

**VILLAGE OF NEW MARYLAND
COUNCIL
20 November 2019**

Present: Mayor Judy Wilson-Shee
Deputy Mayor Alex Scholten
Councillor Paul LeBlanc
Councillor Gisèle McCaie-Burke
Councillor Mike Pope
Councillor Tim Scammell

Also Present: Cynthia Geldart, Chief Administrative Officer/Clerk
Karen Taylor, Assistant Clerk

1. CALL TO ORDER

Mayor Judy Wilson-Shee called the meeting to order at 7:30 pm and reminded all in attendance that the meeting is being video-recorded for broadcast.

2. APPROVAL OF THE AGENDA

MOVED BY Councillor Mike Pope and **seconded by** Deputy Mayor Alex Scholten to approve the agenda with the addition of the resolution to appoint Planning Advisory Committee member Debra Connors under agenda item 10. Planning Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF THE MINUTES

MOVED BY Councillor Gisèle McCaie-Burke and **seconded by** Deputy Mayor Alex Scholten to approve the minutes of the 16 October 2019 regular session of Council as circulated.
MOTION CARRIED UNANIMOUSLY.

4. DISCLOSURE OF INTEREST

No disclosures of interest were declared.

5. PRESENTATIONS

No presentations were made.

6. PROCLAMATIONS

Mayor Wilson-Shee read the proclamations for Diabetes Awareness Month and Restorative Justice Week.

7. CORRESPONDENCE

The following correspondence was read into the record by the CAO/Clerk, Cynthia Geldart, as per the request of Mayor Judy Wilson-Shee:

- notification from the Department of Transportation and Infrastructure that our requests under the Municipal Designated Highway Program 2020-2024 have been received and are under review by department officials;
- a letter of thanks from Junior Achievement New Brunswick for our support;
- an email from the Union of Municipalities of New Brunswick advising of the launch of a weekly

- bulletin containing information of interest and use for its members;
- an expression of gratitude to Faith Baptist Church congregation for their support during the Brunswick Bravo emergency response training exercise;
- a notice from the Fredericton Chamber of Commerce regarding the cyber-safety and mandatory data breach reporting information session that will be held November 27th at the Crowne Plaza in Fredericton; and
- a letter from the Department of Environment and Local Government advising that By-law No. 03-02-2019 has received ministerial approval under Section 112 of the *Community Planning Act*.

8. MAYOR'S COMMENTS

Mayor Judy Wilson-Shee provided an update on the meetings and social events that she attended since the last Council meeting:

October 17th – Parish of New Maryland Zoomers Halloween soup luncheon and celebration of their 10th anniversary, which was also attended by Councillor McCaie-Burke;

October 17th – Pumpkin carving event at New Maryland Elementary School (NMES), along with Councillor McCaie-Burke, Councillor Pope and his family;

October 20th – Donna and Sonny Fletcher's 60th wedding anniversary celebration;

October 22nd – New Maryland Lions Club open house held at the New Maryland Centre, along with Councillor McCaie-Burke; Mayor Wilson-Shee noted that scholarships were presented to Julia Greene (UNB Chemistry), Ashley Thornton (STU Humans Rights and Psychology) and Juliette Tristant-Akret (UNB Engineering);

October 23rd – Brunswick Bravo 2019 exercise along with Deputy Mayor Scholten and Councillor McCaie-Burke; Mayor Wilson-Shee commented that as the spokesperson for the Village she participated in a mock interview with the media;

October 24th – RSC 11 Special Budget meeting;

October 25th – welcomed Rogers Hometown Hockey to NMES; Mayor Wilson-Shee commented that Rogers Hometown Hockey is in its 6th season and is making stops in 25 communities across Canada;

October 25th – meeting with Robert Fawcett, Director Forestry Relations, JD Irving;

October 25th – NMES Fall Frolic;

October 25th – Indigenous Gala, a celebration of indigenous culture, in support of the New Brunswick Community College's (NBCC) Indigenous Student Program;

October 26th – Fredericton High School Kats' Kitchen breakfast held at the New Maryland Centre, which was supported by New Maryland Lions Club and New Maryland Fire Department, and served close to 200 people;

October 28th – Seniors Advisory Committee meeting along with Deputy Mayor Scholten and Councillor Pope;

October 29th – New Maryland Heritage Association meeting;

November 7th – Remembrance Day service at NMES along with Deputy Mayor Scholten, Councillor McCaie-Burke and Fire Chief Farrell;

November 7th – Fredericton Red Wings Jr. hockey team's Armed Forces Veteran Appreciation Night that promoted the new military hockey uniforms;

November 11th – Remembrance Day service at Victoria Hall Park cenotaph which was a very successful and well received event; Mayor Wilson-Shee thanked the Recreation Coordinator Michelle Sawler, staff, Council members and all of the groups who volunteered;

November 14th – Community Policing Committee meeting;

November 15th – Lunch and keynote address with former Fredericton Police Chief Leanne Fitch who talked about her life in the police service;

November 18th – lease signing with the New Maryland Heritage Association and St. Mary the Virgin Church, along with Councillors McCaie-Burke and Scammell; and
November 20th – visited the PNM Zoomers potluck.

9. COMMENTS BY MEMBERS OF COUNCIL

Members of Council presented updates for the meetings and social events they attended since the last Council meeting.

Councillor Gisèle McCaie-Burke

Oct. 22nd – ‘Understanding Seniors Isolation and Loneliness’ workshop organized by Fredericton’s Age-Friendly Community Advisory Committee, which was a continuation of the September 24th workshop; and

Oct 24th – pre-conference session in Moncton as part of the annual conference of the Canadian Association on Gerontology.

Deputy Mayor Alex Scholten

October 15th - New Maryland Lions Club meeting at the New Maryland Centre;

October 16th - meeting with Bonnie Doughty of the Multicultural Association of Fredericton to discuss their networking program for newcomers;

October 17th - Multicultural Association of Fredericton Annual General Meeting at their offices on Saunders Street in Fredericton; Deputy Mayor Scholten congratulated Lisa Bamford De Gante for her 25 years with the association;

October 18th - Department of Environment and Local Government press conference on their introduction of Extended Producer Responsibility for Paper and Plastic Packaging at Chancery Place in Fredericton; Deputy Mayor Scholten stated that Minister Jeff Carr announced this important initiative which will help municipalities control costs for recycling of packaging by having producers of the packaging cover the cost of recycling;

October 21st - Ignite Fredericton and Knowledge Park executive meeting at the Ignite Fredericton offices;

October 22nd - New Maryland Lions Club open house along with Mayor Wilson-Shee; Deputy Mayor Scholten remarked that he was very impressed with the three scholarship recipients Julia Greene, Ashley Thornton and Juliette Tristant-Akret, who not only have outstanding marks in school but are exceptional leaders in the community with their many volunteer activities;

October 25th - New Maryland Elementary School’s annual Fall Frolic event which raised over \$12,000;

October 29th - meeting with Fire Chief Farrell to discuss the parade routes for the 2019 New Maryland Lions Club Food and Toy Drive;

October 30th - Knowledge Park and Ignite Fredericton Board meetings at Ignite Fredericton offices in Fredericton;

October 30th - organizational meeting for the New Maryland Lions Club annual Food and Toy Drive;

October 31st - Fredericton Chamber of Commerce Immigration Committee meeting at Chamber offices;

November 2nd - Union of Municipalities of New Brunswick executive meeting at the Crowne Plaza in Fredericton;

November 4th - Planning Advisory Committee meeting in Council Chambers, along with Mayor Wilson-Shee;

November 5th - New Maryland Lions Club meeting at the New Maryland Centre;

November 7th - New Maryland Elementary School Remembrance Day ceremony along with Mayor Wilson-Shee and Councillor McCaie-Burke;

November 8th - meeting with Ignite Fredericton’s immigration support staff at Ignite Fredericton offices;

November 16th - New Maryland Lions Club fundraising event at the New Maryland Centre in support of

the FHS Black Kat Boys Varsity Basketball team who are raising funds to participate in an invitational tournament in BC next month; and
November 19th - Ignite Fredericton executive meeting.

Councillor Mike Pope

October 25th – NMES Fall Frolic; Councillor Pope thanked Erica Ward and the Home and School Committee for their work organizing a very successful event; and
October 26th – FHS Kats Kitchen fundraiser breakfast.

10. PLANNING ADVISORY COMMITTEE

Deputy Mayor Alex Scholten provided an update from the Planning Advisory Committee (PAC).

- The Planning Advisory Committee (PAC) met on November 4, 2019 for their regular meeting.
- At the meeting, the committee reviewed and discussed the October 2019 Building Permit Report which noted 23 permits were issued with \$672,214 in estimated value of construction and \$5,172 in permit fee revenue for the month. A significant contribution to the October 2019 construction value and permit fee revenue was due to a permit being issued for a new two-unit dwelling in the Orchard's Edge residential development. The year-to-date values total 126 building permits, approximately \$4.3 million dollars in construction value and just over \$32,500 in permit fee revenues.
- The committee discussed the term of office for committee member Debra Connors which is scheduled to expire in November 2019. Per Village policy, notification had been posted via the Daily Gleaner and social media accounts advertising that residents, including existing committee members, may submit their expressions of interest in being considered by Council for membership on the committee. Staff advised that the review of the candidate list and selection of an appointee was scheduled for the November 13th Council-in-Committee meeting.
- Staff reminded the committee of the dates of the upcoming Village Christmas calendar events and extended an invitation for the members to attend the Christmas Open House social event and the annual Christmas Banquet hosted by Village Council.

MOVED BY Deputy Mayor Alex Scholten and **seconded by** Councillor Tim Scammell the adoption of this report. **MOTION CARRIED UNANIMOUSLY.**

► **MOVED BY** Deputy Mayor Alex Scholten and **seconded by** Councillor Gisèle McCaie-Burke the following resolution of Council:

Be It Resolved That in accordance with section 75 of the *Community Planning Act*, S.N.B. 2017, Chapter 19, and amendments thereto, and in accordance the terms of the Developer's Agreement between the Village of New Maryland and the developer, Centennial Heights Development Ltd., for the development of Centennial Gardens Subdivision 2018 - Phase 2, consisting of eight (8) residential building lots (Lots 20 to 26, and Lot 41) on Alban Street, Spirea Street and Boxwood Lane, which development, by agreement includes the construction of municipal services, roadway construction, concrete curb and gutters, installation of concrete sidewalks, base and surface asphalt, boulevard construction and landscaping, and the construction of trails sub-grade and drainage swales and ditches ("Works"), as enumerated in the said Developer's Agreement,

And Whereas the one (1) year warranty period for the lot services and roadway base construction portion of the Works concluded on October 17, 2019, on the recommendation of the Village Engineer and senior staff, Village Council resolves to: assume the lot services and roadway base construction portions of the Works; terminate the one (1) year warranty period; and, authorize the Village Treasurer

to release the corresponding warranty security.

Discussion:

Deputy Mayor Scholten clarified that in 2018 local developer, Centennial Heights Development Ltd. (CHDL) installed new underground infrastructure to service eight (8) residential building lots (Lots 20 to 26, and Lot 41) in Phase 2 of the Centennial Gardens Subdivision. On October 17, 2018 Council approved a motion to: “Accept” those portions of the works; commence the one (1) year warranty period; and, authorize the Mayor and Clerk to execute a related development agreement with the developer. The anniversary date for the warranty period has passed and the developer has requested that Council: “Assume” the Phase 2 lot services and roadway base construction; formally terminate the warranty period; and, authorize the Village Treasurer to release the warranty security held by the Village in accordance with the referenced development agreement. Upon Assumption of the Works by Council, the Village will thereby assume responsibility for the ongoing operation and maintenance of the underground infrastructure. The Village Engineer has verified that the municipal services and roadway base construction for Phase 2 are in a state worthy of assumption by Village Council, and staff have prepared the respective resolution for Council’s consideration.

MOTION CARRIED UNANIMOUSLY.

► **MOVED BY** Deputy Mayor Alex Scholten and **seconded by** Councillor Tim Scammell the following resolution of Council:

Be It Resolved That in accordance with section 75 of the *Community Planning Act*, S.N.B. 2017, Chapter 19, and amendments thereto, and in accordance the terms of the Developer’s Agreement between the Village of New Maryland and the developer, Centennial Heights Development Ltd., for the development of Centennial Gardens Subdivision 2018 - Phase 2, consisting of eight (8) residential building lots (Lots 20 to 26, and Lot 41) on Alban Street, Spirea Street and Boxwood Lane, which development, by agreement includes the construction of municipal services, roadway construction, concrete curb and gutters, installation of concrete sidewalks, base and surface asphalt, boulevard construction and landscaping, and the construction of trails sub-grade and drainage swales and ditches (“Works”), as enumerated in the said Developer’s Agreement,

And Whereas the Surface Works consisting of concrete curbs, roadway asphalt, sidewalks and boulevard landscaping, have recently been constructed by the developer, on the recommendation of the Village Engineer and senior staff, Village Council resolves to: accept the referenced Surface Works, commence the one (1) year warranty period, and authorize the Village Treasurer to allow a partial reduction to the related financial security held by the Village by an amount specified by the Village Engineer.

Discussion:

Deputy Mayor Scholten explained that in 2019, local developer Centennial Heights Development Ltd. (CHDL) substantially completed construction of the concrete curbs, roadway asphalt, sidewalks, and boulevard landscaping (“Surface Works”) for the Centennial Gardens Subdivision - Phase 2 residential development. Per the terms of the related development agreement, the developer has requested that Council adopt a resolution to: ‘accept’ the recently constructed Centennial Gardens - Phase 2 surface works; commence the one (1) year warranty period for those portions of the works; and, authorize a partial reduction of the financial security held by the Village in relation to the same. The Village Engineer has verified that the surface works constructed by the developer for Centennial Gardens Subdivision Phase 2 are substantially complete, and that with the exception for a few relatively minor deficiency list items, the works are in a state worthy of acceptance by Village Council. A warranty security will continue to be held by the Village to ensure the developer’s faithful completion of any outstanding work or repairs deemed to be required during the warranty period. Staff have prepared the

respective resolution for Council's consideration. **MOTION CARRIED UNANIMOUSLY.**

► **MOVED BY** Deputy Mayor Alex Scholten and **seconded by** Councillor Gisèle McCaie-Burke the following resolution of Council:

Be It Resolved That in accordance with Sections 5 and 6 of the *Community Planning Act, S.N.B. 2017, Chapter 19*, and amendments thereto, the Council for the Village of New Maryland hereby appoints Debra Connors as member of the Planning Advisory Committee. This appointment shall continue until June 14, 2022.

Discussion:

Deputy Mayor Scholten stated that under Section 5 of *New Brunswick Community Planning Act 2017*, Council shall appoint members to the Planning Advisory Committee (PAC) for up to a three (3) year term via a formal resolution of Council. In September 2019, a newspaper advertisement was posted in the *Daily Gleaner*, and was broadcasted on the Village social media outlets, to solicit potential candidates for consideration for appointment to an available PAC membership position. At the November 13, 2019 Council-in-Committee meeting, Council reviewed the respective applicants' information and indicated their intention to re-appoint Debra Connors as committee member.

Deputy Mayor Scholten commented that applications were received from a number of very qualified applicants and the decision was very difficult. He thanked everyone who applied for the position and also congratulated Debra Connors on her appointment. **MOTION CARRIED UNANIMOUSLY.**

11. **EMERGENCY RESPONSE PLAN COMMITTEE**

Councillor Tim Scammell presented an update from the Emergency Response Plan Committee.

- The Emergency Response Plan (ERP) Committee met yesterday morning November 19th to further discuss the details of the Village's participation in Brunswick Bravo 2019. Some important issues were identified as a result of this meeting and the committee will be following up over the next few months to ensure that they are addressed. More exercise scenarios will also be planned for next year that will continue to test and improve our emergency preparedness abilities.
- Exercise participants in our Emergency Operations Centre for Brunswick Bravo were New Maryland Fire Department, Parish of New Maryland Zoomers, New Maryland Lions Club, Search and Rescue, New Maryland Alert Program, Anglophone School District West, Amateur Radio, and Red Cross. Village staff performed their roles as Council Liaison, Public Works, Public Information Officer, and Duty Officer. The EOC Director, Jim McAnany, led the group in the exercise and kept everyone on track. Members of Council were also on-hand to observe the exercise as it played out.
- We would like to thank our ERP Committee members who took the time to participate in Brunswick Bravo and all those involved in the development, planning and execution of this important and timely exercise. This was a great practice session for all agencies and organizations involved, and we appreciate the participation of the residents of Sunrise Estates who assisted us in the practice of our emergency plans and procedures.

MOVED BY Councillor Tim Scammell and **seconded by** Councillor Mike Pope the adoption of this report.

Discussion:

Mayor Wilson-Shee commented that she found the exercise very interesting and she appreciated the opportunity to watch all participants practice the responsibilities of their respective roles in a professional manner. Councillor McCaie-Burke remarked that the Mayor did a great job participating in a mock interview with the media. **MOTION CARRIED UNANIMOUSLY.**

12. PROJECT REPORTS AND UPDATES

(i) **Recreation Department:**

Councillor Mike Pope presented the following update from the Recreation Department:

- This year's Pumpkin Carving event was another excellent and well-attended family activity. Although the number of attendees was decreased from previous years, more than 120 pumpkins were carved and everyone in attendance seemed to have a great time. Mayor Wilson-Shee and Councillor McCaie-Burke dropped by the event, and Councillor Pope commented that he also attended with his family.
- The three sessions of the Wreath Making seminar scheduled for Saturday, November 30th are completely booked, and several names have been added to the wait list. This event continues to grow in popularity each year and is a great way to start the Christmas season. Councillor Pope confirmed that the Mayor will be the instructor at this year's seminar.
- The Remembrance Day service held on Monday, November 11th was a moving and respectful event. The service was held at Victoria Hall Park cenotaph followed by a reception at the New Maryland Centre. Staff estimated there were between 600 - 700 people in attendance which is one of the largest crowds in many years. Councillor Gisèle McCaie-Burke did an excellent job as the master of ceremonies, as did all participants. This year staff really appreciated the assistance of the members of the St. Andrews Society who provided two additional pipers and a drummer. In addition, this year a second military contingent was in the parade. Many thanks to all the service groups, clergy, students and others that helped make the service a success.
- New Remembrance Day banners for the light poles arrived just in time to be installed for one week prior to Remembrance Day. The Remembrance Day banner across the highway was also installed for a one-week period. The winter light pole banners and the Christmas highway banner will be installed the last week of November.
- It's almost time for the annual New Maryland Lions Club Food and Toy Drive. This is the signature event for the New Maryland Lions Club and residents love the nightly parade through the subdivisions. Here are the important dates to remember:
 - Saturday, November 23rd (Turkey Drive)
 - Sunday, December 1st (Fundraiser breakfast at Wetmore Street Pub (9:00 am – 12 noon)
 - Food Drive dates - December 2nd (Springwater Place & Castle Acres); December 3rd (Applewood Acres & Forbes) and December 4th (Highland Acres, Pine Ridge Estates, Centennial Heights, Cedar Acres Court & Sunrise Estates).
- On the weekend of November 9th, a motorized vehicle travelled through Athletic Park on several occasions, damaging the grass and pathways. A social media post has generated significant public interest with the hope of identifying the individual(s) responsible. Staff are working with the local RCMP in this matter and residents are reminded that motorized vehicles are prohibited in all Village parks.
- The December monthly meeting of the PNM Zoomers will be held on Monday, December 2nd at 10:00 am in the boardroom at the New Maryland Centre. All are welcome to attend. The following PNM Zoomers activities are also scheduled:
 - Stretch and strengthening classes take place every Tuesday and Thursday morning from 10:00 – 11:00 am. The last class for 2019 will be held December 12th. A social will take place following the class.
 - Book Club meets every fourth Thursday at 11:00 am in the boardroom. The next meeting is scheduled for November 28th and "The Alice Network" by Kate Quinn will be discussed.

- Line dancing classes take place every Monday at Victoria Hall – 9:15 am for beginners and 10:30 am for intermediate. The cost is \$5 per person per class and you must be a PNM Zoomers member to participate.
- Craft group meets on Wednesday mornings from 9:00 am until 12 noon. the next scheduled get-together is November 27th.
- The PNM Zoomers are hosting a Christmas soup luncheon on Tuesday, December 3rd from 11:30 am to 1:00 pm at the New Maryland Centre. There is no charge to attend and all are welcome to attend.
- The PNM Zoomers monthly newsletter for November is available at the Village Office. It has also been posted on the Village website.
- For more information on PNM Zoomers activities, contact pnmzoomers@gmail.com.
- The Village's annual Christmas Tree Lighting event is scheduled for Thursday, December 5th at Victoria Hall Park at 7:00 pm. Staff are pleased to welcome the grade 3 – 5 choir from New Maryland Elementary School. Fire Chief Harry will be delivering Santa on this fire truck and of course, the tree lighting, carols and refreshments inside Victoria Hall will complete this holiday event. Councillor Pope commented that this is one of his favourite events of the holiday season and he encouraged everyone to attend.
- The 'Christmas in the Village' flyer is available online and copies are available at the Village office. It highlights activities that are happening in the Village for the holiday season.

MOVED BY Councillor Mike Pope and **seconded by** Deputy Mayor Alex Scholten the adoption of this report. **MOTION CARRIED UNANIMOUSLY.**

(ii) Public Works Department:

Councillor Gisèle McCaie-Burke presented the following update from the Public Works Department:

- Village staff investigated five Public Works Reports for October 2019. The reports were inquiries for culvert replacement, ditch maintenance, tree removal and recycling.
- There are several speed radars located throughout the Village to collect data regarding the speeds and volume of traffic. Staff evaluate the data to identify trends and times of day when motorists may be travelling above the posted speed limit. In addition, 3D Silhouette child signs are now being utilized to remind motorists of their speed and to slow down.
- With winter weather settling in, motorists are reminded to allow extra time and greater stopping distances when slippery conditions may be present. The posted speed limit on Village streets is 40 km/hr., and in the vicinity of the school it's 30 km/hr. Please respect the speed limit and be watchful for pedestrians and students walking to school.
- Public Works staff have prepped snow removal equipment, secured salt and sand and have begun monitoring weather forecasts for winter operations.
- The Fall Leaf Pick-up took place on November 6th and 7th with an early collection on October 19th. Village Council and staff thank residents for their participation in the leaf collection program.
- The Village's municipal water system is checked daily and sampled weekly. Village Council and staff would like to remind residents on private well water to have their water tested regularly for coliform and e-coli bacteria. Sample bottles and collection procedures can be picked up at the Village office between the hours of 8:30 am and 4:30 pm Monday to Friday, with the exception of holidays.

MOVED BY Councillor Gisèle McCaie-Burke and **seconded by** Councillor Tim Scammell the adoption of this report.

Discussion:

Councillor Scammell reminded residents that the overnight parking ban on Village streets is now in effect. **MOTION CARRIED UNANIMOUSLY.**

(iii) New Maryland Fire Department:

No update was presented from the New Maryland Fire Department however, Councillor Tim Scammell presented the following motion:

► **MOVED BY** Councillor Tim Scammell and **seconded by** Councillor Gisèle McCaie-Burke the following resolution of Council:

Be It Resolved That the Council for the Village of New Maryland authorizes the Mayor, Chief Administrative Officer/Clerk, and Fire Chief to sign the Capital District Firefighters Association Mutual Aid Agreement as attached hereto, which is for the provision of mutual aid assistance to the parties of the agreement in the event of fire or other emergencies.

Discussion:

Councillor Scammell reported that at the November 13, 2019 Council-In-Committee meeting Chief Farrell reviewed with Council the changes that are proposed for the Capital District Firefighters Association Mutual Aid Agreement. Council was informed that the Capital District Firefighters Association consists of 24 fire departments and is the only fire association to have a full mutual aid agreement with all departments within the association. With this agreement, all fire departments can call for equipment and manpower whenever needed and at no cost to the department if they are able to reciprocate to any requesting department. Since the signing of the last agreement in 2015, some revisions have been made to the new proposed agreement which include changes to liability insurance policies requirements, exclusions from the agreement, renewal periods, counterpart agreements, and numbers of responding personnel. As New Maryland's Fire Chief, and as President of the Capital District Firefighters Association, Chief Farrell has expressed his professional opinion to Council that it is important for the Village to be a part of this agreement as no fire department can operate solely on their own or without assistance from other departments. Council agreed with Chief Farrell's recommendation to proceed with the resolution to approve the signing of this agreement at this evening's Council meeting.

Deputy Mayor Scholten stated that he was pleased to hear that the 24 fire departments that are part of the Capital District Firefighters Association were able to come to an agreement on mutual aid. He added that all of the communities involved in the agreement will be safer because of this collaboration. Deputy Mayor Scholten commended Chief Farrell for his involvement in bringing this agreement to fruition. **MOTION CARRIED UNANIMOUSLY.**

(iv) Finance Department

No update was presented from the Finance Department, however Councillor Paul LeBlanc presented the following motions:

► **MOVED BY** Councillor Paul LeBlanc and **seconded by** Councillor Tim Scammell the following resolution of Council:

Be It Resolved That the Council for the Village of New Maryland transfer from the General Capital Reserve Fund (Acct # 0626 1015-021) to the General Capital Fund (Acct # 0626 1020-875)

the amount of \$402,443.00 (four hundred and two thousand, four hundred and forty three dollars) for the purpose of purchasing the completed heavy rescue unit from Maxi Metal Inc.

Discussion:

Councillor LeBlanc stated that at the November 21, 2018 Council meeting, a resolution was passed by Council to accept the submitted bid from Maxi Metal Inc. for the construction of a heavy rescue unit for New Maryland Fire Department totaling \$402,442.50 (four hundred and two thousand four hundred forty two dollars and fifty cents) including HST, and that the funds be sourced from the Capital Reserve Fund which was established for this purpose. Maxi Metal Inc. has been working on the construction of the unit over the past year and recently informed Chief Farrell that the unit should be ready for delivery some time in December 2019. At the November 13, 2019 Council-in-Committee meeting, Council reviewed the request from Chief Farrell to transfer the funds from reserve to the capital fund so that the funds are available to pay for the unit upon delivery. Council approved to bring forward this resolution at this evening's Council meeting. **MOTION CARRIED UNANIMOUSLY.**

► **MOVED BY** Councillor Paul LeBlanc and **seconded by** Deputy Mayor Alex Scholten the following resolution of Council:

Be It Resolved That the Council for the Village of New Maryland transfer from the General Operating Fund (Acct #0626 1013-181) to the General Capital Reserve Fund (Acct # 0626 1015-021) the following amount:

➤ \$5,000 (five thousand dollars) being the amount budgeted for the New Maryland Centre Insurance Deductible.

Discussion:

Councillor LeBlanc clarified that all allocations to or from reserve funds require motions of Council as per the *Local Governance Act*. This reserve is to allocate funds for an insurance deductible reserve for the New Maryland Centre such that it only requires to be budgeted in the General Operating Budget subsequent to the reserve being used. Currently, the insurance deductible is budgeted annually but over the past number of years has not been used. It was recommended that the current budgeted amount of \$5,000 (five thousand dollars) be moved into an operating reserve, to be drawn upon as required, and to cease budgeting this amount annually and only budget for it in a fiscal year after the reserve is used in order to replenish that reserve. As discussed and approved by Council at the November 13, 2019 Council-In-Committee meeting, Council agreed to proceed with the motion to transfer funds from the General Operating Fund to the General Operating Reserve Fund for this request. **MOTION CARRIED UNANIMOUSLY.**

(v) **Administration Department:**

No report was presented from the Administration Department, however Deputy Mayor Alex Scholten presented the following motions:

► **MOVED BY** Deputy Mayor Alex Scholten and **seconded by** Councillor Gisèle McCaie-Burke the following resolution of Council:

Be It Resolved That the Council for the Village of New Maryland, as per the recommendation of senior staff, agrees to enter into a contract with Randy Casey for the provision of Animal Control services and the enforcement of Animal Control By-law No. 52 for a period of 3 years, and that the Mayor and Clerk are authorized to execute said contract.

Discussion:

Deputy Mayor Scholten remarked that at the November 13th Council-In-Committee meeting, Council reviewed the current 3-year Animal Control Contract with Randy Casey, our Animal Control By-law Enforcement Officer, which expires on November 30, 2019. Council considered the recommendation of senior staff to offer Randy Casey another 3-year contract for the continued provision of Animal Control Services. Randy has over 30 years of experience as an Animal Control Officer and has been providing animal control services to the Village of New Maryland since 2002. Randy is a well-trained and very experienced Animal Control officer who also performs animal control services for the NB SPCA in the counties of York, Sunbury, and Queens, and several other municipalities and local service districts. Council agreed with senior staff's recommendation and that this resolution of Council be brought forward at this evening's meeting.

MOTION CARRIED UNANIMOUSLY.

► **MOVED BY** Deputy Mayor Alex Scholten and **seconded by** Councillor Tim Scammell the following resolution of Council:

Be It Resolved That:

Whereas in a ruling dated June 13, 2019 in the case of Noron Inc. against the City of Dieppe, the Court of Appeal of New Brunswick re-wrote, on its own initiative, By-law No. 78-5 of the Municipality of Dieppe concerning the water and sewerage systems in order to reduce the service unit rate, despite having declared it duly approved by the Municipal Council of the City of Dieppe; and

Whereas this ruling by the Court of Appeal calls into question the degree of deference due to municipal governments as democratic institutions; and

Whereas the breath of the judgement by the Court of Appeal could have provincial a national implications and reach, and may encourage courts to venture further into the area of municipal politics; and

Whereas the City of Dieppe has filed an application for leave to appeal to the Supreme Court of Canada to appeal the judgement in the case of Noron Inc.;

Therefore Be It Resolved That the Council for the Village of New Maryland supports the request of the City of Dieppe for this case to be heard by the Supreme Court of Canada.

Discussion:

Deputy Mayor Scholten explained that on September 12, 2019, the City of Dieppe filed an application for leave to appeal to the Supreme Court of Canada. Dieppe requests permission to appeal the judgment of the New Brunswick Court of Appeal rendered on June 13, 2019, in the case against Noron Inc., the owner of a prefabricated mini-home park. Dieppe's appeal to the Supreme Court addresses two findings of the Court of Appeal. First, Dieppe asserts that the Court of Appeal erred in law and exceeded its vested powers by re-writing, on its own initiative, a municipal by-law that was validly adopted by the elected municipal Council of the City of Dieppe in accordance with the *Local Governance Act* of New Brunswick. The by-law in question, No. 78-5, pertains to the rate of user charges for water and sewer services. This by-law provides that user charges for water and sewer services are billed at a fixed rate of one unit per house, as is the case in several other municipalities across Canada. The Court of Appeal held that the rate imposed on Noron Inc. since 1997 was too high and reduced it, despite the fact that it found that Dieppe was acting within the municipal powers conferred upon it by law. The City of Dieppe also maintains that the Court of Appeal not only erred by re-writing the municipal by-law, but acted outside the bounds of law by ordering Dieppe to reimburse Noron Inc. \$1.5 million dollars plus 18% interest or \$3.2 million dollars for the rates it would have paid in accordance with the by-law validly adopted by elected officials. Dieppe also emphasizes that the Court of Appeal ignored the principles of law by

imposing this reimbursement retroactively from 1997 to 2018. This confusion in jurisdiction calls into question the degree of deference due to municipal governments as democratic institutions, and risks encouraging courts to venture further into the political arena. It will therefore fall to the highest court in this country to rule on the issues and to clarify that the decision of the New Brunswick Court of Appeal is not in accordance with Canadian law. This decision is unprecedented; it causes uncertainty for Canadian municipal Councils and creates **significant** financial risk for municipalities nationwide. It is a matter that concerns all Canadian municipalities and the associations that represent them. Due to the significance and potential impact of the Court decisions, we are passing the following Resolution of Council in support of the City of Dieppe's request to be heard by the Supreme Court of Canada and are publicly sharing our support for Dieppe and opposition to the Court rulings.

Deputy Mayor Scholten commented that the Union of Municipalities of New Brunswick will be discussing the Court of Appeal's decision this weekend at their board meetings. He thanked the Association of Municipal Administrators of New Brunswick for raising the awareness level of this important matter. **MOTION CARRIED UNANIMOUSLY.**

(vi) Seniors Advisory Committee:

Councillor Mike Pope presented the following update from the Seniors Advisory Committee:

- The Seniors Advisory Committee met on October 28th with 8 members in attendance.
- As reported at last month's meeting, the sub-committee that was formed to analyze the results of the Transportation survey, that was performed earlier this year, has created a report that outlines the data collected and makes recommendations for further action. Although the results from the survey indicate that public transportation for the majority of respondents is currently not an issue, the committee is moving forward with investigating alternate forms of transportation that may be feasible for residents who still have transportation needs, such as dial-a-ride and ride sharing programs. The committee has scheduled a presentation from the Harvey Region Dial-a-Ride program for their next meeting and the information gained from that presentation will assist the committee in furthering its research into possible programs for our community. A summary of the results of the survey has been posted on the Mayor's Notepad on the Village website.
- The committee discussed the need for a review in the new year of the New Maryland Age-Friendly Community Action Plan that was adopted by Council in March 2018. The Action Plan was created with an overriding goal to implement actions that will improve upon the services and offerings to community seniors that will make their lives safer, independent, healthy and involved, while focusing on the feasibility of applying such measures through implementation. The Plan was developed using the World Health Organization's 8 domains of age-friendly communities including: Housing; Transportation; Outdoor Spaces and Buildings; Social Participation; Respect and Social Inclusion; Civic Participation and Employment; Communication and Information; and Community Support and Health Services. The review is part of the committee's mandate to update recommendations based on future findings and needs of the community and will provide the committee with a 'report card' on the progress of the objectives and recommended actions, and identify areas where more work is required.
- Committee member Yvon LeBlanc provided an update to the committee regarding the age-friendly workshop that he and Councillor McCaie-Burke attended in Moncton on October 24th. The event was hosted by the Public Health Agency of Canada and the Research Centre on Aging at the Université de Moncton, and was a pre-conference component of the Canadian Association on Gerontology Conference. The focus of the workshop was to support the development and sustainability of Age-Friendly Communities through sharing what is working or showing

promise in Age-Friendly Communities, identifying gaps and challenges for communities, and creating a space to share information and ideas with the goal of informing new partnerships and advancing the Age-Friendly Communities model in Canada. Yvon reported that the World Health Organization has 847 communities in 41 different countries who have either been recognized as age-friendly or are moving in that direction, and New Maryland was recognized for receiving our Age-Friendly Community designation in 2018. At the next meeting, Councillor McCaie-Burke will be providing the committee with her report from the workshop.

- Councillor Pope provided a reminder that the Seniors Advisory Committee page on the Village website contains links to many sources of helpful information for seniors, including health and wellness, housing and home renovations, senior discounts, legal advice, volunteering, community involvement and much more. The Seniors Advisory Committee page can be found on the Village website at www.vonm.ca by searching the word “senior”.
- The next committee meeting will be held November 25th at 7:00 pm.

MOVED BY Councillor Mike Pope and **seconded by** Councillor Gisèle McCaie-Burke the adoption of this report. **MOTION CARRIED UNANIMOUSLY.**

13. APPROVAL OF THE TREASURER’S REPORT

MOVED BY Councillor Gisèle McCaie-Burke and **seconded by** Deputy Mayor Alex Scholten to adopt the Treasurer’s report as follows:

Payments made in the month of October 2019

- from the General Operating account by cheques and direct payments \$599,897.57 (five hundred and ninety-nine thousand, eight hundred and ninety-seven dollars and fifty-seven cents); and
- from the Water & Sewer Operating account \$119,834.75 (one hundred and nineteen thousand, eight hundred and thirty-four dollars and seventy-five cents).

Discussion:

Councillor McCaie-Burke explained that the adoption of this monthly report fulfills a municipal requirement under provincial legislation. **MOTION CARRIED UNANIMOUSLY.**

14. PUBLIC INPUT / INQUIRIES

There were no members of the public in attendance to provide input or make inquiries.

15. NEW BUSINESS

Third and Final Readings of Code of Conduct for Elected Officials By-law No. 13

MOVED BY Councillor Mike Pope and **seconded by** Councillor Tim Scammell to read the Code of Conduct for Elected Officials By-law No. 13 for the third time, this reading in its entirety.

Discussion:

Councillor Pope clarified that The *Local Governance Act* requires that Council enact a *Code of Conduct for Elected Officials By-law*. The Chief Administrative Officer drafted the proposed Code of Conduct By-law based on provincial regulations and in consultation with various municipal colleagues and Council. The proposed by-law has been reviewed by Council at numerous Council-In-Committee meetings and received first and second readings by title at the October 16th Council meeting. The purpose of this by-law is to provide standards for the conduct of members of Council relating to the roles and responsibilities as elected officials and to provide a procedure for the investigation and

enforcement of those high standards. **MOTION CARRIED UNANIMOUSLY.**

Councillor Pope, Councillor Scammell, Councillor McCaie-Burke, Deputy Mayor Scholten and Councillor LeBlanc read the Code of Conduct for Elected Officials By-law No. 13 in its entirety as attached.

MOVED BY Councillor Mike Pope and **seconded by** Councillor Tim Scammell to read the Code of Conduct for Elected Officials By-law No. 13 for the final time, this reading by title only, thereby enacting the by-law amendment. **MOTION CARRIED UNANIMOUSLY.**

Councillor Pope read the Code of Conduct for Elected Officials By-law No. 13 by title only for the final time thereby enacting the by-law amendment.

16. DATE, TIME AND LOCATION OF NEXT MEETING

The next regular session of Council is scheduled for Wednesday, 18 December 2019 at 7:30 pm in Council Chamber.

17. MOTION FOR ADJOURNMENT

MOVED BY Councillor Paul LeBlanc and **seconded by** Councillor Gisèle McCaie-Burke to adjourn the meeting. **MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 9:04 pm.

Respectfully submitted,

Karen Taylor
Assistant Clerk

Cynthia Geldart
CAO/Clerk

Judy Wilson-Shee
Mayor