

QUISPAMSIS TOWN COUNCIL

REGULAR MEETING

MINUTES

| **February 21, 2023, 6:00 pm****Council Chambers****Quispamsis Town Hall** |
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| Present: | Mayor Libby O’Hara |
|  | Deputy Mayor Mary Schryer (Virtual) |
|  | Councillor Mike Biggar |
|  | Councillor Noah Donovan (6:25 pm) |
|  | Councillor Kerrie Luck |
|  | Councillor Kirk Miller |
|  | Councillor Emil T. Olsen |
|  | Councillor Beth Thompson |
|  | Kennedy, Aaron; Acting CAO |
|  | Brandon, Krista, Town Treasurer (Virtual)Colbourne, Dwight, Development Officer |
|  | Losier, Gary; Director of Engineering & Works |
|  | MacInnis, Lisa; Assistant. Clerk |
|  | Purton Dickson, Dana; Director of Community ServicesRoszell, Tim; Communications Manager |
|  | Snow, Catherine; Town Clerk |
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# **1. Approval of Agenda**

**Moved By** Councillor Biggar
**Seconded By** Councillor Thompson

| The Agenda be approved as prepared. |
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**Motion Carried**

Councillor Miller arrived, (6:02 pm after the vote closed)

# **2. Treaty Acknowledgement - Moment of Reflection**

Councillor Luck read the Moment of Reflection.

# **3. Mayor's Comments**

Mayor O’Hara hoped everyone had a chance to enjoy an extended Family Day holiday weekend. She encouraged people to participate in the Fundy Winterfest activities around the community, acknowledging the successful public skate that was held at the qplex on Family Day. More information on activities is available on the Fundy Winterfest Facebook page.

Mayor O’Hara acknowledged February 22, 2023 marks the Girl Guides’ World Thinking Day Celebration, a day of international friendship, an opportunity to speak out on issues affecting girls and young women. The Town will be joining other municipalities across Canada in lighting up the Town Hall in “Guiding Blue” colour.

Blue lights will also return to Town Hall on March 3 to raise awareness of one of the most commonly diagnosed cancers in Canada, colorectal cancer. She strongly urged anyone over 50 years of age to get screened as soon as possible, as early diagnose can be successfully treated.

Mayor O’Hara concluded by noting more people are outside with the warmer temperatures enjoying the trails, and reminded dog owners that dogs are required to be on their leashes and are not permitted on sports fields.

# **4. Disclosures of Interest**

No disclosures were declared.

# **5. Presentations**

## 5.1 FCM Asset Management Plan - Phase 2 - Presentation by R.V. Anderson Consultants (20 Minutes)

Virtual Attendance: Alex Mason, P. Eng., Project Manager

Councillor Donovan arrived (6:25 pm)

Mr. Mason presented R. V. Anderson's FCM Asset Management Plan- Phase 2, which included, based on gaps, and to take advantage of FCM funding opportunities, the following two projects: 1. Condition Assessment Programs, and, 2. Recreation and Parks Asset Inventory Pilot Study.

The Project defined that -

• Programs must be developed to collect current and reliable information on
the performance of infrastructure.

• Results will be used to facilitate long-term planning, budgets as well as
maintenance.

• Must be combined with overall lifecycle management strategies for effective
programs.

Results, Conclusions and Recommendations:

* Developed inspection programs for all asset types, including inspection forms which can be integrated into town asset management software.
* Successfully created a methodology to inventory and assess
Recreation and Park infrastructure.
* Equipped the Town with multiple guidelines to enable consistent
inventory and assessment.
* Continue to update and verify current replacement value unit rates.
* Expand on the current capital forecast model to include actual asset
renewal and maintenance schedules.
* Consider providing inspector training for Pipeline & Manhole Assessment Certification Program.
* Demonstrate the methodology at Qplex site (Current Replacement Value = $3.3 Million) – does not include qplex building interior.
* Develop an Asset Management (AM) master plan for outdoor
recreation and park assets.

Mr. Losier acknowledged the Asset Management Plan that was done two years ago focused on the community as a whole. Now the Town is conducting specific departmental infrastructure reviews and will continue to do so over the coming years.

**Moved By** Councillor Thompson
**Seconded By** Councillor Donovan

Council thank RV Anderson for their presentation and recommendations and the reports be referred to town staff for incorporation into the Town's comprehensive asset management plan, and the appropriate documentation be forwarded to FCM to meet the grant requirements and funding.

**Motion Carried**

# **6. Public Hearings (none)**

# **7. Minutes of Previous Meetings**

## 7.1 February 7, 2023- Regular Meeting

**Moved By** Councillor Donovan
**Seconded By** Councillor Miller

Minutes be approved as prepared.

**Motion Carried**

# **8. Unfinished Business**

## 8.1 (May 17/22) Elmtree Development - 258 Hampton Road, PID No. 251959 -Request to Amend Section 59 CPA Development Agreement

Staff Report from Development Officer

A Staff Report from Mr. Colbourne informed Council the applicants have agreed to the conditions contained in the amending agreement to allow the Multiple Residential apartment building project, (two buildings each with 50 units), to rotate 90 degrees in order to make construction easier by -

* less excavation, (working with land contours);
* less retaining wall; and
* better surface and storm water management.

Mr. Colbourne stated the amending agreement includes a revised site plan that addresses a concern expressed by residents of Balsam Court and Pinewood Crescent regarding an access laneway to the storage units located in the required buffer and setback area. This access laneway has been removed from the buffer portion of the revised site plan.

**Moved By** Councillor Biggar
**Seconded By** Councillor Olsen

Council approve the proposed amending Development Agreement for the purposes of execution of the Agreement by the Town and filing in the provincial land registry.

**Motion Carried**

# **9. Correspondence**

## 9.1 Rezoning Application - 640091 NB Inc. (Dino Cipolla) - 8 Lyden Drive - Residential to Commercial to Increase Parking Space and Staff Report from Planning Technologist

Mr. Cipolla's application, on behalf of 640091 NB Inc., requested the property identified as PID No. 54619 with Civic No. 8 Lyden Drive be rezoned from Single or Two Family Residential to Central Commercial. The purpose of the rezoning application is to permit the development of a parking lot expansion for the adjacent Commercial property at 170 Hampton Road as well as the construction of an accessory building to be used for storage.

Ms. Jarvis' Staff Report expanded upon the rezoning application and noted, as the proposal requires a change from a Residential Designation to Commercial Designation on the Land Use Planning Map, an amendment to the Town's Municipal Plan By-law will also be required.

**Moved By** Councillor Donovan
**Seconded By** Councillor Olsen

Council direct the Town Clerk to set a Public Presentation date for March 21, 2023, and refer the proposed rezoning application to the Planning Advisory Committee to review and provide comment to the Council on this matter pursuant to section 110 of the *Community Planning Act.*

**Motion Carried**

## 9.2 Provincial Funding for Regional Service Commissions - Staff Report from Acting CAO

A Staff Report from Acting CAO Kennedy updated Council on Provincial Funding for Regional Service Commissions, referencing GNB's recent announcement of its commitment of up to $40 million in funding over 10 years to the Regional Service Commissions to support their economic development, labour force development and newcomer retention services. This applies to all Regional Service Commissions with the exception of the Fundy Regional Service Commission as it had entered into a separate long-term agreement for funding in 2020 for $10 million over 10 years for workforce expansion and economic development in Greater Saint John. The Fundy Region, Mr. Kennedy wrote, has been receiving this funding which is part of Envision Saint John’s budget from the Department of Post-Secondary Education, Training and Labour for the past two years, and due to this investment, the Provincial Department has a seat on the Envision Saint John Board. Now that the Province has mandated economic development and tourism under the auspices of the regional service commissions, the other 11 RSCs are catching up to the FRSC.

Mr. Kennedy’s report further noted, at its November 15, 2022, meeting, Council questioned the addition of capital costs to the funding formula for the five Saint John-based regional facilities – TD Station, Imperial Theatre, Saint John Arts Centre, Canada Games Aquatic Centre and Saint John Trade and Convention Centre.

Through the *Regional Service Delivery Act*, the Province allows each commission to identify its own regional facilities, however, this was not the case for the Fundy Regional Service Commission. Rather, the Province, struck legislation to ensure the Fundy Region could not have such a debate by enacting regulation:56.1(8) under *An Act Respecting Local Governance Reform, 2022, No. 2.*  This legislation determines that the Fundy Regional Service Commission is deemed to have identified the following infrastructure in accordance with subsection 3.4(1) of the *Regional Service Delivery Act.* It thenproceeds to list the five facilities previously named, thus not allowing the Fundy Regional Service Commission the same courtesy to identify which regional facilities are truly regional in nature, noting the Trade and Convention Centre is a business, not a piece of sport, recreational or cultural infrastructure, and should be treated as such.

Councillor Miller noted he would like to see a funding comparison, down the road, once the other Regional Service Commissions have identified their regional facilities and received their funding to ensure that the Fundy Regional Service Commission is being treated equally.

**Moved By** Councillor Miller
**Seconded By** Councillor Olsen

 Mr. Kennedy’s Staff Report be received and filed for information purposes only.

**Motion Carried**

# **10. By-laws**

## 10.1 (Apr.19/22) Proposed Zoning By-law Amendment No. 038-37; Re Regulating Apiary Operations (Beekeeping)

Staff Report from Planning Technologist

A Staff Report from Ms. Jarvis provided background information concerning hobby beekeeping within the boundaries of the town of Quispamsis., noting this item was initiated following a complaint from residents who were experiencing bee excrement droppings on their exterior property items, including siding and vehicles. Following the May 17, 2022 Public Hearing, the Planning Staff met with the beekeeping community to discuss three main areas of concern - 1) proposed $300 administration fee to go before PAC if the use was to be considered Discretionary Use; 2) number of hives permitted within a Residential zone; and 3) requirement for beekeepers to obtain liability insurance.

The latest draft of proposed Zoning By-law Amendment No. 038-37 addresses the aforementioned concerns -

* by removing hobby beekeeping from the list of Discretionary Use in R1 and RU Zones, as such there is no longer a requirement to go before the Planning Advisory Committee for hobby beekeeping in a Residential (RI) or Rural (RU) Zone. The proposed provisions provide staff enough guidance to confidently review and approve or deny a hobby beekeeping application. It should be noted that hobby beekeeping as a Use in any other zone requires a review of the proposal by the Planning Advisory Committee as there may be implications to public safety.
* by increasing the number of permitted hives in a Residential Zone, (R1) from two (2) to four (4), and from four (4) to eight (8) in a Rural Zone with more than 4,000 square metres in land area. This was done in response to concerns regarding summer colony growth and expansion, as well as wintertime losses from parasites, viruses and disease. These losses have been reported to be as high as 25% percent by the New Brunswick Beekeepers Association (NBBA).
* by removing the provision that requires liability insurance, as it is not a standard type of liability insurance that is readily available.

In addition, staff are proposing to include a ‘nuisance’ definition, in response to concerns received from citizens along Cedar Grove Drive, which reads, “any activity or state of affairs resulting from or related to beekeeping, causing a substantial and unreasonable interference with a person’s use or enjoyment of their land and or property.”

A discussion ensued on Councillor Luck’s suggestion that the Town, in order to inform more residents, in addition to publishing its notices on the Town’s website, to also post them on the Town’s social media accounts like Facebook. Some concerns were noted that social media posts, in the case of a Zoning By-law Amendment, could have the potential to interfere with the fair public hearing process, with the proposed change being tried in the social media format before it reaches the Public Hearing stage. It was noted the ‘ability to comment’ function can be removed from Facebook posts, or possibly a link to the Town’s public notices website page could instead be posted on social media. It was the consensus of Council that the idea of using social media for publishing notices on the Town’s social media could be explored further, and kept separate from the proposed Zoning By-law Amendment No. 038-37 currently before Council.

Councillor Bigger requested clarification in time for the Public Hearing of the amounts in question with reference to doubling the fees prescribed in offences and penalties in response to any and all development that takes place without first obtaining a development permit.

**Moved By** Councillor Olsen
**Seconded By** Councillor Biggar

| That Council direct the Town Clerk to set a Public Hearing date for March 21, 2023 and refer the proposed Zoning By-law Amendment to the Planning Advisory Committee to review and provide comment to the Council on this matter..Against (1): Councillor Donovan |
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**Motion Carried**

## 10.2 (Feb.15/22) Review of Proposed Changes to Council Code of Conduct By-law No. 056 - Staff Report from Town Clerk

Ms. Snow’s Staff Report highlighted proposed changes to the language in Section 3.3.5 for clarity purposes as per Council’s discussion at the February 7, 2023 Regular Meeting, and also included the following additions for Council’s consideration:

* Under *Use of Municipal Assets and Services*, a new section be added acknowledging that Members should have no expectation of privacy on their town devices and all town business communications is subject to RTIPPA.
* Under Sanctions, a new section be added for the provision of removal of town devices.
* An Appendix “A” be added which is a statement of Commitment to the Code of Conduct.

A brief discussion ensued concerning under section 5., Sanctions, the addition of‘ ‘the suspension of a Member from Council Meetings’ in the same clause that references, ‘suspension or removal from some or all Council committees and bodies to which Council has the right to appoint members’.

**Moved By** Councillor Olsen
**Seconded By** Councillor Thompson

Council give first reading to Proposed By-law Amendment No. 056-01; A By-law of the Municipality of Quispamsis Respecting the Council Code of Conduct.

**Motion Carried**

**Moved By** Councillor Miller
**Seconded By** Councillor Biggar

Council give second reading to Proposed By-law Amendment No. 056-01; A By-law of the Municipality of Quispamsis Respecting the Council Code of Conduct.

**Motion Carried**

# **11. New Business**

## 11.1 Maple Ridge Estates Phase 5B Subdivision Plan (PID 231928) – Rugged Residential Inc. – Council Assent - Staff Report from Development Officer

**Moved By** Councillor Biggar
**Seconded By** Councillor Luck

Council grant assent to the Maple Ridge Estates Phase 5B Subdivision Plan as per Section 88(1) of the Community Planning Act so the Development Officer can approve the plan for registration with the Province. The Council assent is subject to the execution of a Development Agreement containing specific terms that control the release of Development and Building Permits until such time as the Developer fulfills all work, to the satisfaction of the Town Engineer or designate, as per the Town’s Subdivision By-law.

**Motion Carried**

## 11.2 Application for Financing for 2022 Street Capital - Staff Report from Town Treasurer

**Moved By** Councillor Olsen
**Seconded By** Councillor Biggar

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 $600,000 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 post-dated 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**

## 11.3 Proposed Adjustments to Purchasing Authority - Staff Report from Town Treasurer

**Moved By** Councillor Olsen
**Seconded By** Councillor Miller

Council approve the following:

1. Increasing the purchasing limit for Operations Supervisors from $2,500 to $5,000
2. Increasing the threshold for requiring a Procurement Report from $2,500 to $5,000
3. Addition of unbudgeted construction approvals of up to $10,000 for directors

and that administration integrate these changes into the updated Purchasing Policy coming to council for full approval in March, 2023.

**Motion Carried**

# **12. Reports**

## 12.1 Town of Quispamsis - Sport Hosting Program Awarded to Kennebecasis Valley Minor Hockey Association

## 12.2 UMNB News\_Bulletin No. 157

## 12.3 Kennebecasis Valley Fire Department Inc. - 2022 Annual Report and Community Survey Link

## 12.4 Compassionate Grief Centre - Monthly Newsletter - February 2023

**Moved By** Councillor Donovan

**Seconded By** Councillor Miller

Reports be received and filed.

**Motion Carried**

# **13. Business Arising from Committee of the Whole**

## 13.1 K. Gordon Consulting and Associates - Compensation Review for Salaried Employees - 2023

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

Council ratify the motion made at the February 7, 2023 Committee of the Whole Meeting to accept the proposal from K. Gordon Consulting Ltd. to conduct a Compensation Review for salaried employees as outlined in the Project Work Plan dated November 14, 2022 for a total fee of $18,400 based on 11.5 days of work.

**Motion Carried**

# **14. Adjournment**

**Moved By** Councillor Olsen
**Seconded By** Councillor Thompson

Meeting adjourn.

**Motion Carried**

# **15. An Electronic Means of Communication May be Used by Member(s) in the Council Chambers of the Quispamsis Town Hall** (Deputy Mayor Schryer)

Meeting adjourned at 7:25 pm

