

TOWN OF NACKAWIC
REGULAR COUNCIL MEETING
AUGUST 9, 2021

PRESENT: Mayor Kitchen
Deputy Mayor MacFarlane
Councillor Farnsworth
Councillor Simpson
Councillor Toole
Councillor Meade

IN ATTENDANCE: Randy Wilson
Dallas Cakes
Lonnie Forbes, RSC 11
Peter Cole, Big Axe Brewery
Holly Christie, Exit Reality
Glen Christie

TO ORDER: Mayor Kitchen called the regular meeting to order at 7:00 pm.

Mayor Kitchen stated he would like to begin by acknowledging that the land on which we gather is the traditional unceded and unsurrendered territory of Wolastoqiyik (Maliseet).

APPROVAL OF AGENDA:

21-98 Motion: Deputy Mayor MacFarlane
Second: Councillor Simpson

“That the agenda be approved with two additions:

-under New Business add 7. D) New Committees appointments of Council and E) Quad NB Request.”

Motion carried.

DECLARATION OF CONFLICTS OF INTEREST:

Deputy Mayor MacFarlane declared a conflict under 7. B) Amendment to Zoning By-Law for Norquay Holdings.

APPROVAL OF THE MINUTES OF JULY 5TH, 2021 REGULAR COUNCIL MEETING:

21-99 Motion: Councillor Farnsworth
Second: Councillor Meade

“That the minutes of the July 5th, 2021 regular council meeting be approved as presented.”

Motion carried.

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BUSINESS ARISING:

There is no business arising.

CORRESPONDENCE:

A) The Discovery of unmarked graves and how to respond, by Beth and Graydon Nicholas.

Mayor Kitchen stated it is for Council's viewing.

Councillor Simpson stated it should be read through and if there are any suggestions, Council should respond accordingly.

Mayor Kitchen stated Council could do that.

B) Telmattick Service review for 2022 budget.

Randy Wilson stated Councillor Toole brought it to his attention, Council has discussed this in the past but the rates were high, now they are gone down some. The Town needs to find a solution for communication issues in emergency situations.

Councillor Toole asked how Perth liked it.

Randy Wilson stated they thought it was great.

Mayor Kitchen asked to have it tabled until next Council meeting to give Council a chance to read it and understand how it works.

All of Council was in agreement.

COMMITTEE REPORTS:

Finance –

Deputy Mayor MacFarlane reported on the General Operating and Utility Income Statements for period ending June 30th. He hopes to have a meeting in a couple weeks and stated that all departments are on budget.

Randy Wilson stated there was a little of an increase under the water and sewer line, because the Town had to do some repairs to the well house.

Councillor Toole asked what the repairs were for.

Randy Wilson stated the chlorination system needed to be replaced.

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Councillor Toole asked how it was working now.

Randy Wilson stated excellent.

Library –

Councillor Farnsworth stated the summer reading program is going well and they are also offering a kindergarten program which will be starting soon.

Protective Services –

EMO

Councillor Toole asked what is Council doing about Carter Stone, the Town's EMO Coordinator.

Randy Wilson stated he will look after things until they know more on Carter's condition.

Mayor Kitchen stated ok, and Council will have to be prepared in case an emergency should arise.

Recreation –

Randy Wilson stated he plans to meet with Councillor Farnsworth soon and discuss arena rates before the 2021 2022 ice season.

Public Works –

Councillor Simpson stated the two Public Works committee members are staying on for another term.

Councillor Toole stated that the man hole at the end of McNair towards Otis Drive has been fixed.

Special Reports –

DNEDC

Deputy Mayor MacFarlane stated there will be a Tourism Committee meeting on August 19th with the Minister of Tourism. The board will be resuming their monthly meetings starting August, which will be the 3rd Thursday of each month.

Chief Administrative Officer's Report

Randy Wilson stated that:

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-he has been working closely with RSC 11 on re-zoning applications, a RV on a property not owned by the property owner, an application to place a tiny home on an existing property on compassionate grounds, the Marina Project, unsightly premise and the dog by-law.

-he had a meeting with Brent Sansom, DNEDC on the waterfront. We are planning to meet next week to work on a staffing plan to allow the Town to run the Marina.

-the Town is dealing with multiple concerns around ATV and dirt bikes travelling at high speeds on town streets and vandalizing properties. Have spoken with the RCMP and Off-Road Vehicle Enforcement.

-he has set up a meeting with the Mud Runners ATV group to meet with Council.

-he submitted applications to both RDC and ACOA on phase 2 of the Waterfront Project.

Deputy Mayor MacFarlane stated it was his understanding that all the construction was completed on the Nackawic Bridge and only the paving was left to do. Why is the bridge being Closed?

Randy Wilson stated the product that was used to do the decking didn't cure properly and it cracked, they were told to redo it, so they needed to cure the bridge over a 24 to 36 hours to fix in properly.

Mayor's Report

Mayor Kitchen reported that:

-he will be attending the UMNB meetings on the 20th & 21st of August.

With Council's permission Mayor Kitchen moved to item 8. A) To the Floor.

TO THE FLOOR:

A) Peter Cole, Big Axe Brewery - Septemberfest

Peter Cole stated the Craft Beer Festival has been cancelled this summer but will start up again next year. He stated people have approached him about doing a festival this fall with German Food and beer. The date for this festival is Saturday, September 4th from 12 – 8 pm. It will be outdoor event in front of the Brewery, with a maximum of 300 people and tickets will be \$15. There will be local talent for entertainment and plenty of food vendors. Peter stated they are hoping this will become an annual event like the Craft Beer Festival and have two events a year instead of one.

Peter Cole stated he is not looking for permission from the Town, just to inform them if they are wondering why there is a crowd gathering outside the Brewery.

Councillor Simpson asked if they would be having any security, where it could become congested in that area.

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Peter Cole stated yes, they have their volunteers to watch for parking and keeping people from walking too close to the waterfront and Flewelling Funeral Home stated they could use their parking for overflow if they are not using it at that time.

Peter Cole stated they have planned July 16th for 2022 Craft Beer Festival.

Mayor Kitchen thanked Peter Cole for coming.

Peter Cole left the meeting at 7:25 pm.

NEW BUSINESS:

A) By-Law to amend the Town of Nackawic Zoning By-Law 51-17 – PID 75383323 located on (707 Highway Route 105) owned by (Mark Alward and Brenda Alward). This is the third and final reading to be read in its entirety.

21-100 Motion: Councillor Toole
 Second: Councillor Meade

“That Council move to accept the recommendation from RSC 11 to enact a by-law to amend the Town of Nackawic Zoning By-Law 51-17 pursuant to section 59 of the Community Planning Act. This is the third reading and it is read in its entirety and enacted.”

On the Question –

Lonnie Forbes stated the terms and conditions of the Tiny Homes was brought back to PRAC with the new additions added which are: 1) to be color coordinated with the existing property and 2) there had to be a skirt built around it.

Councillor Farnsworth asked with him building Tiny Homes to rent during the summer, wouldn't he be considered a business owner and are not the water charges more for a business owner.

Randy Wilson stated he has to tie into his own septic system and to get approval from public safety to do so. He also stated that Mr. Alward's property is up for sale, and if he sells it, he asked Lonnie Forbes if the Zoning becomes null and void.

Lonnie Forbes stated the third and final Re-Zoning is not Mr. Alward's Zoning per se, Mr. Alward is the first application for the terms and conditions under it. The Town is amending its Zoning By-Law to make its community more tourism friendly for overnight accommodations. When someone under that by-law wants to have a Tiny Home, they have to meet

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with certain terms and conditions, it's those specific terms and conditions in Mr. Alward's case, is what RSC 11 have addressed and we have addressed it to make the whole presentation more comfortable and accommodating to Council because that was your concerns. The Re-Zoning applies to a number of properties in Town that would meet the criteria of being 1 acre.

Councillor Simpson stated the Town has been suddenly hit with several Tiny Homes, one is for business and the others are not. The Town is dealing with them in one way only, he would rather consider the whole issue of Tiny Homes because the more that are built, the Town is losing tax dollars. He would like Council to have a discussion and come to a decision that's going to have an impact on how we look at all the applications in a consistent way. If we keep going and deal with them as they arise, without thinking of a larger plan of what Council would like to see, there will be more issues. He feels it is the wrong way to approach it.

Mayor Kitchen stated the re-zoning only covers anyone who has property this size, which he thinks is very few.

Deputy Mayor MacFarlane asked if the Town has any inventory of these specific properties in town.

Lonnie Forbes stated they don't know, but they can compile inventory if that is Council's wishes. He stated the sitting rooms or ones with bedrooms, are open up more like most houses in town could qualify for that. When we talk about Tiny Homes, they specific have to meet the criteria lot size of 1 acre.

Deputy Mayor MacFarlane asked if he could explain more regarding rental of Tiny Homes.

Lonnie Forbes commented on the re-zoning document and mentioned several points in the document regarding short term rental up to 28 days.

Councillor Toole asked if the Town's by-law allows mother-in-law suites.

Lonnie Forbes stated yes, for compassionate grounds approval where a family member needs to help them. They have to have a doctor's note that has to be renewed on a yearly basis.

Mayor Kitchen stated he feels there is no difference running a B&B in your home as to a hair dresser shop.

Motion carried.

Councillor Farnsworth and Councillor Meade read the Zoning By-Law in its entirety.

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Deputy Mayor MacFarlane declared a conflict and left the meeting at 7:44 pm.

B) By-Law to amend the Town of Nackawic Zoning By-Law 51-17 – PID 01506559 located on (Landegger Drive) owned by (Norquay Holdings). This is the first and second readings and it is by title only.

21-101 Motion: Councillor Farnsworth
 Second: Councillor Simpson

“That Council move to accept the recommendation from RSC 11 to enact a By-Law to amend the Town of Nackawic Zoning By-Law 51-17 pursuant to section 59 of the Community Planning Act. This is the first reading by title only.”

On the Question –

Councillor Farnsworth asked Holly Christie if someone decides to change the house to commercial property instead of residential, can they do that.

Holly Christie stated they would have to re-zone it as commercial property.

Motion carried.

Councillor Farnsworth read the first reading of the Zoning By-Law by title only.

21-102 Motion: Councillor Farnsworth
 Second: Councillor Meade

“That Council move to accept the recommendation from RSC 11 to enact a By-Law to amend the Town of Nackawic Zoning By-Law 51-17 pursuant to section 59 of the Community Planning Act. This is the second reading by title only.”

Motion carried

Councillor Farnsworth read the second reading of the Zoning By-Law by title only.

Mayor Kitchen thanked Holly and Glen Christie for coming.

Holly and Glen Christie left the meeting at 7:49 pm.

Deputy Mayor MacFarlane returned to the meeting at 7:50 pm.

Councillor Toole asked if Council made the decision if we are asking for park land or cash.

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Councillor Simpson stated Council had discussions on whether they wanted park land or cash, but doesn't remember what the cash amount was.

Deputy Mayor MacFarlane stated he was told it would be \$4600.

Councillor Toole asked if Council was going to waive the fee for Norquay Holdings.

Mayor Kitchen stated Council has yet to make that decision.

Lonnie Forbes stated it is up to 8% of the value of the land.

C) Award the Trickle Filter Quonset Hut rebuild to Dillon Engineering.

21-102 Motion: Councillor Toole
 Second: Councillor Farnsworth

"That Council engage Dillon Engineering to proceed on the Town's behalf to plan, apply for Government Approvals, design and manage the construction of the Trickle Filter rebuild of the Quonset Hut. This was an approved project under the (Gas Tax Fund) Administrative Agreement as amended in June of 2021."

On the Question –

Councillor Toole asked if the Town should also ask them to look at rebuilding the mechanism underneath while it's off because it has been patched once.

Randy Wilson stated it is in good working order and doesn't need any attention and if it did, we can ask them to repair that as well.

Councillor Simpson asked how much will the repairs cost.

Randy Wilson stated there is \$100,000 in Gas Tax Funds for this repair.

Councillor Simpson asked if there should be 3 quotes.

Councillor Toole stated by provincial law, you do not need 3 quotes when hiring engineering services.

Randy Wilson stated the Town can go out and get three quotes, but it would take 5-6 weeks before it gets started. Dillon Engineering is knowledgeable of the project and knows what is needed to do the repair.

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Councillor Toole stated hiring a company that already knows what work needs to be done is an advantage to the Town.

Councillor Simpson asked if there is \$100,000 set aside for the repair.

Randy Wilson stated it might never cost that much but that is what is set aside for it.

Motion carried.

D) Committees Appointments of Council

Mayor Kitchen stated the new Committees of Council have been updated and approved by each council member.

E) Quad NB Request

21-103 Motion: Deputy Mayor MacFarlane
 Second: Councillor Toole

“That Council approve in principle, subject to negotiated terms and conditions with Quad NB to allow access to Otis Drive.”

On the Question –

Councillor Simpson stated he would like for the Town to speak to at least three municipalities that have done the same and find out the pros and cons on allowing atv's access to town streets.

Deputy Mayor MacFarlane stated the Town should also have a public open house to allow residents to ask questions and voice their concerns if any and go from there.

Motion carried.

Mayor Kitchen moved back to 8. B) Lonnie Forbes, waterfront update and general discussion.

B) Lonnie Forbes, RSC 11 Waterfront Development Update

Lonnie Forbes gave an update on the marina development and stated it is coming along very well. The fuel tank and pad are on site; the ground work for the building slab is completed; plumbing will be in this week and will be starting the walls and roof next week and there will be a green metal roof on the building.

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Deputy Mayor MacFarlane asked if he knew what type of pump-out system was being used to clean the boats.

Lonnie Forbes stated he did not know.

Deputy Mayor MacFarlane asked if there were going to be extra T's in place for water and sewer, in case the Town wanted to build other buildings down there.

Lonnie Forbes stated he has asked the Glenn Group to get pricing on that, there are 3-4 outstanding items that they haven't gotten any prices yet. They are very busy concentrating on getting physical work done, and he is waiting on the answer.

Lonnie Forbes discussed the Old Bridge Road where the resident would like to put a trailer on their land and live in it while they construct their home. He stated RSC 11 can proceed and give them permission for a one-year term and after that they would have to move into their home if it was ready, if not, they would have to leave and take the trailer of the lot. If the Town would rather RSC 11 to not give them permission, they won't.

Council agreed for RSC 11 to proceed and give them a one-year temporary use.

Mayor Kitchen asked about the trailers in the trailer park.

Lonnie Forbes stated one is already gone, the second trailer owner stated they are moving out in September and the third trailer has been vacant for a long time. The owners of the trailer park, David and Nancy Cronkhite, asked if the Town could help them remove the trailer. Lonnie Forbes stated RSC 11 can remove the trailer for them if the Town is willing to help them. They have to have a letter from David Cronkhite stating that and they have yet to receive the letter.

Councillor Farnsworth asked about Natasha Cronkhite's request regarding a Tiny Home on her mother's property.

Lonnie Forbes stated the request came to RSC 11 from Pam Billing's daughter Natasha Cronkhite for compassionate grounds approval. In this case, the daughter will be providing assistance to her mother who recently lost her husband. They have a letter from a doctor who recommends this living arrangement. We are in the process of working it through the compassionate grounds approval to have the Tiny Home on her property. Should the compassionate grounds approval no longer be needed, the Tiny Home can very easily be removed from the property.

Councillor Farnsworth asked if the relationship changed, and her mother no longer needed assistance, they would have 6 months to remove the Tiny Home from the property.

Lonnie Forbes stated yes.

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Councillor Simpson asked if RSC 11 is considering compassionate grounds for the Tiny Home to go behind the home of the daughter.

Lonnie Forbes stated yes, that is the application that has been brought before them.

Mayor Kitchen thanked Lonnie Forbes for coming.

Lonnie Forbes left the meeting at 8:50 pm.

Discussion was held on the Town's Facebook pages, Councillor Farnsworth, Councillor Meade and Randy Wilson will meet and discuss changes. Will report at the next Council meeting.

21-105 Motion: Councillor Farnsworth
 Second: Councillor Toole

“That the meeting be adjourned.”

Motion carried.

The meeting adjourned at 8:57 pm.

Ian Kitchen
Mayor

Randy Wilson
CAO