



**REGULAR COUNCIL MEETING  
MINUTES**

**Monday, July 10, 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  
Massimo Caracristi, Regional Director of Recreation and  
Wellness  
Bradley MacLeod, Fire Chief

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**1. CALL TO ORDER**

Meeting was called to order at 7:00 pm.

**2. ADOPTION OF AGENDA**

**MOTION:** The Agenda be adopted.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor O'Blenis

**Motion Carried**

3. **CONFLICT OF INTEREST DECLARATIONS**

No conflicts declared at this time.

4. **ADOPTION OF MINUTES**

1. Regular Council Meeting - June 12, 2023

**MOTION:** The Minutes for the Regular Council Meeting held June 12, 2023, be adopted.

**Moved by:** Councillor O'Blenis

**Seconded by:** Councillor Thorne

**Motion Carried**

2. Special Council Meeting - June 20, 2023

**MOTION:** The Minutes for the Special Council Meeting held June 20, 2023, be adopted.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Bannister

**Motion Carried**

3. Committee of the Whole Meeting - June 26, 2023

**MOTION:** The Minutes for the Committee of the Whole Meeting held June 26, 2023, be adopted.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Gallant

On the Question, Councillor D'Ettore suggested an amendment to Section 5 of the Minutes, Tax Rate Differential & Municipal Commission, to clarify Council's concerns about the annual five cent tax rate cap to the former local service districts and the possible impact on that cap from rising regional service commission fees. Mayor Campbell agreed to request more detail to that point in the Minutes.

**MOTION:** The Minutes for the Committee of the Whole Meeting held June 26, 2023, be adopted as amended.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Gallant

**Motion Carried**

4. Special Council Meeting - June 29, 2023

**MOTION:** The Minutes for the Special Council Meeting held June 29, 2023, be adopted.

**Moved by:** Councillor Gallant

**Seconded by:** Councillor Bannister

**Motion Carried**

5. Special Council Meeting - July 4, 2023

**MOTION:** The Minutes for the Special Council Meeting held July 4, 2023, be adopted.

**Moved by:** Councillor Bannister

**Seconded by:** Councillor O'Blenis

**Motion Carried**

5. **CONSENT AGENDA**

**MOTION:** Council adopt the Consent Agenda of July 10, 2023.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Colwell

**Motion Carried**

1. Salisbury Regional School Outdoor Space Project - Thank You

Delivered to the Town was a framed picture of the grounds at SRS bearing the notation "Supporter of Salisbury Regional School Outdoor Space Project."

2. Daniel Allain, Minister of Local Government and Local Governance Reform - Response re: Bill 45 Letter from Salisbury

Mayor Campbell received a written response from Minister Allain to the Town's letter of concern regarding Bill 45.

Minister Allain wrote that the intent of the proposed Local Governance Commission is not to duplicate existing requirements, and that it would be considered an "additional avenue when resolution cannot be achieved" through existing processes.

As for the concern that section 4 of the Bill would "have a negative impact on the autonomy of local governments," Minister Allain stated that functions assigned to the Commission by the Minister "would be of the nature of providing for studies, advise, (or) recommendations on the

Minister's request," and that the provision "would not support adding additional oversight functions."

As for concerns that the Commission could repeal or amend local by-laws, Minister Allain stated that the Commission "cannot repeal a by-law;" however, he noted that such authority is vested in the Minister. Minister Allain further stated that the intent of the Bill is "not for local governments to revisit the process undertaken to create by-laws, but to help address any unforeseen issues or resolve conflicts that may have arisen following the adoption of a by-law. To ensure rigor, a process has been developed in order to allow frivolous or vexatious requests to be dismissed summarily."

"An applicant who is requesting a review must demonstrate that the by-law restricts the land use so significantly that it effectively prevents the use for the purpose for which it is zoned. Also, anyone requesting that the Minister exercise this power must be operating in conformity with the land use plan and zoning by-law and have first engaged with the local government. Effectively these requirements limit the kinds of by-laws that could be subject to this authority to override."

Minister Allain closes by saying the government has been paying close attention to concerns being raised, adding that a few additional amendments have been made to the Bill which will further clarify the intent of the legislation.

3. Complaints - Pride Flag (3)

Three letters of complaint, two via email and one via regular mail, were addressed to Mayor and Council concerning the Pride Flag being flown at the municipal building at 56 Douglas Street during the remainder of the month of June following a decision at the June 12 Regular Meeting of Council.

4. Plan 360 - Development & Building Permit List - June 2023

Eight permits were issued in June, 2023, carrying a total estimated project value of \$1,405,155. Projects include two dwellings.

6. **PUBLIC AND ADMINISTRATIVE PRESENTATIONS**

1. Silver Fox Art Circle - Connie Colpitts

Presenter was not available.

2. Petz International - Jordan Davidson, President

Petz International President Jordan Davidson briefed Council on his plans for expansion at his facility on River Road to add a new piece of equipment, either by amending a previous plan or adding onto the building.

Petz International has been in operation in Salisbury for 26 years and currently has 30 employees between its buildings on River Road and Route 112.

Mayor Campbell and Council thanked him for his presentation.

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

Mayor Campbell declared a conflict of interest and left the meeting.

In her role as Deputy Mayor, Councillor Bannister assumed the chair.

1. Recommendation from Closed Session - July 4, 2023

Code of Conduct

The following motion was unanimously agreed upon in the Closed Session on July 4.

**MOTION:**

**WHEREAS:** The Town of Salisbury By-law No. 2, a Code of Conduct By-law for the Council of Salisbury ('the By-law'), establishes a Code of Conduct for Elected Members of the Town of Salisbury's Council;

**WHEREAS:** Council received a complaint, pursuant to Section 4 of the By-law, which was subsequently discussed in a Closed Session on Tuesday, July 4, 2023;

**WHEREAS:** Mayor Campbell has plead guilty to an offence under Section 320.14(1)(b) of the Criminal Code of Canada following an occurrence on February 4, 2023, which in the opinion of Council, is also a violation of Section 3(e)(ii) of the By-law;

**WHEREAS:** Section 5 of the By-law authorizes Council to impose sanctions on a Member of Council that has contravened the Code of Conduct By-law;

**BE IT THEREFORE RESOLVED THAT:** The Town of Salisbury impose the following sanctions:

1. Pursuant to Section 5(ii) of the By-law, the Town requests a letter of apology to be issued publicly to residents;
2. Pursuant to Section 5(vii) of the By-law, the Town reduce remuneration for the Mayoral salary in the amount of \$4000.00, representing the additional expenses incurred by the Town in addressing this matter; and
3. Pursuant to Section 5(iii) of the By-law, request that the Mayor attend appropriate training at the Town's expense, to prevent the issue from occurring again.

**Moved by:** Councillor Thorne  
**Seconded by:** Councillor Gallant

**Motion Carried**

Following the vote, Mayor Campbell rejoined the meeting.

Deputy Mayor left the chair and Mayor Campbell resumed the chair.

## **8. REPORTS FROM ADMINISTRATION**

Councillor Bannister declared a conflict of interest and left the meeting.

### **1. RFQ SALS 2023-09 (ADA Compliant Washroom Facility at Highland Park) - Tender Award**

On June 15, RFQ SALS 2023-09, Construction of an ADA-Compliant Washroom, Highland Park, was issued on New Brunswick Opportunities Network (NBON). This project closed on Tuesday, July 4, at 4:00pm. A total of three bids were received, noted by the CAO as being higher than what the Town had hoped for, despite significant adjustments in the project specifications since the original tender.

CAO pointed out that the recommended low bid is significantly lower than a previous bid in September 2021 (a difference of \$356,170) and re-engineered estimates provided in both June 2022 (a difference of \$123,000) and September 2022 (a difference of \$109,765).

It was also pointed out that prior to this most recent issuing on NBON, Town staff, acting on the direction of Council earlier this year, worked with Englobe Corp. (engineering) to inquire with local contractors to sub-contract an award. On May 19, an invitation to bid was sent to four carpentry contractors, three electrical contractors, two concrete/foundation contractors, three plumbing contractors, and three excavation contractors. Follow-up calls and/or mails were made to carpentry contractors specifically in order to solicit potential bids. No bids were received from any contractor/discipline by the closing date of June 2, 2023.

This project is being funded by the Canada Community Building Fund (CCBF). In February, the balance of the CCBF was \$413,062. The 2023 installment will be \$171,699. This project is within the available CCBF funds. In the event that the project does not proceed, all funds spent from the CCBF allocations will be required to be re-paid. At this time, given the number of procurement efforts solicited by the Town on a number of occasions since the start of the design process for this Facility, Administration is recommending moving forward with the project.

The Town will also continue to work with Englobe for required engineering inspections throughout the construction process.

**MOTION:** Council award RFQ SALS 2023-09, Construction of ADA-Compliant Washroom Facility at Highland Park, to Riverside Construction by Derek Pallen Ltd. at a lump sum price of \$283,000.00, excluding HST.

**Moved by:** Councillor Colwell

**Seconded by:** Councillor Thorne

On the Question, Mayor Campbell took the opportunity to credit the work of staff in bringing this very important and very long-running file to a close, and recommended acceptance. He referred to Highland Park as the "crown jewel" of the community.

Noting the prevalence of vandalism, Councillor D'Ettore asked if there are ways to limit the possibility of vandalism occurring at this new facility. Video surveillance will be looked at.

Councillor Colwell noted again that if this motion fails to pass, approximately \$200,000 in gas tax funding must be returned.

**Motion Carried**

Councillor Bannister returned to the meeting.

2. RFQ SALS 2023-10 (Asphalt Re-Surfacing Project No. 1) - Tender Award

On June 20, RFQ SALS 2023-10, Asphalt Resurfacing No. 1, was posted on NBON. This tender closed on Tuesday, July 4 at 4:00pm. Five bids were received.

This project is to re-surface approximately 130 metres of asphalt on Bleakney Road in Salisbury. This section is the next highest ranked priority asset in accordance with the 2019 Asset Management Plan. This is a budgeted expense in the General Operating Fund. \$55,000 has been earmarked from the existing 2.3.2.3.9. (Transportation – Other, Streets Maintenance and Paving) line, and an additional \$60,000 has been earmarked from the additional budget line added by the Facilitator (GL: 2.3.2.6.9-Transportation Other), after the budget transfers completed by Council earlier this year. Where this tender was lower than anticipated, this means that it will also likely be able to absorb the cost of the land acquisition of Bleakney Road.

The tender stipulated that this project cannot be completed before mid-August to ensure the land transaction can close with CN.

**MOTION:** Council award RFQ-SALS-2023-09, Asphalt Re-surfacing Project No. 1, to Fundy Paving Inc. for an amount of \$57,700.00, excluding HST.

**Moved by:** Councillor O'Blenis

**Seconded by:** Councillor Bannister

On the Question, when considering that the successful bid was significantly lower (over \$28,000 lower) than the other four bids, Councillor Thorne admitted that it made her nervous that the successful bidder is more known for residential paving projects rather than larger capital roadway projects. However, the engineering opinion is that the relative straightforwardness of this particular project, which is only resurfacing without any base work, as well as the fact that this is a smaller project, relieves any concern.

**Motion Carried**

3. Ratification – Town of Salisbury 2023-2026 Strategic Plan

The purpose of this agenda item was to present Council with the updated Strategic Plan and proceed with ratification.

The strategic planning process spanned September 2022 to the present. The initial drafted action items, under the Five Pillars of focus, were eventually streamlined following several working sessions, as explained by the CAO:

- Governance & Service Excellence: down to 12 action items
- Infrastructure: reduced to 16 action items
- Economic Development & Sustainability: now 11 action items
- Safety & Stewardship: reduced to 9 action items
- Community & Quality of Life: down to 19 action items

The strategic plan becomes the overall guiding document to ensure that both staff and Council are working towards the long-term vision of Council. This plan will serve as a three-year roadmap, given the many changes that have and will continue to occur. By 2026, the Municipality will be in a better position to determine a longer five-year plan after setting an effective foundation for longer-term growth and having a better understanding of other variables with the reform process. This three-year plan includes a number of longer-term priorities that will continue this work while ensuring that it can realistically be attained, and also ensure alignment with other key players; for example, Southeast Regional Service Commission.

**MOTION:** Council approve the 2023-2026 Strategic Plan as presented and begin monitoring the progress for annual reporting.

**Moved by:** Councillor Bannister

**Seconded by:** Councillor Thorne



On the Question, Mayor Campbell took the opportunity to thank the CAO for his leadership in guiding Council through what he called a "historic process" in that it is the first strategic plan for Salisbury.

**Motion Carried**

**9. BY-LAWS**

1. Rezoning PID 00954404 - By-Law No. 22-WAP-069-01-S-01 - A By-Law to Amend Ministerial Regulation 22-WAP-069-01 The Westmorland-Albert Planning Area

Initial readings were considered for By-law 22-WAP-069-01-S-01 - A By-law to amend Ministerial Regulation 22-WAP-069-01 The Westmorland-Albert Planning Area.

This step in the process follows a public hearing held in June, from which Council was provided a written summary by Plan 360 (Southeast Regional Service Commission) Planning Manager/Planner Lori Bickford. CAO also noted the provided recommendation to proceed from the Southeast Planning and Review Committee (PRAC).

Final reading and enactment can take place on August 14, 2023.

**MOTION:** Council have first and second reading of By-Law No. 22-WAP-069-01-S-01, a By-Law to Amend Ministerial Regulation 22-WAP-069-01 The Westmorland-Albert Planning Area, by title only.

**Moved by:** Councillor D'Ettore

**Seconded by:** Councillor Gallant

**Motion Carried**

Clerk proceeded with first reading of By-Law No. 22-WAP-069-01-S-01, a By-Law to Amend Ministerial Regulation 22-WAP-069-01 The Westmorland-Albert Planning Area, by title only.

Clerk proceeded with second reading of By-Law No. 22-WAP-069-01-S-01, a By-Law to Amend Ministerial Regulation 22-WAP-069-01 The Westmorland-Albert Planning Area, by title only.

Clerk then stated that the by-law amendment could receive third reading, if Council wishes, at the next regular meeting of Council, after which it will be enacted.

**MOTION:** To enter into a recess.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Bannister

**Motion Carried**

*RECESS*

**MOTION:** Return to the Regular Meeting.

**Moved by:** Councillor Bannister

**Seconded by:** Councillor D'Ettore

**Motion Carried**

10. **CLOSED SESSION - Contractual (68(1)(c) Local Governance Act), Contractual/Financial (68(1)(c) Local Governance Act), Land (68(1)(d) Local Governance Act), Contractual/Financial (68(1)(c) Local Governance Act), Personnel (68(1)(j) Local Governance Act)**

**MOTION:** Enter into a Closed Session.

**Moved by:** Councillor Colwell

**Seconded by:** Councillor D'Ettore

**Motion Carried**

*CLOSED SESSION*

**MOTION:** Return to the Regular Meeting.

**Moved by:** Councillor Thorne

**Seconded by:** Councillor Bannister

**Motion Carried**

11. **MAYOR AND COUNCILLORS' STATEMENTS/INQUIRIES**

Canada Day - Mayor Campbell thanked staff and Council for an amazing Canada Day, noting it was well-attended.

Ward 4 Block Party - The first ever block party for Salisbury takes place on the evening of Wednesday, July 12, in Ward 1 in Boundary Creek.

12. **NOTICES OF MOTIONS AND RESOLUTIONS**

No Notices of Motions or Resolutions this meeting.

13. **ADJOURNMENT**

**MOTION:** Adjourn the meeting. (9:30 pm)

**Moved by:** Councillor Gallant

**Seconded by:** Councillor Thorne

**Motion Carried**

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Chair

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Clerk