



**TOWN OF SAINT ANDREWS  
REGULAR COUNCIL MEETING  
MINUTES**

**May 15, 2023, 7:00 p.m.  
W.C. O'Neill Arena Complex Council Chambers**

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**A. RECORDING OF ATTENDANCE**

*A Regular Meeting of the Town of Saint Andrews Council was held on Monday, May 15, 2023, at 6:52 p.m. with the following members present:*

*Mayor Brad Henderson, Deputy Mayor Kate Akagi, Councillors Mark Bennett, Kurt Gumushel, Annette Harland, Lee Heenan, Steve Neil, and Darrell Weare.*

*Chris Spear, CAO/Treasurer, Paul Nopper, Clerk - Senior Administrator, Alexander Gopen, Senior Planner, Southwest New Brunswick Service Commission.*

*Absent - Councillor Marc Blanchard.*

**B. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION**

**C. APPROVAL OF AGENDA**

**Motion: 153 - 05/23**

**Moved by** Councillor Heenan

**Seconded by** Councillor Bennett

*That the Council of the Town of Saint Andrews approves the Agenda for 230515 Regular Council Meeting as presented.*

**8 - 0**

**Amended**

**Motion: 154 - 05/23**

**Moved by** Councillor Neil

**Seconded by** Councillor Hirtle

*That under Communications, Red Shirt Day from Easter Seals Canada be added to the Agenda.*

**8 - 0**

**Carried**

**Motion: 155 - 05/23**

**Moved by** Councillor Heenan

**Seconded by** Councillor Bennett

*That the Council of the Town of Saint Andrews approves the Amended Agenda for 230515 Regular Council Meeting as presented.*

**8 - 0**

**Carried**

**D. DISCLOSURE OF CONFLICT OF INTEREST**

1. **Councillor Weare - Amendment By-Law No. 09-BS-009-01, A By-Law to Amend Bayside Planning Area Rural Regulations, PED230510**

**E. PRESENTATIONS**

**F. APPROVAL OF THE MINUTES OF PREVIOUS MEETING**

**G. COMMUNICATIONS**

*RCS230503 Easter Seals Canada Red Shirt Day supports National Accessibility Week. Request that Council support Red Shirt Day on Wednesday, May 31, 2023.*

**Motion: 156 - 05/23**

**Moved by** Councillor Gumushel

**Seconded by** Deputy Mayor Akagi

*That the Council of the Town of Saint Andrews supports National AccessAbility week through the Easter Seals Day on Wednesday, May 31, 2023.*

**8 – 0**

**Carried**

**H. STAFF AND FINANCIAL REPORTS**

**I. INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS**

1. **Finance & Administration - Deputy Mayor Akagi**

1. **Town of Saint Andrews Council Strategic Priorities, FA230516**

**Motion: 157 - 05/23**

**Moved by** Deputy Mayor Akagi

**Seconded by** Councillor Hirtle

*That the Council of the Town of Saint Andrews approves the Strategic Priorities Chart for the Town of Saint Andrews established April 22<sup>nd</sup> and 23<sup>rd</sup>, 2023.*

**8 – 0**

**Carried**

2. **Public Works - Councillor Blanchard**

1. **Tender TSA 2023-05 Saint Andrews Asphalt Resurfacing 2023, PW230513**

**Motion: 158 - 05/23**

**Moved by** Councillor Bennett

**Seconded by** Councillor Hirtle

*That the Council of the Town of Saint Andrews awards Tender TSA 2023-05 Saint Andrews Asphalt Resurfacing 2023 to Galbraith Construction Limited in the amount of \$664,521.75 (HST included).*

**8 – 0**

**Carried**

2. **Truth and Reconciliation Crosswalks for Indian Point along Water Street, PW230514**

*Council asked if signage for the pedestrian crosswalk will be added at Langmaid Park as part of the Truth and Reconciliation crosswalks. Staff noted that signage would be installed for a crosswalk and that vehicles are supposed to yield to pedestrians at crosswalks. Council further asked staff to review the stop sign at the trailhead of Prince*

*of Wales Street and Water Street as it can create confusion. Staff noted as an artery road it is also advisable to have a stop sign for added precautions. Staff asked Deputy Mayor Akagi to confirm the names of the crosswalks and if they were Truth and Reconciliation crosswalks. Deputy Mayor Akagi noted to staff that they are Truth and Reconciliation crosswalks and are appropriately named.*

**Motion: 159 - 05/23**

**Moved by Councillor Bennett**

**Seconded by Deputy Mayor Akagi**

*That the Council of the Town of Saint Andrews approves the following Truth and Reconciliation crosswalks to be installed at the following locations:*

- 1. Water Street – Trail Head to Langmaid Park*
- 2. Water Street at Prince of Wales Street – Trail crossing to Indian Point Park*

**8 – 0**

**Carried**

**Motion: 160 - 05/23**

**Moved by Councillor Bennett**

**Seconded by Councillor Harland**

*That the Council of the Town of Saint Andrews adds the following crosswalk to Schedule "D" Pedestrian Crosswalks to By-Law No. 18-01, A By-Law to Regulate Vehicular Traffic in the Town of Saint Andrews:*

- 1. Water Street – Trail Head to Langmaid Park*

**8 – 0**

**Carried**

**3. Public Safety - Councillor Neil**

**4. Business, Tourism, Heritage and Culture - Councillor Hirtle**

**1. Lounge Licence Terms and Conditions for Will on Water Street Restaurant, BTHC230504**

**Motion: 161 - 05/23**

**Moved by Councillor Hirtle**

**Seconded by Councillor Heenan**

*That the Council of the Town of Saint Andrews sets the following Terms and Conditions under Zoning By-Law Z22-01 Section 3.33 (2) Licenced Premises for William and Water Restaurant and Bar:*

- 1. Operating hours for alcohol are between 4:00 p.m. – 11:00 p.m.*
- 2. Food must be served with alcohol between 4:00 p.m. – 7:00 p.m.*
- 3. Alcohol can be served without food between 7:00 p.m. – 11:00 p.m.*

*William and Water Restaurant and Bar is subject to all rules and regulations from the Department of Public Safety of the Province of New Brunswick regarding Lounge Licences.*

**Amended**

**Motion: 162 - 05/23**

**Moved by** Councillor Gumushel

**Seconded by** Councillor Hirtle

*That the Council of the Town of Saint Andrews remove conditions 2 and 3 from the motion for William and Water Restaurant and Bar.*

**8 – 0**

**Carried**

**Motion: 163 - 05/23**

**Moved by** Councillor Hirtle

**Seconded by** Councillor Heenan

*That the Council of the Town of Saint Andrews sets the following amended Terms and Conditions under Zoning By-Law Z22-01 Section 3.33 (2) Licenced Premises for William and Water Restaurant and Bar:*

*1. Operating hours for alcohol are between 4:00 p.m. – 11:00 p.m.*

*William and Water Restaurant and Bar is subject to all rules and regulations from the Department of Public Safety of the Province of New Brunswick regarding Lounge Licences.*

**8 – 0**

**Carried**

**5. Recreation and Community Services - Councillor Gumushel**

**1. Discussion on New Bar Road Trail and Proposed Passamaquoddy Lodge, RCS230512**

*Staff noted that the new trail from Bar Road to the Harry Mallory Sports Field when overlayed with the new Passamaquoddy Lodge design was discovered that the Lodge will need an additional 1.5 acres of space. This will cause a change to the future design of the subdivision with one road potentially cut off from another street and needing a cul-de-sac. The trail will traverse the exterior of the Lodge and link up with Bar Road. We wanted to make Council aware of the change and look for Council direction on how to proceed. Council discussed the increase of the Lodge property and how it would affect the subdivision layout in the future. Staff noted that the subdivision plan is conceptual and can be changed based on the new layout designs. Council provided consensus to continue with the trail as is with the new Lodge design.*

**2. Community Garden Request for Expansion and Support, RCS230511**

**Motion: 164 - 05/23**

**Moved by** Councillor Gumushel

**Seconded by** Councillor Bennett

*That the Council of the Town of Saint Andrews approves the expansion of the Community Garden, and that staff will provide in-kind support for the installation of new fencing and an accessible pathway.*

**8 – 0**

**Carried**

**6. Planning & Economic Development - Councillor Heenan**

**1. Amendment By-Law No. 09-BS-009-01, A By-Law to Amend Bayside Planning Area Rural Regulations, PED230510**

*Councillor Weare left the meeting at 7:24 p.m.*

*Councillor Weare returned to the meeting at 7:28 p.m.*

**Motion: 165 - 05/23**

**Moved by Councillor Heenan**

**Seconded by Councillor Neil**

*That the Council of the Town of Saint Andrews sets the date of Monday, June 19, 2023, at 6:30 p.m. at the W.C. O'Neill Arena Complex Council Chambers for a Public Hearing of Objections, as per Section 111 of the Community Planning Act, for Amendment By-Law No. 09-BS-009-01, A By-Law to Amend Bayside Planning Area Rural Regulations for PIDs 15203359, 15070758, and 01235290 to move from Industrial Park "I" Zone to Rural "RU" Zone.*

**8 – 0**

**Carried**

**Motion: 166 - 05/23**

**Moved by Councillor Heenan**

**Seconded by Councillor Harland**

*That the Council of the Town of Saint Andrews requests the views of the Planning Advisory Committee, as per Section 110 of the Community Planning Act, for Amendment By-Law No. 09-BS-009-01, A By-Law to Amend Bayside Planning Area Rural Regulations for PIDs 15203359, 15070758, and 01235290 to move from Industrial Park "I" Zone to Rural "RU" Zone.*

**8 – 0**

**Carried**

**J. NEW BUSINESS**

**K. QUESTION PERIOD**

*Mr. Darrell Wear had concerns with the report from Amendment By-Law 09-BS-009-01. The background materials I was not aware of would contain my PID. I have spoken to Mr. Alexander Gopen, Senior Planner, and he noted that the rezoning should happen to all three parcels at once. I have no issue with that. I took exception to the report in the third paragraph noting my property was considered legally non-conforming. My house was built in 1995 prior to the Rural Plan being developed. I have occupied this residence ever since. Other residents affected by this rezoning, of their homes were built in the late 1990s. In 2009, the Rural Plan was put in place and portions of my property were designated industrial. I mentioned to Mr. Gopen that they got the zoning wrong on my property. I did speak with the LSD Chair at the time and noted the industrial zoning was supposed to be on the Bayside Hall. There are only 4 zones in the Rural Plan in Bayside. The explanation from the Chair that I received is that they got it wrongdoing the rezoning process. I know there were issues with the rezoning of the Port of Bayside which thus resulted in rezoning issues for several adjacent and across-the-highway properties. I just do not want to be known as a Councillor who is legally non-conforming in the processes.*

*Planner Gopen noted that legally non-confirming is a term under the Community Planning Act that the zone was legal at one time and then there was a mistake, and once put into the regulation it is a binding mistake until amended. In technical*

terms, the property is legally non-conforming under the CPA. Sorry for any miscommunication, but it is the status of the property under the CPA.

**L. COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS**

*Deputy Mayor Akagi - The one-way street is up and looks nice. Great job Public Works. I also like the new Honeybeans walkway. The last lunch for the Anglican Church is this Friday from 11:30 a.m. - 1:30 p.m. with a seafood chowder. The Fundy Sea Cadets are doing their presentation here at the W.C. O'Neill Arena on Wednesday at 7:00 p.m.*

**M. MAYOR'S COMMENTS**

**N. CLOSED SESSION**

*Councillor Bennet left the meeting at 8:19 p.m.*

**Motion: 167 - 05/23**

**Moved by** Councillor Neil

**Seconded by** Councillor Heenan

*At 7:38 p.m. Council move into Closed Session per the Local Governance Act, Section 68(1)(j) labour and employment matters, including the negotiation of collective agreements.*

**8 – 0**

**Carried**

**Motion: 168 - 05/23**

**Moved by** Councillor Heenan

**Seconded by** Councillor Neil

*At 9:20 p.m. that Council returns to Open Session.*

**7 – 0**

**Carried**

**Motion: 169 - 05/23**

**Moved by** Councillor Gumushel

**Seconded by** Councillor Neil

*That the Council of the Town of Saint Andrews has identified breaches of By-Law No. 22-02, A By-Law to Regulate the Code of Conduct of the Council of the Town of Saint Andrews by Councillor Mark Bennett. The following corrective actions have been enacted by Council:*

*21.4.1 Letter of reprimand to the Member.*

*21.4.5 Requirement to attend Council 101 and Code of Conduct Training.*

**7 – 0**

**Carried**

O. ADJOURNMENT

**Motion: 170 - 05/23**

**Moved by Deputy Mayor Akagi**

**Seconded by Councillor Harland**

*At 9:21 p.m. that the meeting be adjourned.*

**7 - 0**

**Carried**



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Brad Henderson, Mayor



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Paul Nopper, Clerk - Senior  
Administrator

