



**QUISPAMISIS TOWN COUNCIL
REGULAR MEETING
MINUTES**

June 21, 2016, 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

Staff Present Deuille, Susan; CAO
Kennedy, Aaron; Communications Manager
McGraw, Jo-Anne; Town Treasurer
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk

Absent: Losier, Gary; Director of Eng. & Works (family commitment)

1. Approval of Agenda

Moved By Deputy Mayor O'Hara
Seconded By Councillor Loughery

The agenda be approved as prepared.

Motion Carried

2. Mayor's Comments

Passing of Mirimichi Mayor – Gerry Cormier – Mayor Clark called for a moment of silence in memory of the late Gerry Cormier, Mayor of Mirimichi City, who passed away earlier in the week.

PRO Kids 5 km Annual Fun Run – qplex – Mayor Clark acknowledged the 2nd Annual Fun Run will be held at the qplex Saturday, June 25, 2016 with all proceeds going to PRO Kids. He noted he will be participating in the event, organized by Evan and Shelly Doucet with all proceeds going to support the local PRO Kids organization.

3. **Moment of Reflection** – Councillor Olsen read the Moment of Reflection.

4. **Disclosures of Interest**

No disclosures were declared.

5. **Presentations**

5.1 NB International Sculpture Symposium Saint John Update

Ms. Diana Alexander, Executive Director, In Attendance

Ms. Alexander made presentation to Council, stating in 2012 the NB International Sculpture Symposium held its first Sculpture Saint John. Quispamsis was a participant in the first Symposium, and as a result the Town now has Agnessa Petrova's sculpture, "Cascade" located in its Arts & Culture Park. Ms. Alexander informed Council Sculpture Saint John will once again be hosting artists from around the world to participate in the 3rd Annual Sculpture Symposium August 4 – September 17, 2017.

Two further symposiums are also being planned for 2018 and 2020 at which time there will be 38 sculptures throughout NB, creating a lasting legacy of public art to be enjoyed by many for years to come. She noted there are a few spaces remaining, and she is approaching each of the original participants to see if they might be interested in participating in the 2018 Sculpture Symposium. The costs, Ms. Alexander said, is \$15,000 with payment spread over two years – 2017 and 2018. An additional cost of approximately \$5000 will also be required to transfer and install the art within Quispamsis. The estimated value of each completed sculpture is between \$100,000 - \$150,000.

Moved By Councillor Thompson

Seconded By Councillor Luck

The Director of Community Services be directed to include in the Community Services 2017 budget, 50% of the required costs to participate in the 2018 Saint John Sculpture Symposium, and the balance to be carried over for inclusion in

the 2018 budget, based upon budget deliberations; and Council can at a future date appoint an Ad-Hoc Committee to review potential locations for the new sculpture.

Motion Carried

6. Public Hearings

6.1 355 Hampton Road - Ascension Elevating Devices - PID No.'s 00250787 and 30220644

Mr. Dave MacKenzie, Applicant, In Attendance

No Written Objections Received.

Mr. MacKenzie expanded upon his application for an amendment to the Section 39 CPA Developer's agreement. The amendment would allow him to purchase the property at 355 Hampton Road, and change its current use from the "All Sorts for All Sports" operation to an office and repair service shop, Ascension Elevating Devices Ltd.

A Staff Report from the Municipal Planning Officer confirmed the proposed use as an office space and service repair shop is a permitted use in the Neighbourhood Commercial Zone under Section 15(A)(1)(a)(iv). The proposed use would not bring any significant change or impacts on the adjacent residential properties, and is in keeping with the intent of the NC zone.

A Notice of Decision from the Planning Advisory Committee recommended its support of the application to amend the developer's agreement to permit an office and repair service shop for Ascension Elevating Devices Ltd, with any change in ownership or business requiring further amendment.

Moved By Councillor Rioux

Seconded By Deputy Mayor O'Hara

Council approve the proposed amendment to the existing Development Agreement authorizing Ascension Elevating Devices Ltd. to operate an elevator sales office and elevator repair business at 355 Hampton Road.

Motion Carried

7. Minutes of Previous Meetings

7.1 May 17, 2016 - Regular Meeting

Moved By Deputy Mayor O'Hara
Seconded By Councillor Thompson

Minutes be approved as prepared.

Motion Carried

7.2 May 24, 2016 - Special Meeting

Moved By Councillor Olsen
Seconded By Deputy Mayor O'Hara

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 Ratification of Email Poll – Clean Water and Wastewater Fund -
Proceed with Application

Moved By Councillor Olsen
Seconded By Deputy Mayor O'Hara

Council ratify the email poll conducted June 7, 2016 to authorize Staff to make an application to the Clean Water and Wastewater Fund to seek infrastructure funding to enable the town to conduct an Engineering study to review the Gondola Point Wastewater Pumping (WWPS) station network.

Motion Carried

9. Correspondence

9.1 Linda Burrell - Request for Supply of Epi Pens in Town First Aid Kits

Correspondence from Ms. Burrell requested epinephrine auto-injectors (EpiPen) be added to the Town's first aid kits or wall cabinets at strategic locations throughout the Town. They are simple to use and need very little training but can

save a person's life and give someone with a severe allergy reaction or anaphylaxis time to obtain medical help.

Councillor Luck suggested the formation of a Wellness Committee to review wellness items, noting epi pens would need to be checked regularly for expiry dates.

The Director of Community Services informed Council she is researching the provision of epi pens in public places, noting it is becoming more main stream, similar to AED – defibrillators. Staff, she noted, do check the Town's first aid kits monthly for expirations, etc., as part of their regular maintenance program. She noted epi pens would also require training for Staff. She wants to further review implications as to budget and provide Council with a recommendation upon completion of her review. She noted the Town has a Staff Wellness Committee, but Council may want to consider appointing a public community wellness committee.

Moved By Councillor Thompson

Seconded By Councillor Miller

Ms. Burrell's request to install Epi Pens in Town First Aid Kits be referred to the Director of Community Services for review and recommendation back to Council.

Motion Carried

9.2 Alex Molnar - Bow Hunting Concerns

Mr. Molnar's letter expressed his dismay that Hampton, Quispamsis and Rothesay officials have reportedly approved a plan that permits bow hunting of deer in the Kennebecasis Valley. Bow hunting, he said, is exceedingly cruel as wounded animals commonly disappear only to succumb slowly and unseen to their injuries. He requested the Town overturn its decision to permit bow hunting.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Loughery

A copy of Mr. Molnar's correspondence be issued to DNR for information purposes, and his letter be received and filed.

Motion Carried

9.3 Gary Crowley, President, Saint John Cycling - Request for Approval of Proposed Route - June 26, 2016 - Stock Farm Road - Route 100

Mr. Crowley's letter informed Council the Saint John Cycling Club is organizing a road cycling race as part of its 2016 East Coast Games on June 26, 2016. Their planned route starts in Hampton, travels Lakeside Drive to French Village Road, up the Stock Farm Road and back to Hampton via Route 100.

Moved By Councillor Thompson

Seconded By Councillor Olsen

The Saint John Cycling's request to travel through the Stock Farm Road and a portion of Route 100 be approved, and the Kennebecasis Regional Police Force be notified of same.

Motion Carried

- 9.4 The Brody Company Ltd. - Request to Cancel Amendment to Section 39 Developer's Agreement Re 199 Hampton Road - Storage Bin Project - PID No. 00249805, 00089250, 00249839

Correspondence from Kevin Kane, Owner of 199 Hampton Road, requested cancellation of his development agreement for a self-storage facility.

Moved By Councillor Rioux

Seconded By Deputy Mayor O'Hara

In response to Mr. Kevin Kane's request, Council cancel the developer's agreement between the Town and The Brody Company Ltd., dated March 26, 2012; and rescind Zoning By-law Amendment No. 38-14 that permitted a self-storage facility as a notwithstanding use in a Central Commercial Zone at 199 Hampton Road; and further advertise both the cancellation of the developer's agreement, and the rescinding of the by-law.

Motion Carried

- 9.5 Petition Received from Quispamsis Beach Volleyball Recreational & Competitive Leagues

A petition received from 35 members of the Quispamsis Beach Volleyball Recreational & Competitive leagues at Meenan's Cove Park expressed concern and disappointment regarding the decline in the organization and management of the leagues. Their issues include scheduling, referees to know the rules of the game, fencing, maintenance of courts, and equipment.

The Director of Community Services informed Council Staff are currently investigating the concerns noted, and are working to address the issues. She noted registration fees are only \$210 for a team to play a 12 week season. The Town provides referees and high quality courts. The 35 signatories on the petition only represent a small number of the total 285 residents who have registered for this program. An option may be for the group to formalize its own association similar to ball, tennis, hockey, etc. Ms. Purton Dickson advised she would like to meet further with the group and review options, and will have recommendations before Council for the next meeting.

Councillor Luck suggested raising the netting on the softball side of the Volleyball courts to prevent softballs from hitting the volleyball players.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

The Quispamsis Beach Volleyball Recreational & Competitive Leagues' petition be referred to the Director of Community Services for review and a recommendation back to Council.

Motion Carried

9.6 David & Betty Saunders - Drainage Issues, Chamberlain Road

Correspondence from Mr. & Mrs. Saunders expressed concern about the deep trenches on their Chamberlain Road property. They noted the ditch between their property and the adjacent property was once 3 feet wide by 3 feet deep, and is now approximately 7 feet wide and 7 feet deep due to water erosion. Town Crews have entered their property to make repairs and have dug and left a hole 16 feet wide and 7 feet deep. They are concerned this large hole presents a dangerous situation and are looking to the Town to have this rectified. They stated their property has been in their family for over 50 years and only recently has the water caused problems. This leads them to assume the water has been re-directed from adjacent property(s) towards their property and needs to be corrected as soon as possible to avoid further damages.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Loughery

Mr. and Mrs. Saunders' correspondence be referred to the Director of Engineering & Works to complete a review of the drainage concerns and submit their findings back to Council.

Motion Carried

10. By-laws

10.1 Proposed Local Improvement By-law No. 011-2016-1

Moved By Councillor Olsen

Seconded By Councillor Miller

First reading be given to Local Improvement By-law No. 011-2016.

Motion Carried

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

Second reading be given to Local Improvement By-law No. 011-2016.

Motion Carried

10.2 (Apr.27/16) Animal Control By-law Issues

Letter from Robert Hunt, Quispamsis Animal Advocate - Mr. Hunt was in attendance and expanded upon his letter which provided suggestions he felt would improve Animal Control By-law No. 031. He noted his main concern is that dogs suspected of being a threat to public safety should be assessed by a professional, trained in animal behavior. He suggested that the Town allow the animal shelter or SPCA to determine if an animal should be put down after the animal has been given an opportunity to decompress and be evaluated.

Letter Received from Colleen Smith – Ms. Smith's correspondence expressed her concerns re the wording of the Animal Control by-law, in particular with respect to its authority to put dogs down. She stated the by-law needs to be adjusted and the evaluation of animals requires properly qualified persons who can effectively assess and evaluate the animal and situation, and advise execution of an appropriate plan of action.

Animal Control By-law - Preliminary Review - Staff Report from Director of Engineering & Works – Mr. Losier's Staff Report provided findings from Staff's preliminary review of the Animal Control By-law in response to concerns re public perception of strong wording and a misunderstanding of the Town's actual processes and procedures.

The Staff Report indicated in order to receive policy direction from Council, Staff, in consultation with the Town Solicitor, have identified areas that could be modified in the current By-law and also identified items that Staff feel should not be considered as they would compromise the Town's ability to guarantee public safety. The report provided a listing of potential changes to improve the clarity of the By-law for Council's consideration. In addition, Mr. Losier noted it is unfortunate the Town's position and message concerning animal control has been seriously misunderstood. He pointed out the many positive aspects the Town has introduced in its efforts to be animal friendly, including a dedicated dog park, a dog friendly beach, supplied poop and scoop stations, clear leash rules for public places and noted the By-law has had significantly more positive outcomes than negative.

CAO Deville related Staff, led by Mr. Losier, (who is unable to be in attendance due to a graduation in the family), has listened to the residents' concerns, and researched other municipalities' animal control services and issues. The preliminary Staff Report suggests certain changes to the by-law, while recommending other sections be retained to strike the balance of addressing residents' concerns while not compromising public safety. She noted there are several options, as re deeming an animal fierce and dangerous that can be explored. She noted Staff are now seeking Council's feedback and direction. If Council is satisfied with the direction being suggested, Staff can proceed with finalizing a more comprehensive report, including By-law Amendments, for Council's consideration.

Moved By Deputy Mayor O'Hara
Seconded By Councillor Loughery

Staff continue to review and update the Animal Control Bylaw, taking into consideration the comments and policy direction as provided by Council and Staff investigate methods to properly communicate the appropriate positive message concerning the Animal Control By-law and include a communication plan of action as part of the Animal Control By-law review.

Motion Carried

11. New Business

11.1 Town Committee Appointments - Recommendations from Nominating Committee

Moved By Deputy Mayor O'Hara
Seconded By Councillor Miller

Council accept the Nominating Committee's recommendations for Town Committee appointments and reappointments, effective June 21, 2016, as noted on the attached proposed Town Committee listing, with one revision, i.e. Councillor Luck replacing Councillor O'Hara on the Kennebecasis Valley Fire Board for a two year term.

Motion Carried

11.2 Award of Tender - 2016TQ05-11 - 3/4 Ton 4x4 Regular Cab Truck

Moved By Councillor Thompson
Seconded By Councillor Olsen

Council accept Staff's recommendation to award tender 2016TQ05-11 New 2017 Four Wheel Drive 3/4 ton regular cab pickup truck to bid from Dobson Chrysler Dodge Jeep for the tender price of \$ 43,960.00, (Exclusive of all taxes), and the required extra budget funds be allocated from the outfall program within the Utility capital program.

Motion Carried

11.3 Award of Tender - 2016TQ05-13 - Drainage Improvements 2016

Moved By Councillor Olsen
Seconded By Deputy Mayor O'Hara

Council accept Staff's recommendation to award the tender designated as 2016TQ05-13 Drainage Improvements to the low tenderer, Kevin H. Steele Contracting Ltd., for their tender Price of \$ 48,017.09 (includes HST.)

Motion Carried

11.4 Award of Tender - 2016TQ06-14 - Hammond River Road Improvements 2016

Moved By Councillor Thompson
Seconded By Councillor Loughery

Council accept Staff's recommendation to award Street Improvement Tender 2016TQ06-14 - Hammond River Road Upgrade to the low tenderer, Debly Enterprises for their tender price of \$453,124.11 (exclusive of HST). Further that there is a reallocation of Gas Tax funds to this project at year end after possible

surplus or reserve funds are taken into account through the 2016 portion of Federal Provincial Gas Tax Fund (2014-2019).

Motion Carried

11.5 Award of Tender - 2016TQ06-15 - Wastewater Treatment Headworks Facility Contract No. 1 - Supply of Mechanical Screen and Washer Compactor

Moved By Councillor Loughery

Seconded By Councillor Miller

Council accept Staff's recommendation to award Tender 2016TQ06-15 Supply of Mechanical Screen and Washer Compactor to Veolia Water Technologies for the tender price of \$217,454.00 exclusive of applicable taxes. (\$250,072.10 HST at 15% included).

Motion Carried

11.6 Award of Tender - 2016TQ06-16 - Wastewater Treatment Headworks Facility Contract No. 2 - Supply of Grit Removal System

Moved By Deputy Mayor O'Hara

Seconded By Councillor Loughery

Council accept Staff's recommendation to award tender 2016TQ06-16 Supply of Grit Removal System to Hydro International for the tender price of \$379,095.00 exclusive of applicable taxes. (\$435,959.25 HST at 15% included).

Motion Carried

11.7 Assent of Kirkwood Heights - Phase 8 (off Hammond River Road)

Moved By Councillor Olsen

Seconded By Councillor Miller

Be it resolved that Council grant assent to the Kirkwood Heights Phase 8 Subdivision, subject to the following conditions:

1. Execution of a standard Developer's Agreement with the Town;
2. Depositing with the Town the appropriate security bonding as determined by the Town;
3. Approval by the Town of a professionally engineered design for construction of the Streets and the Storm Water Management System;

4. Submission of an Abbreviated Water Source and Supply Assessment (Hydrogeological Report).
5. Payment of Subdivision Filing fees totaling Three Hundred Dollars (\$300.00) for a ten (10) lot phase;
6. Council acceptance of the LPP area as proposed;
7. Appropriate approval from the Department of the Environment;
8. Final plans to be properly signed by necessary Utilities and Owners and submitted to the Town for final approval; and
9. Building permit issuance will be subject to the provisions of Quispamsis Subdivision By-law No. 35, and Quispamsis Building By-law No. 44.

Motion Carried

11.8 Application for Financing of Loader and Attachments - Staff Report from Town Treasurer

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

RESOLVED that the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of Quispamsis debenture in the principal amount of \$428,000 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Quispamsis agree to issue postdated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

Motion Carried

11.9 Campaign Issues – Mayor Clark suggested, in order to facilitate a more free flow discussion on issues members of Council heard during the election campaign, Council resolve into Committee of the Whole.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

Meeting resolve into Committee of the Whole.

Motion Carried

Mayor Clark noted the recent election campaign afforded Members the opportunity to hear door to door suggestions and comments from residents. He

asked each member to identify two issues of concern raised and suggested these issues be referred to Staff for review and recommendation.

- 1) Councillor Lisa Loughery
 1. Lights at Squire Drive/Route 119 Intersection;
 2. Large potholes turning onto Squire Drive.
- 2) Councillor Sean Luck
 1. Running lane at qplex in the mornings;
 2. Greater signage & enforcement of dogs on leashes at trails.
- 3) Councillor Kirk Miller
 1. Roads and sidewalks, especially sidewalks in school zones;
 2. Flooding concerns as development occurs on adjacent lands.
- 4) Councillor Emil Olsen
 1. Need to prioritize Street Capital each year, spending \$1.5m on 10 – 12 roads in a Town with 120 roads and over 200 km of roads is unacceptable. This includes accelerating sidewalks to meet residents' concerns about safety.
 2. Donlyn Drive – request for a left hand turning light off Hampton Road turning onto Donlyn Drive from Town Hall side; and lights at the Donlyn Drive/Hampton Road intersection be set to a flashing red after 10 p.m.
- 5) Deputy Mayor O'Hara
 1. Monarch Drive – only one entrance and one exit – concerns in the event of an emergency to get people in and out;
 2. Peat Drive – The Town lobby NB Mortgage & Housing for more subsidized housing in Quispamsis, similar to the Peat Drive seniors' home.
- 6) Councillor Beth Thompson
 1. Address derelict buildings in the Town;
 2. Animal Control By-law.
- 7) Councillor Pierre Rioux
 1. Poor condition of roads;
 2. Lack of Multiple Residential housing in Quispamsis.
- 8) Mayor Gary Clark
 1. Poor road conditions on Stock Farm Road and Kallar's Hill area;
 2. Lift Stations on Gondola Point Road.

Moved By Deputy Mayor O'Hara

The listing of Campaign Issues be referred to Staff for review and recommendation.

Motion Carried

Moved By Councillor Rioux

Committee of the Whole adjourn to Regular Session.

Motion Carried

BACK TO REGULAR SESSION

12. Reports

- 12.1 Disclosure of Interest Forms – Memo from Town Clerk
- 12.2 Norman Gaillard, President, Southern NB Chapter – Request to Proclaim National Peacekeeping Day – August 9, 2016
- 12.3 Kennebecasis Public Library – Congratulations to Mayor Clark on Election
- 12.4 Shilo Boucher, SJ Regional Y – Congratulations & Volunteer Appreciation Day
- 12.5 Mike Allen, Leadership Candidate – Congratulations to Mayor Clark on Election
- 12.6 Mayor Grace Losier – Grand Bay Westfield – Congratulations to Mayor Clark
- 12.7 NBCC – Congratulations to Mayor Clark on Election Victory
- 12.8 Forestry NB – Congratulations & Notification of Community Outreach Initiatives
- 12.9 CN Rail News Release – “CN Encourages Canadian Municipalities to Submit Input for Key Route Corridor Risk Assessments”
- 12.10 Town of Quispamsis – Building Report As At May, 2016
- 12.11 Kennebecasis Public Library – March 2016 & April 2016 Minutes
- 12.12 Kennebecasis Public Library – 2015 Audited Financial Statements
- 12.13 Minister of Asian Heritage Society of NB – Award of Grants to SJ Chapter
- 12.14 Fundy Region Service Commission – 2015 Audited Financial Statements
- 12.15 Kennebecasis Regional Joint Board of Police Commissioners – April 27, 2016 Minutes
- 12.16 Irving Oil ‘s Uptown SJ – Home Office Construction Start Up – April 27, 2016
- 12.17 Kennebecasis Valley Oasis Youth Centre – Thank you for Financial Donation
- 12.18 KV Walkers 12 Weeks/12 Walks - \$2000 Grant from Dept. Tourism, Heritage & Culture
- 12.19 NB Power’s Smart Habits Campaign – “Double Winner”
- 12.20 Town of Quispamsis – Unaudited Financial Statements As At April, 2016
- 12.21 JD Irving Ltd. – Modernization at Irving Pulp & Paper
- 12.22 Canada Post Review – Canadian Union of Postal Workers

Moved By Councillor Rioux

Seconded By Councillor Thompson

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 Olsen

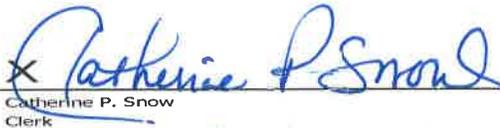
Meeting adjourn.

Motion Carried

Meeting adjourned at 8:55 p.m.

X 

Gary Clark
Mayor

X 

Catherine P. Snow
Clerk

