 12.8. CN in Your Community Report
- 12.9. The Honourable Jeff Carr - Minister of Environment & Local Government's Acknowledgement to Surrounding Saint John Mayors' Letter
- 12.10. Province of New Brunswick - Mandatory Order - Covid-19 - June 11, 2020
- 12.11. Anglophone School District South - Return to School Process - September 2020

Moved By Councillor Olsen

Seconded By Councillor Rioux

Reports be received and filed.

Motion Carried

14. Adjournment

Moved By Councillor Olsen

Seconded By Councillor Luck

Meeting adjourn.

Motion Carried

Meeting adjourned at 10:15 p.m.

Gary Clark
Mayor

Lisa MacInnis
Assistant Town Clerk