



**REGULAR COUNCIL MEETING
MINUTES**

Monday, May 8, 2023, 7:00 pm

Members Present: Mayor Robert Campbell
Councillor Phyllis Bannister
Councillor Sarah Colwell
Councillor Joe D'Ettore
Councillor John-Wiebe Dykstra
Councillor Jason Gallant
Councillor Nathan O'Blenis
Councillor Stephanie Thorne

Staff Present: Austin Henderson, CAO
Dianne Ayles, Clerk/Treasurer
Scott Landry, Assistant Clerk

Staff Absent: Lorie Paterson, Administrative Assistant
Trevor Douthwright, Manager of Infrastructure and Public Works
Jarrett Crossman, Regional Director of Recreation and Wellness
Bradley MacLeod, Fire Chief

1. CALL TO ORDER

Meeting was called to order at 7:00 pm.

Councillor Phyllis Bannister joined the meeting at 7:03 pm.

2. ADOPTION OF AGENDA

MOTION: The Agenda be adopted.

Moved by: Councillor O'Blenis

Seconded by: Councillor Gallant

Motion Carried

3. CONFLICT OF INTEREST DECLARATIONS

No conflicts declared at this time.

4. ADOPTION OF MINUTES

1. Regular Council Meeting - April 11, 2023

MOTION: The Minutes for the Regular Council Meeting held April 11, 2023, be adopted.

Moved by: Councillor Thorne

Seconded by: Councillor Gallant

Motion Carried

2. Committee of the Whole Meeting - April 24, 2023

MOTION: The Minutes for the Committee of the Whole Meeting held April 24, 2023, be adopted.

Moved by: Councillor O'Blenis

Seconded by: Councillor Dykstra

Motion Carried

5. CONSENT AGENDA

MOTION: Council adopt the Consent Agenda of May 8, 2023.

Moved by: Councillor Thorne

Seconded by: Councillor Dykstra

Motion Carried

1. Plan 360 - Development & Building Permit List - April 2023

Received from Plan 360 (Southeast Regional Service Commission) was the Development & Building Permit List for April, 2023. Last month, there were 11 permits issued in the Town of Salisbury for projects with a total estimated value of \$2,649,472. The projects include construction of the new Green Pig Country Market, 3 new single dwelling units, 2 garages, and 4 accessory buildings.

2. Lacrosse NB - Letter Re: Thank You for Athlete Grant

Letter of appreciation was received for the Village of Salisbury's \$500 grant, approved on March 14, 2022, for the sponsorship of a local athlete on the Lacrosse New Brunswick Male Under-17 team that competed at the 2022 Canada Games.

3. CN - Notice Re: Annual Vegetation Management Program

Letter was received from Canadian National Senior System Manager- Environmental Assessment Luanne Patterson regarding CN's 2023 Vegetation Control plans. CN advises that activities to control trees, brush, weeds, and other undesirable vegetation that may compromise rail and public safety on its property in the Salisbury region will take place between April and October of this year. CN manages vegetation in the 16'-24' ballast section and around signals and communications equipment using chemical methods; while a combination of primarily mechanical methods and chemical methods are used in the right-of-way section, which is the area outside of the ballast section to the CN property boundary.

6. **PUBLIC AND ADMINISTRATIVE PRESENTATIONS**

1. Rezoning Proposal - PID 00954404

The Town has received, through Plan 360 of Southeast Regional Service Commission, a request for a re-zoning of a property on the outside of the former Village of Salisbury limits and, therefore, under the jurisdiction of the Westmorland Albert Rural Plan (WARP). Plan 360 Planning Manager Lori Bickford joined Council to provide a presentation on the request. A written report detailing background information relative to the request was also provided by Plan 360.

The property that is the subject of the rezoning request is located at the corner of Route 112 and Homestead Road in a Rural Area zone just outside the former Village of Salisbury limits. It is adjacent to an Industrial zone in the former Village (now known as Ward 3). The application is to rezone it from Rural Area (RA) to Commercial-Industrial (CI).

The business proposed for the site is a trucking depot with some warehousing, office, and administration space.

Historically, in 2012 at that particular site, with no zoning in place at the time, it was granted a permit for a trucking depot and warehouse. When the WARP was adopted for the region in 2022 the property was not designated an Industrial/Commercial zone. While the previous permit would still apply for this operation as a non-conforming use or "grandfathered" use, what the rezoning would do is allow for any expansion of this operation in the future.

It was further added by Lori Bickford that the former Village Council decided on that particular area, next to the rezoning applicant property, to be the area where industrial activity would be focused in the municipality, with consideration given to expanding it in the future.

If Council was interested in considering this rezoning request, the timeline for this process would be as follows:

- A resolution during the regular council meeting of May 8, 2023. This would begin the public engagement process for consideration of the rezoning request. This does not guarantee that the request would be approved in the end, but it does direct staff to prepare the draft by-law for the rezoning amendment and to continue the timeline.
- Public Hearing: June 12, 2023
- 1st and 2nd readings: July 19, 2023
- 3rd reading: August 14, 2023

RESOLUTION: WHEREAS Council has considered an application from Actus Law to amend the Westmorland-Albert Planning Area Regulation 21-WAP-069-00 by rezoning the property known as PID 00954404 from the Rural Area zone to the Commercial-Industrial zone to permit the operation of a trucking depot with offices, warehousing, maintenance/repairs and washing area for the trucks;

BE IT RESOLVED that the Council of the Town of Salisbury directs that the appropriate by-law be prepared to amend the Westmorland-Albert Planning Area Regulation 21-WAP-069-00 as it pertains to the rezoning; that the proposed by-law be referred to the Southeast Planning Review and Adjustment Committee for their views, that the Notice of Intention requirements of the Community Planning Act be fulfilled with respect to the proposed rezoning, and sets the Council meeting of June 12th, 2023 at 7:00 pm in the Council Chambers at the Municipal Office, 56 Douglas Street, Salisbury, NB as the date, time and place for the Public Hearing of Consideration of Objections to the proposed by-law.

Moved by: Councillor Colwell
Seconded by: Councillor O'Blenis

On the Question, Lori Bickford clarified that in the staff-reporting stage of this process, which would be the next phase, she would have to reach out to various Provincial government departments for their input on various matters -- water availability and usage, for example. She commented that in some cases, an Environmental Impact Assessment is triggered during this time, if warranted.

As for the question if other properties in that area could also be candidates for rezoning at this time, it was answered that rezonings are generally done on a case-by-case basis and anything of a wider scale would be part of a municipal plan review.

General discussion about rezoning also touched on the impact on agricultural use.

It was also confirmed that land-use planning for the entire Salisbury region; that is, including the former local service districts, is now under the control of the municipality and no longer the Provincial government.

Motion Carried

7. **REPORTS AND RECOMMENDATIONS FROM COMMITTEES AND PRIVATE MEETINGS**

1. Recommendations - Closed Session - April 11, 2023

Purchase of Roadway on PID 00817478

Background: The majority of Bleakney Road in Salisbury, despite being a municipal street that is maintained by the Town, is actually on CN property. This has historically presented a challenge related to having control to undertake municipal work without authorization from CN and can present challenges when municipal roads encroach on properties of other stakeholders.

MOTION: Council authorize the Clerk/Treasurer and Mayor to sign a purchase agreement with Canadian National Railways (CN Rail) to acquire approximately 475 metres total area (+/- 0.87 acres) of property bearing PID 00817478 for a total purchase price of \$20,000 plus taxes, survey fees, and legal fees, at the expense of the Town.

Moved by: Councillor Bannister

Seconded by: Councillor Gallant

On the Question, Councillor Gallant asked where the funding for this purchase was coming from. CAO explained that funding was previously designated under the Transportation portfolio for a couple roadwork projects on Bleakney Road and that the permit funding earmarked for CN, because the work would have encroached on CN property, will instead be used to purchase the land in question. The purchase price is only slightly higher than the permitting fees that would have been charged by CN.

Motion Carried

2. Recommendations - Committee of the Whole Meeting - April 24, 2023

Ratification of Salisbury Fire & Rescue Recruitment Policy

Background: As presented during the Committee of the Whole meeting on April 24, 2023, the Recruitment Policy for the Salisbury Fire Rescue Department streamlines the recruitment process and clarifies roles, responsibilities, and expectations relative to the recruitment and selection of members for the Department.

MOTION: Council approve the Recruitment Policy for the Salisbury Fire Rescue Department.

Moved by: Councillor Dykstra

Seconded by: Councillor Colwell

Motion Carried

Ratification of Salisbury Fire & Rescue Attendance Policy

Background: As presented during the Committee of the Whole meeting on April 24, 2023, the Town has proposed an updated Attendance Policy to better reflect the current realities of the Department.

MOTION: Council approve the Salisbury Fire Rescue Attendance Policy.

Moved by: Councillor D'Ettore

Seconded by: Councillor O'Blenis

Motion Carried

8. REPORTS FROM ADMINISTRATION

1. Agreement for Services - JOST+ Architects

Background: On April 11, 2023, Council approved retaining JOST+ Architects for professional services for the Salisbury Fire Rescue station. While the Request for Proposals (RFP) was awarded, the Town formalized the mutually agreed upon services that formed the basis of the RFP into a contract. Where this is a form of contract/agreement, it required authorization from Council for signature.

MOTION: Council authorize the Clerk/Treasurer and the Mayor to sign the agreement with JOST+ for a number of professional services as awarded in RFP SALS 2023-01 during the Regular Council meeting of April 11, 2023.

Moved by: Councillor O'Blenis

Seconded by: Councillor Bannister

Motion Carried

2. Contribution Agreement - Integrated Bilateral Agreement (IBA) Funding

Purpose: Seek authorization from Council to have the Mayor, CAO, and Clerk/Treasurer sign the Integrated Bilateral Agreement (IBA) Contribution Agreement for the Polishing Pond Project.

Background: The Town has had an IBA application in for funding to repair and stabilize the berm at the Sewage Treatment Facility's Polishing Pond for two years. It has received Provincial and subsequently Federal approval, meaning the project can proceed.

MOTION: Council authorize the Mayor, Chief Administrative Officer, and Clerk/Treasurer to enter into an Integrated Bilateral Agreement Contribution Agreement for Polishing Pond repairs and affix the corporate seal accordingly.

Moved by: Councillor Bannister

Seconded by: Councillor Gallant

Motion Carried

CAO added that there is a plan to take all of Council for a tour of the sewage treatment facility where they can also see where this particular berm stabilization project will take place. Said tour will be guided by the Manager of Infrastructure and Public Works.

3. Award of Engineering Services - Polishing Pond Stabilization

Background: Pursuant to Section 6.9 (included below) of the Contribution Agreement with the (New Brunswick) Regional Development Corporation (RDC) and Infrastructure Canada, the Town is responsible for arranging engineering drawings and tendering of the work to be completed as part of the polishing pond project.

Engineering firm EXP has completed preliminary costing over the past two years on this project throughout the application phases and is familiar with the project, scope, costing, and application that was submitted. They were also the firm that completed the rest of the stabilization of the polishing pond.

As such, Administration is recommending retaining them for the engineering work associated with the project. Where EXP has completed work on this project to date, this has not been issued for competitive procurement. Administration is recommending a sole-source award on the basis that, pursuant to the Policy, these professional services are compatible with existing services already delivered and will avoid additional costs being incurred by kick-starting the process again. The costs for engineering are a reimbursable expense under the contribution agreement and form a portion of the overall estimated project costs.

MOTION: Council authorize Administration to retain EXP Services for engineering and tendering professional services for the Polishing Pond Berm Stabilization Project at fees that are estimated to be, based on current cost estimates, to be \$50,800, plus HST.

Moved by: Councillor Gallant

Seconded by: Councillor O'Blenis

On the Question, CAO confirmed for Councillor Dykstra that the projected costs, including the engineering costs associated with this motion, are correct for the stabilization of the polishing pond berm, the total projected project cost being \$387,288. It was noted that construction of this berm requires a significant amount of expertise given the fact it is the berm

immediately adjacent to the Petitcodiac River and that the river has seen a shift in direction since the removal of the Moncton-Riverview causeway downriver. Costs of WAWA (Watercourse and Wetland Alteration) permitting are also factored into the overall project cost.

Motion Carried

4. Multi-Year Grant Agreement - Salisbury Farmers and Artisans Market

Background: On August 26, 2022, the CAO was requested at a meeting with a Board Member of the Salisbury Farmers Market, the owner of the barn on Main Street (Susan Linkletter), a representative from the Regional Development Corporation (RDC), and from the New Brunswick Department of Agriculture, Aquaculture and Fisheries (DAAF). At that time, RDC was requesting a commitment from the Municipality to partner in the project in order to provide their funding.

During a Regular Council Meeting in September, the former Village of Salisbury Council agreed to provide a \$5,000 grant annually over three years and advised the Local Governance Reform Transition Facilitator accordingly. Administration has prepared an agreement for approval with the following conditions:

- Repair the sidewalk that was removed without knowledge of the Municipality for underground electrical and remains unfixed;
- Remain in good financial standing;
- Report to Council annually on operations.

This is a budgeted expense in the 2023 budget and is a Salisbury (Village) specific sub-unit cost, where it was agreed upon by the former Village Council.

For context, the Market is now assessed at \$293,000 and has a property tax levy of \$10,148.

This form of agreement will be the standard agreements from the Municipality for multi-year agreements to ensure that there can be formalities in place for these longer term arrangements.

MOTION: Council approve the multi-year grant agreement between the Town of Salisbury and the Salisbury Farmers and Artisans Market for the provision of a \$5,000 annual grant for the next three years insofar as the terms and conditions of the agreement are met by the recipient.

Moved by: Councillor O'Blenis

Seconded by: Councillor Bannister

On the Question, further to brief discussion of the conditional sidewalk repair, Councillor Dykstra asked about including a crosswalk across Main Street (Route 106) at that location to account for the lack of parking on the

market side of Main. Discussion also touched on a similar need for a crosswalk across River Road (Route 112) where it meets Main Street.

Motion Carried

9. BY-LAWS

During the Regular Council Meeting of April 11, 2023, Town Council gave first and second reading, by title only, to three Municipal By-laws being considered.

1. By-law No. 5: Respecting Driveway Culverts and Entrances - Third Reading and Enactment

Background: This By-law updates the former Village of Salisbury By-law No. 33, Driveway Culverts and Entrances, and also includes a Schedule in the By-law to only apply to these geographical boundaries, since the Town is not responsible for regulating culverts and driveways in the outside areas. The purpose of the By-law is to outline the requirements that must be met when installing and maintaining driveway culverts and entrances.

Pursuant to Section 15(3) of the Local Governance Act, public notice was posted, and by-laws were made available for viewing during business hours, Monday to Friday, at the Town Office, and available online.

Written objections were to be submitted for consideration to the Clerk by email or in person prior to a possible third reading and enactment at the next Regular Council meeting May 8, 2023. There were no written inquiries or written objections received through the Clerk's Office for this by-law, although the Clerk confirmed that a resident did ask some questions in person at the municipal office on the morning of the Council meeting. The resident asked about changes in the fee structure.

MOTION: Council have third reading and enactment of By-Law No. 5, A By-Law Respecting Driveway Culverts and Entrances, by title only.

Moved by: Councillor Bannister

Seconded by: Councillor Gallant

Motion Carried

Clerk proceeded to read Town of Salisbury By-law No. 5, A By-law Respecting Driveway Culverts and Entrances, by title only.

This by-law comes into effect once the third reading and enactment has been complete and by-law is signed/sealed.

2. By-law No. 6: Respecting Sewerage and the Collection of User-Charges for the Sanitary Sewerage System in Salisbury - Third Reading and Enactment

Background: This By-law updates and combines the former Village of Salisbury By-law No. 34 respecting sewerage rates and charges and

By-law No. 45, a By-law relating to the user-charges for the sanitary sewerage system of the Village of Salisbury. The purpose of this By-law is to regulate the requirements for the maintenance and connection to the municipal sewerage system, as well as outline the jurisdiction and authority for the collection of annual user charges. This only applies to the serviceable boundary within the former Village of Salisbury boundaries.

Pursuant to Section 15(3) of the Local Governance Act, public notice was posted, and by-laws were made available for viewing during business hours, Monday to Friday, at the Town Office, and available online.

Written objections were to be submitted for consideration to the Clerk by email or in person prior to a possible third reading and enactment at the next Regular Council meeting May 8, 2023. There were no written inquiries or written objections received through the Clerk's Office.

MOTION: Council have third reading and enactment of By-Law No. 6, A By-Law Respecting Sewerage and the Collection of User-Charges for the Sanitary Sewerage System in Salisbury, by title only.

Moved by: Councillor Gallant

Seconded by: Councillor O'Blenis

Motion Carried

Clerk proceeded to read Town of Salisbury By-law No. 6, A By-law Respecting Sewerage and the Collection of User-Charges for the Sanitary Sewer System in Salisbury, by title only.

This by-law comes into effect once the third reading and enactment has been complete and by-law is signed/sealed.

3. By-law No. 7: Building By-law - Third Reading and Enactment

Background: This By-law updates the former Village of Salisbury By-law No. 36, Building By-law, and also regulates the building permitting fees for the outside areas. The purpose of this By-law is to determine the permitting requirements, application process, and fees for the full Town, including both the former Village and former Local Service Districts.

Pursuant to Section 15(3) of the Local Governance Act, public notice was posted, and by-laws were made available for viewing during business hours, Monday to Friday, at the Town Office, and available online.

Written objections were to be submitted for consideration to the Clerk by email or in person prior to a possible third reading and enactment at the next Regular Council meeting May 8, 2023. There were no written inquiries or written objections received through the Clerk's Office.

MOTION: Council have third reading and enactment of By-Law No. 7, A Building By-Law, by title only.

Moved by: Councillor Dykstra

Seconded by: Councillor Gallant

On the Question, Councillor D'Ettore requested confirmation that the rates are not changing for Wards 1, 2, and 4. CAO confirmed that only Ward 3 (that is, the ward within the former Village boundary) will see a change, an increase to bring rates up to the same level as has been in place in the former local service districts.

Motion Carried

Clerk proceeded to read Town of Salisbury By-law No. 7, Building By-Law, by title only.

This by-law comes into effect once the third reading and enactment has been complete and signed/sealed AND registered with the Province.

10. CLOSED SESSION

No Closed Session held this meeting.

11. MAYOR AND COUNCILLORS' STATEMENTS/INQUIRIES

Department of Infrastructure and Public Works - Councillor Dykstra noted the hard work of the staff in the Department of Infrastructure and Public Works.

Potholes - Councillor D'Ettore raised the matter of the New Brunswick Department of Transportation and Infrastructure (DTI) repairing potholes, how residents can request such repairs, and the need for a public timeline for the filling of potholes. It was clarified that residents' requests are referred to the DTI inquiry service, either by having the resident contact DTI directly or the Town making the request on the resident's behalf. CAO provided the email address for the DTI requests, transportnb@gnb.ca, and recommended that users of said service be very descriptive with their requests as DTI dispatch is centrally-located in the province. Meantime, Mayor Campbell also requested that staff request a pothole work schedule from the DTI District Engineer that could be communicated to the public.

Newsletter - Mayor Campbell credited staff for the new Salisbury Newsletter.

Health Needs - Mayor Campbell also mentioned a new health study that is taking place for the region. The intent is to identify gaps in the system.

Unsightly Premises - CAO was asked by Councillor D'Ettore if any letters have been issued concerning unsightly premises complaints. CAO confirmed that he will have information for Council's consideration in the near future.

Union of the Municipalities of New Brunswick - Councillor Gallant attended recent UMNB regional Zone 2 meeting with Councillors Bannister and Thorne, noting it included some great interactions and conversations with other municipal representatives. Councillor Bannister also spoke to the value of these zone meetings and the collaboration among UMNB members, adding that the zone board is currently seeking members for several working committees.

12. NOTICES OF MOTIONS AND RESOLUTIONS

1. Municipal Democracy - Ward System - Councillor D'Ettore

Councillor D'Ettore provided the following Notice of Motion to be considered at the June 12 Regular Council Meeting:

WHEREAS municipal structure and representation were determined during Regional Restructuring discussions for the Town of Salisbury;

WHEREAS data related to population, property Tax contribution, and eligible voters for each Ward was not available during Regional Restructuring discussions and decision making;

WHEREAS approximately 69% of Residents and 68% of Tax Base are within the boundaries of Wards 1, 2 and 4 (the old LSD's);

WHEREAS 52% of the municipal budget warrant, collected by property taxes, is collected by residents in the former LSDs;

WHEREAS current Councillor Distribution amongst Wards is weighted heavily towards the former Village of Salisbury (Ward 3) with three Dedicated Councillors for the Ward 3 (50%) and three dedicated Councillors for Wards 1, 2 and 4 combined (50%);

WHEREAS a restructuring and redistribution of municipal representation provides an opportunity for a more equitable and more representative government model within the Town of Salisbury;

WHEREAS increased opportunities for Town Council representation may encourage more active participation by residents outside Ward 3:

BE IT RESOLVED THAT the Town Council :

a) Engage and direct Town Staff to provide all relevant data associated with each individual Ward, which would include but not limited to:

- i. Population
- ii. Tax Base
- iii. Eligible Voters
- iv. Municipal Services
- v. Provincial Services
- vi. Geographic data
- vii. Business data

b) Engage and direct Town Staff to provide a Council Report Form with a full analysis for review by Council to consider and reconfigure, for next election, more representative distribution of Council membership to reflect population, electorate, and tax base contribution.

c) That Council engage an outside consultant to direct proceedings associated with discussion and final recommendations.

d) That the final recommendation is made Public for review and comments by residents prior to any final Vote;

e) That any revised configuration is completed by the end of December 2023.

It was pointed out that there is no debate on a Notice of Motion.

CAO confirmed that when this matter returns to Council it will be accompanied by a Council Report Form and will be up for discussion at that time.

13. ADJOURNMENT

MOTION: Adjourn the meeting. (8:02 pm)

Moved by: Councillor Bannister

Seconded by: Councillor Dykstra

Motion Carried

Chair

Clerk