



**QUISPAMISIS TOWN COUNCIL  
REGULAR MEETING  
MINUTES**

**May 4, 2021, 7:00 pm  
Council Chambers  
Quispamsis Town Hall**

**Present:** Mayor Gary Clark  
Deputy Mayor Libby O'Hara  
Councillor Sean Luck  
Councillor Kirk Miller  
Councillor Emil T. Olsen  
Councillor Pierre Rioux  
Councillor Beth Thompson  
Brandon, Krista; Town Treasurer  
Kennedy, Aaron; Communications Manager  
Losier, Gary; Director of Engineering & Works  
MacInnis, Lisa; Assistant Clerk  
Purton Dickson, Dana; Director of Community Services  
Snow, Catherine; Town Clerk

**Absent:** Councillor Lisa Loughery (prior commitment)  
Deuville, Susan; CAO (illness)

**1. Approval of Agenda**

**Moved By** Councillor Luck  
**Seconded By** Deputy Mayor O'Hara  
The Agenda be approved as prepared.

**Motion Carried**

**2. Mayor's Comments**

Cleaner Greener Litter Pick-up -Mayor Clark announced Staff and Council Members will be participating in the Annual Quispamsis Cleaner and Greener Litter Pick-up on May 6, 2021, noting if any residents are looking to also clean their neighbourhoods, they can make arrangements for town staff to collect the garbage bags.

Census Day - May 11, 2021 is Census Day in Canada, which occurs every five years to collect updated information on the demographic, social and economic situation of people across Canada. Mayor Clark encouraged everyone to complete their Census forms.

Emergency Preparedness Week in Canada – Mayor Clark noted May 2 -8, 2021 is Emergency Preparedness Week, a national awareness initiative that has taken place each year since 1996, supporting activities at the local level to better prepare Canadians to face a range of emergencies. As part of this week’s events, New Brunswick will test their Alert Ready system on May 6, 2021 as a test on radio, television and wireless devices.

May 10, 2021 – Election Day - Lastly, Mayor Clark encouraged Quispamsis residents to get out and exercise their right to vote on election day.

### **3. Moment of Reflection**

Councillor Luck read the Moment of Reflection.

### **4. Disclosures** – No disclosures declared.

### **5. Presentations**

#### **5.1 (Dec.15/20) 2020 KV Nuisance Deer Management Assistance Program - In Attendance: Joe Kennedy, Wildlife Biologist, Natural Resources and Energy Development**

Mr. Kennedy provided an update on the 2020 KV Nuisance Deer Management Assistance Program, highlighted as follows:

- 74 landowners were approved to receive permits; 37 of these were Quispamsis landowners;
- 378 Permits were offered; 176 of these Permits for Quispamsis;
- 284 hunters; 120 to Quispamsis Hunters;
- 123 deer were harvested under nuisance permits within the Towns of Quispamsis, Rothesay and Hampton; 49 of these deer were harvested from Quispamsis.

Mr. Kennedy stated of the estimated 2500 deer within the KV Towns, 45% are adult females, (1125). The goal is to remove 25% of adult female deer, (280). In 2020, there were an additional 139 roadkill females in the KV area, which, combined with the females tagged from the Deer Management Plan, totalled the removal of 264 female deer. He noted DNR are not receiving the number of

complaints about nuisance deer as they previously did. While the estimated numbers of deer in the Kennebecasis Valley are not reducing, they are not growing either and are staying at a consistent number. He added the deer population is growing more in the rural, forested parts of the overall Zone, outside of the Kennebecasis Valley.

The Nuisance Deer Management Assistance Program is designed to allow landowners to remove nuisance deer from their property. Special permits allow hunters to remove one antlerless deer during the regular deer hunting season. The Municipality, Mr. Kennedy stated, could make application to the Department of Natural Resources requesting an increase to the number of nuisance antlerless deer that hunters can tag, similar to what is being done in St. Andrews. Hunters are chosen and approved by the landowners and hunting is not permitted within 100 m of neighbouring homes. Properties are assessed by DNR for safety concerns.

Council Members acknowledged they still receive many complaints about the numbers of deer in the community. With respect to aggressive deer, Mr. Kennedy suggested wildlife hazing, (scare the animal more than it scares you), is used as a technique to frighten them off. He encouraged residents who come into contact with aggressive deer to call DNR who will respond. Information relating to tick surveillance can be obtained through the Department of Health. Also noted was the possibility that the new Council could consider requesting an increase in the number of nuisance deer that can be tagged.

**Moved By** Deputy Mayor O'Hara  
**Seconded By** Councillor Olsen

Mr. Joe Kennedy and the Department of Natural Resources & Energy Development be thanked for the update on the 2020 KV Nuisance Deer Management Program, and the Town confirm its interest in continuing with the Program for the 2021 Season to help manage the overpopulation of deer in the Kennebecasis Valley community.

**Motion Carried**

5.2 Presentation of Town of Quispamsis - 2020 Audited Financial Statements - In Attendance: Peter Logan, CA, Teed Saunders Doyle Accountants

Mr. Logan presented to Council the 2020 Audited Consolidated Financial Statements done in accordance with the Canadian public sector accounting standards.

Total Actual Revenues, \$30,809,240

Total Actual Expenditures, \$27,818,899

Resulting Consolidated Surplus, \$2,990,341 –mainly due to the Town receiving additional capital government grants.

Operating surplus in General Fund \$13,942

Operating surplus in Utility Fund \$42,082

Reserve Funds – December 31, 2020 Balances

- General Operating Reserve Fund \$1,231,242
- General Capital Reserve Fund \$1,653,566
- Utility Operating Reserve Fund \$ 136,782
- Utility Capital Reserve Fund \$1,589,091
- Land Trust Fund \$ 139,165

General Operating Fund - Debt service ratio is 8%, and Utility Operating Fund is at 30.6%, (Pre-consolidation)

While Community Services revenues were down in 2020 due to Covid-19; expenses were also down.

The Town's Non-Financial Capital Assets and Accumulated Amortization totals \$110,859,860. The Town's Accumulated Surplus of invested equity in capital assets equals \$92,184,217.

The difference with the PSAB Accounting is the consolidation of the Town's portion of the Kennebecasis Public Library, Kennebecasis Regional Police Force and the Kennebecasis Valley Fire Department, with Quispamsis' share of these services representing 60% to Rothesay's 40%. Mr. Logan concluded noting the financial statements represent a clean audit and once again thanked the Accounting Staff for their help in producing the Audit.

Mayor Clark expressed his disappointment of seeing the Town's Unconditional Grant only increasing by \$4000 from the Province in 2020.

Council Members thanked Mr. Logan, the Town Treasurer and the Finance Staff for their efforts in the preparation of the 2020 Financial Audit.

**Moved By** Deputy Mayor O'Hara

**Seconded By** Councillor Luck

Mr. Logan be thanked for his Presentation and Council accept the Consolidated Audited 2020 Financial Statements as prepared.

**Motion Carried**

## 6. Public Hearings

### 6.1 (Apr.6/21) Elmtree Hill Multiple Residential Apartment Development – 258 Hampton Road (PID No. 251959) – Request to Amend Section 59 CPA Developer Agreement

In Attendance: Jonathon Rasenberg, Coldwell Banker Select Realty – Request to Reduce Number of Buildings from 3 to 2, (50 Units Per Building); Elimination of a Free Standing Community Room and Incorporate Community Room into each building; Addition of a Single Storey Storage Facility for Residents; Increase Pickle Ball Court from half size to full size.

Staff Report from Municipal Planning Officer – Mr. Colbourne’s Staff Report provided background information concerning the Multiple Residential development that was approved by Council through a rezoning in July 2020, and also highlighted the applicant’s proposed changes.

Mr. Jonathan Rasenberg presented the proposed changes to the 100 unit Multiple Residential Apartment Development to be located at 258 Hampton Road, PID No. 251959. The reduction in buildings from four to three, (two – 50 Unit Apt. Buildings, and one single storey storage building), will provide more buffer space and more green space. The change in building materials from wood to ICF insulated concrete forms will create a more sound-proof, non-combustible energy efficient building. Underground parking space will be expanded to reduce surface parking, allowing more room for a community garden and standard size pickle court. Both buildings he said, are expected to be completed within 2 to 3 years vs the originally projected 5 – 6 years, with construction start up planned this summer. Fundy Engineering will be hired to complete the traffic counts and drainage study. With the increase in the building size the overall footprint of the project remains similar and does provide more of a buffer between the R2 and R1 zones. Mr. Rasenberg concluded by noting there is currently a significant demand for apartment dwellings in the Quispamsis area, noting with the increase in the realty market, there is even more need for rental housing as people sell their properties and need a place to live.

#### 6.1.2 Letters of Objection (3) – Letters of Objection were Received from Robert McIlwraith, Shelia Henry, and Kevin and Bev Tupper

Ms. Shelia Henry jointed the meeting remotely, and expanded upon her concerns that the 4 storey height of the buildings poses a fire risk, the building footprint will be longer, the timeline for traffic studies during COVID will not be accurate noting KVHS students are only attending in-person education on alternating days.

Mayor Clark asked 3 times if anyone further wished to speak for or against the proposed amendment. No one spoke further.

6.1.3 Planning Advisory Committee – Notice of Decision – PAC’s Memo expressed its support of the proposed amendment to the Section 59 CPA Agreement to allow the changes as indicated to the Elmtree Hill Multiple Residential Development subject to the terms and conditions stated in PAC’s Notice of Decision dated June 16, 2020.

Mr. Rasenberg responded to questions of Council stating the overall density is not changing, the two buildings will be extended in size, but with one less building being constructed, it will be a smaller footprint with a larger buffer area between the buildings and the Single Family (R1) properties to the rear of the development. The minimum sideline setback requirement is 6 meters, and the proposed development is proposing a 9 meter setback, exceeding the minimum requirements by 3.14 meters. Geotechnical testing last year indicated no rock, so there should be no need for blasting.

**Moved By** Councillor Luck  
**Seconded By** Councillor Rioux

Council approve the proposed amendment to the Elmtree Hill, (Mahkam Living Inc.), Multiple Residential Apartment Development Agreement as proposed, and an amendment to be drafted by the Town Solicitor for execution by the proponent and the Town of Quispamsis.

Against (1): Deputy Mayor O’Hara

**Motion Carried**

## **7. Minutes of Previous Meetings**

7.1 April 20, 2021 - Regular Meeting

**Moved By** Councillor Rioux  
**Seconded By** Councillor Miller

Minutes be approved as prepared.

**Motion Carried**

## **8. Unfinished Business**

8.1 Ratification of Email Poll – Negotiation with Pharmacy for Reduced Rental Rate –  
plex Moosehead Conference Centre -

**Moved By** Councillor Luck  
**Seconded By** Deputy Mayor O'Hara

Council ratify the email polls conducted both on April 21, 2021 and April 26, 2021 authorizing Staff to offer the Moosehead Conference Centre at the qplex to a private pharmacy to host a Vaccination Clinic at a reduced rate of \$400 per day.

**Motion Carried**

8.2 New Brunswick Local Governance Reform - Green Paper - "Working Together for Vibrant and Sustainable Communities"

Correspondence from Councillor Olsen acknowledged the Province has extended the deadline date from May 31, 2021 until sometime in June, but feels it is important that the current Council also provides feedback on the Green Paper on Municipal Reform.

**Moved By** Councillor Olsen  
**Seconded By** Councillor Rioux

This matter be referred to the May 18, 2021 Regular Meeting for further discussion of the current Council.

**Motion Carried**

**9. Correspondence**

9.1 Joni Moore and Jocelyn Smith - Issues with Bee Excrement - Cedar Grove Drive Area - In Attendance to Expand Upon Letter

Ms. Moore and Ms. Smith were in attendance and expanded upon their letter to Council noting over the past few summers they have had an increasing problem with bee excrement, which falls on all objects around their house – their vehicles, clothes on line, windows, siding, patio furniture and even people. They stated the problem started with the arrival of new residents on the Pettingill Road whose property contains a large greenhouse and multiple bee hives. Other Cedar Grove Drive neighbours, are also experiencing the same problem. They concluded their presentation by asking the Town to investigate and enforce any by-laws relating to the keeping of bees within town limits.

A Staff Report from the By-law Enforcement Officer, in response to the residents' concerns re the bee excrement, stated it has come to the Town's attention that there is a property situated on the Pettingill Road within close proximity to Cedar Grove Drive that does contain bee hives, and also appears to be operating an

online garden business, selling plants grown on the property. This is being done in an R1 Zone, and is believed to be in violation of the Zoning By-law.

Mr. Murray's Staff Report informed Council the Province of New Brunswick has jurisdiction on regulating apiculture, the keeping of bees, through the Department of Agriculture, Aquaculture and Fisheries. It is important to differentiate hive based bees, he said, that live in a colony from solitary bees that do not. His understanding is that the residents' concern is specifically with hive based bees.

The Municipal requirements, Mr. Murray's Staff Report continued, is if someone were to engage in apiculture for a commercial enterprise, then they would need to approach the Town either for approval for a home occupation or re-zoning. Typically, there is an argument that the bees are livestock, and the appropriate zone for that use would be rural. The challenge with this interpretation is that any definition of livestock, which is not specifically defined in the Town's by-law, typically involves the word "domesticated", which does not adequately describe a bee. With respect to hobby apiculture, Mr. Murray concluded, no municipal by-laws would preclude someone from keeping a hive for a hobby and their own use.

**Moved By Councillor Luck**

**Seconded By Councillor Olsen**

The Town's Planning and/or By-law Enforcement Departments issue a Notice to the Pettingill Road property owners who appear to be operating an Online Plant and Garden Store from their R1 property in contravention of the Town's Zoning By-law, and they be advised to cease and desist said operation until such time the proper approvals are granted from the Town, either through PAC as a Home Occupation or a rezoning through Council; and further, they be advised that Provincial approval is also required for any apiculture operations that are being done on the property; and the Town follow up with the Province as to the rules and regulations concerning the keeping of beehives; and, the complainants, Joni Moore and Jocelyn Smith, be kept updated on this matter.

**Motion Carried**

## 9.2 Town of Quispamsis - Annual Report 2020

The Town of Quispamsis' Annual Report 2020, prepared by Staff, provided an overview of the past year, including budgeted information, Council Meeting and Committee information, regional contributions as well as grants provided through the Community Grants Program, Revenue Sources, Municipal Services, and overall General 2020 Highlights, including the Town's COVID-19 responses over the past year.



**Moved By** Councillor Rioux  
**Seconded By** Councillor Miller

Council approve the Town of Quispamsis' 2020 Annual Report, with the addition of adding as Appendix V - the Approved 2020 Audited Consolidated Financial Statements as presented by Peter Logan earlier this evening, and the Annual Report be published on the Town's Website pursuant to the requirement under Section 105 of the *Local Governance Act*.

**Motion Carried**

9.3 Grub Infestation on Town Owned Properties - Staff Report from Director of Community Services

A Staff Report from the Community Services Direction informed Council the Town wide grub issue has returned. Like many homeowners, Town properties are undergoing extensive grub damage this season. Over 4,000 square metres of damage has been done to the Town's greenspaces, which continues to increase daily. A few of the high-profile areas are Meenan's Cove, the qplex and the skateboard park. These areas were not sprayed in 2019. As Council is aware, Ms. Purton Dickson stated, the Town tried the organic solution, nematodes, and it was not successful. If the Town had not sprayed the fields in 2019, they would not have been playable the next season. The areas that were sprayed in 2019 currently do not have damage.

Acelepryn is the pesticide Staff recommend be used again this season. It is a targeted insecticide for grubs and has a reduced risk classification for the environment. It only affects grass root feeding insects (grubs) and does not affect bees, birds, other insects, or mammals. The success rate for this insecticide is between 90%-100%.

Where the Town traditionally does not used pesticides, other than two years ago, Staff is asking Council to approve spraying for grubs as required on Town Property. A licensed pesticide applicator will be using a granular application and will post signage during this process at all access points. The work will be done late May or early June.

**Moved By** Councillor Luck  
**Seconded By** Councillor Olsen

Council approve the use of acelepryn on Town properties affected by grub damage.

**Motion Carried**

**10. By-laws (none)**

**11. New Business**

**11.1 Proposed Policy No. 067 - Disposal of Surplus Real Property - Municipal Planning Officer**

The Municipal Planning Officer was in attendance and expanded upon his Staff Report on this matter. He indicated the selection of land for public purposes and its ultimate development is reflective of the objectives and policies established in the Municipal Plan, as well as the Land for Public Purpose Policy, at the time the land is vested to the Town. As with all things in the planning world - things changes and the original purpose for selecting land or the original intent to develop the land in a certain manner does not always materialize for various reasons, and, as such the land remains vacant or undeveloped.

In some cases, Mr. Colbourne notes, leaving the land undeveloped is reasonable and the best use of the land, and benefits the neighbourhood where it is located; however, in some cases the best use of the land may be outside the public realm, which leads to expressions of interest to purchase the lands from the municipality. When a request to purchase public land is received by the Town, the proposed policy will provide a fair, transparent, and public process that will be followed by the Town for the sale of public lands.

**Moved By** Councillor Rioux

**Seconded By** Councillor Thompson

Council adopt the Surplus Public Lands Disposal Policy No. 067 and direct the Planning Department to review and prepare a listing of properties for consideration, in collaboration with other Departments, pursuant to the process outlined in the new Policy.

**Motion Carried**

**11.2 Proposed Policy No. 068 - A Policy with Respect to Regulating Purchasing Requirements for the Town of Quispamsis - Town Treasurer**

A Staff Report from the Town Treasurer informed Council the proposed new Purchasing Policy No.068 has been updated to reflect the amendments made to the Procurement Act (July 2, 2019). The amendments include revisions and/or updates to outdated provisions and ensures the Act complies with trade agreements. The draft has been reviewed and approved by the Town Solicitor.

Further, Ms. Brandon noted, the Town's internal purchasing/invoicing procedures have been removed from the policy document as they belong with the Town's standard operating procedures.

As part of the Finance Modernization project, her Department will now be restarting our Accounts Payable Automation process and the standard operating procedures will be reviewed, analyzed, and updated to allow for a more automated and paperless system.

**Moved By** Councillor Miller

**Seconded By** Councillor Olsen

Council adopt the Proposed Purchasing Policy No. 068, containing the updated amendments to the Procurement Act as noted by the Town Treasurer and replacing the current Purchasing Policy No. 045.

**Motion Carried**

## **12. Reports**

- 12.1 PNB - Resumption of Electoral Process - NB Municipal Election Count and Declarations to take place May 25, 2021
- 12.2 Launch of the NB Smart Energy Communities Accelerator Program - NB Smart Energy Communities Accelerator Pilot Program (Includes Quispamsis)
- 12.3 Planning Advisory Committee Meeting Minutes - April 13, 2021
- 12.4 CN North America's Railroad - News Release - CN's Superior Proposal to Acquire Kansas City Southern Railway
- 12.5 CN Rail - Right of Way Vegetation Control Program

**Moved By** Councillor Miller

**Seconded By** Councillor Luck

Reports be received and filed.

**Motion Carried**

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

## **14. Adjournment**

**Moved By** Councillor Luck

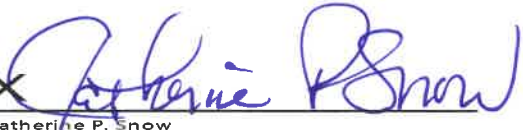
**Seconded By** Councillor Olsen

Meeting adjourn.

**Motion Carried**

Meeting adjourned 8:55 p.m.

X   
\_\_\_\_\_  
Gary Clark  
Mayor

X   
\_\_\_\_\_  
Catherine P. Snow  
Clerk

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