



**City of Saint John  
Common Council Meeting  
AGENDA**

Monday, July 8, 2019

6:00 pm

8th Floor Common Council Chamber (Ludlow Room), City Hall

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

	<b>Pages</b>
<b>1. Call to Order</b>	
<b>2. Approval of Minutes</b>	
2.1 Minutes of June 17, 2019	5 - 23
<b>3. Approval of Agenda</b>	
<b>4. Disclosures of Conflict of Interest</b>	
<b>5. Consent Agenda</b>	
5.1 Fundy Regional Service Commission - Audited Financial Statements for the Year Ended 31 December 2018 (Recommendation: Receive for Information)	24 - 61
5.2 Saint John Board of Police Commissioners - 2018 Operating Budget - December Year End (Unaudited) Financial Results (Recommendation: Receive for Information)	62 - 69
5.3 M.E. Carpenter Letter: Safe Pedestrian Access (Recommendation: Receive for Information)	70 - 70
5.4 M.E. Carpenter Letter: Saint John Transit Evaluation (Recommendation: Receive for Information)	71 - 71
5.5 Proposal for Cured-in-Place Point Repair Liners (Recommendation in Report)	72 - 74
5.6 Online Payment Solution (Recommendation: Receive for Information)	75 - 76

5.7	Succeed and Stay Project - Research (Recommendation in Report)	77 - 85
5.8	Licence Agreement for Moonlight Bazaar on City Property (Recommendation in Report)	86 - 93
5.9	Sale of Portion of Land at Mispic Beach to the Province (Recommendation in Report)	94 - 102
5.10	Naval Memorial - Harbour Passage - Licence Agreement with United Services Institute of New Brunswick ("RUSI") (Recommendation in Report)	103 - 118
6.	Members Comments	
7.	Proclamation	
7.1	Hepatitis Awareness Day - July 28, 2019	119 - 119
8.	Delegations / Presentations	
9.	Public Hearings - 6:30 p.m.	
9.1	Proposed Zoning Bylaw Amendment - 0 Heather Way with Planning Advisory Committee report recommending Rezoning / Staff Presentation	120 - 172
9.1.1	Zoning Bylaw Amendment (1st and 2nd Reading)	173 - 186
9.2	Proposed Zoning Bylaw Amendment - 646-648 Westmorland Road with Planning Advisory Committee report recommending Rezoning / Staff Presentation	187 - 225
9.2.1	Zoning Bylaw Amendment (1st and 2nd Reading)	226 - 233
10.	Consideration of By-laws	
10.1	ByLaw respecting Code of Conduct for Elected Members of The City of Saint John (3rd Reading)	234 - 249
10.2	Public Presentation - Proposed Municipal Plan Amendment re: Policies related to Green Energy Development	250 - 307
11.	Submissions by Council Members	
12.	Business Matters - Municipal Officers	
12.1	General Fund Debt Management Policy FAS-006	308 - 337
12.2	2019-2020 Arena Rental Fees and Ice Allocation Policy	338 - 379



12.3 South Bay Wellfield Update (Report to be issued on July 8th)

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

15.1 Ticket Purchase Request - New Brunswick Afrofest

380 - 381

16. Supplemental Agenda

17. Committee of the Whole

17.1 Motion on Sustainability Report

18. Adjournment



**City of Saint John  
Common Council Meeting  
Monday, July 8, 2019**

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**Committee of the Whole**

**1. Call to Order**

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

Each of the following items, either in whole or in part, is able to be discussed in private pursuant to the provisions of subsection 68(1) of the Local Governance Act and Council / Committee will make a decision(s) in that respect in Open Session:

**4:00 p.m., 8<sup>th</sup> Floor Boardroom, City Hall**

- 1.1 Approval of Minutes 68(1)
- 1.2 Legal Matter 68(1)(f)
- 1.3 Financial Matter 68(1)(c,j)
- 1.4 Employment Matter 68(1)(b,g,j)
- 1.5 Financial Matter 68(1)(c)
- 1.6 Nominating Committee 68(1)(b)
- 1.7 Financial Matter 68(1)(c)
- 1.8 Financial Matter 68(1)(c)



**Ville de Saint John**  
**Séance du conseil communal**  
**Lundi 8 juillet 2019**  
**18 h**

**Salle du conseil communal (salle Ludlow), au 8<sup>e</sup> étage de l'hôtel de ville**

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**Comité plénier**

**1. Ouverture de la séance**

Si vous souhaitez obtenir des services en français pour une séance du conseil communal, veuillez communiquer avec le bureau du greffier communal au 658-2862.

Chacun des points suivants, en totalité ou en partie, peut faire l'objet d'une discussion en privé en vertu des dispositions prévues au paragraphe 68(1) de la *Loi sur la gouvernance locale*. Le conseil/comité prendra une ou des décisions à cet égard au cours de la séance publique :

**16 h, Salle de conférence, 8<sup>e</sup> étage, hôtel de ville**

- 1.1 Approbation du procès-verbal 68(1)
- 1.2 Question juridique 68(1)(f)
- 1.3 Question financière 68(1)(c,j)
- 1.4 Question relative à l'emploi 68(1)(b,g,j)
- 1.5 Question financière 68(1)(c)
- 1.6 Comité des mises en candidature 68(1)(b)
- 1.7 Question financière 68(1)(c)
- 1.8 Question financière 68(1)(c)

**Séance ordinaire**

**1. Ouverture de la séance**

**2. Approbation du procès-verbal**

- 2.1 Procès-verbal de la réunion du 17 juin 2019

**3. Adoption de l'ordre du jour**

**4. Divulgations de conflits d'intérêts**

**5. Questions soumises à l'approbation du conseil**

- 5.1 Commission des services régionaux de Fundy – États financiers audités pour l'année terminée le 31 décembre 2018 (Recommandation : réception à titre d'information)
- 5.2 Bureau des commissaires de la Police de Saint John – Budget de fonctionnement de 2018 – Résultats financiers de l'exercice se terminant en décembre (non audité) (Recommandation : réception à titre d'information)
- 5.3 M.E. Carpenter : Accès sécuritaire des piétons (Recommandation : réception à titre d'information)
- 5.4 M.E. Carpenter : Évaluation du transport public de Saint John (Recommandation : réception à titre d'information)
- 5.5 Proposition pour le chemisage (Recommandation dans le rapport)
- 5.6 Solution de paiement en ligne (Recommandation : réception à titre d'information)
- 5.7 Projet « Succeed and Stay » – Recherche (Recommandation dans le rapport)
- 5.8 Contrat de licence pour le Moonlight Bazaar sur une propriété municipale (Recommandation dans le rapport)
- 5.9 Vente d'une partie du terrain de Mispec Beach à la province (Recommandation dans le rapport)
- 5.10 Monument commémoratif de la Marine – passage du port – Contrat de licence avec le United Services Institute of New Brunswick (« RUSI ») (Recommandation dans le rapport)

## **6. Commentaires présentés par les membres**

## **7. Proclamation**

- 7.1 Journée de la sensibilisation à l'hépatite – 28 juillet 2019

## **8. Délégations et présentations**

## **9. Audiences publiques – 18 h 30**

- 9.1 Modification proposée au règlement de zonage – O Heather Way avec le rapport du Comité consultatif de la planification recommandant une modification de zonage / une présentation faite par le personnel
  - 9.1.1 Modification au règlement de zonage (1<sup>re</sup> et 2<sup>e</sup> lectures)

- 9.2 Modification proposée au règlement de zonage – -648-648, chemin Westmorland avec le rapport du Comité consultatif de la planification recommandant une modification de zonage / une présentation faite par le personnel

- 9.2.1 Modification au règlement de zonage (1<sup>re</sup> et 2<sup>e</sup> lectures)

## **10. Étude des arrêtés municipaux**

- 10.1 Règlement respectant le Code de conduite des membres élus de la Ville de Saint John (3<sup>e</sup> lecture)
- 10.2 Présentation publique – Modification proposée au plan municipal : politiques liées au développement de l'énergie verte

## **11. Interventions des membres du conseil**

## **12. Affaires municipales évoquées par les fonctionnaires municipaux**

- 12.1 General Fund Debt Management Policy FAS-006
- 12.2 Arena Rental Fees and Ice Allocation Policy 2019-2020
- 12.3 Rendement des champs de captage de South Bay (le rapport sera publié le 8 juillet)

## **13. Rapports déposés par les comités**

## **14. Étude des sujets écartés des questions soumises à l'approbation du Bureau**

## **15. Correspondance générale**

- 15.1 Demande d'achat de billets – Festival africain du Nouveau-Brunswick

## **16. Ordre du jour supplémentaire**

## **17. Comité plénier**

- 17.1 Rapport de viabilité de la ville de Saint John

## **18. Levée de la séance**



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
JUNE 17, 2019 AT 6:00 PM  
IN THE COUNCIL CHAMBER

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Present: Mayor Don Darling  
Deputy Mayor Shirley McAlary  
Councillor-at-Large Gary Sullivan  
Councillor Ward 1 Blake Armstrong  
Councillor Ward 1 Greg Norton  
Councillor Ward 2 Sean Casey  
Councillor Ward 2 John MacKenzie  
Councillor Ward 3 Donna Reardon  
Councillor Ward 3 David Hickey  
Councillor Ward 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin  
Deputy City Manager N. Jacobsen  
City Solicitor J. Nugent  
Fire Chief K. Clifford  
Police Chief B. Connell  
Commissioner Growth and Community Development J. Hamilton  
Commissioner of Finance and Treasurer K. Fudge  
Commissioner of Transportation and Environment M. Hugenholtz  
Commissioner of Saint John Water B. McGovern  
Common Clerk J. Taylor  
Deputy Common Clerk P. Anglin

**1. Call to Order**

**2. Approval of Minutes**

**2.1 Minutes of June 3, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council held on June 3, 2019, be approved.

MOTION CARRIED.

**3. Approval of Agenda**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the agenda of this meeting be approved with the addition of items:

17.1. Canada Games Aquatic Centre Interim Financing Request

17.2 Intergovernmental Affairs and Strategic Communications Position

17.3 Cherry Brook Zoo

17.4 Sea Street Estates Subdivision Lawsuit, and to move ahead on the agenda item:

12.5 Ice Strategy Plan B Implementation.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 Refer to Item 14.1

5.2 Refer to Item 14.2

5.3 Refer to Item 14.3

5.4 That as recommended by the City Manager in the submitted report *M&C 2019-142: Tenders for Sodium Hypochlorite NaOCl – 2019-681003T*, the tender for the establishment of a supply agreement for 12% Sodium Hypochlorite chemical used to treat the City's potable water supply be awarded to the lowest bidder, Lavo Inc.

5.5 That the submitted report *M&C 2019-147: 2019 Lifeguard Service Agreement Extension Options*, be received for information.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-152: Contract No. 2019-16 Asphalt Resurfacing 2019 - Program Adjustment*, Common Council approve an increase to the Contract award amount to Galbraith Construction Ltd. for Contract 2019-16: Asphalt Resurfacing 2019 from \$5,886,959.54 to \$7,034,967.17.

5.7 That as recommended by the City Manager in the submitted report *M&C 2019-144: Street Name Change*, Common Council amend the list of Official Street Names and approve the following changes:

1. Remove the name "rue Reserve Street"; and
2. Add the name "voie G. Arrowsmith Way".

5.8 That as recommended by the City Manager in the submitted report *M&C 2019-141: Proposed Public Hearing Date – 149 Broad Street, 81 Bayside Drive and rescheduled hearing for 49 Noel Drive*, Common Council schedule the public hearing for the rezoning applications of Jeremy Wayte (Lang Lee) (149 Broad Street), City of Saint John (Everett Erb) (81 Bayside Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation; and,

That Common Council reschedule the public hearing for the Section 59 amendment for Village View Suites (Steve Brittain) (49 Noel Drive) for Monday, July 29, 2019 at 6:30 p.m. in the Ludlow Room and in acknowledgement of the error, refund to the applicant the full Section 59 amendment application fee in the amount of \$2,500.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-209: Agreement with NB Power for Back-up Fire Protection Services at the Point Lepreau Generating Station*, Common Council authorize the Mayor and Common Clerk to execute the submitted agreement with NB Power for the purpose of adding an extra six months to the recently expired agreement to provide back-up fire protection services at the Point LePreau Generating Station.

5.10 That as recommended by the City Manager in the submitted report *M&C 2019-149: Cleanup of Unsightly Properties at Various Locations*, Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the cleanup of the following unsightly properties:

1. 17 Delhi Street, PID# 00014597;
2. 19 Delhi Street, PID# 00014589;
3. 21 Delhi Street, PID# 00014571;
4. 59 Morrison Road, PID# 00327932;
5. 105 Winslow Street, PID# 00363473;



6. 665 Loch Lomond Road, PID# 55102917; and
7. 669 Loch Lomond Road, PID# 55102925.

5.11 That as recommended by the City Manager in the submitted report *M&C 2019-155: Green Municipal Project Loan and Grant Agreement – Canada Games Aquatic Center Energy Efficiency Retrofit*, Common Council approve the following:

That the New Brunswick Municipal Finance Corporation issue a debenture to the City of Saint John in the amount of \$1,428,000 for a ten year term.

5.12 That as recommended by the City Manager in the submitted report *M&C 2019-153: Summer Arena Bulk Rental License Amendment #3*, Common Council authorize the Mayor and Common Clerk to execute the License Amendment #3 between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019-153.

5.13 That as recommended by the City Manager in the submitted report *M&C 2019-32: RFP City of Saint John Benefit Administration*, the City remain with the current carriers for employee benefits: Manulife Financial for Extended Health and Dental, Managed Health Care Services Inc. for Prescription Drugs and A.I.G. for Travel Insurance and Accidental Death and Dismemberment Insurance; and that the Mayor and Common Clerk be authorized to execute contracts with Manulife Financial, Managed Health Care Services Inc., Blue Cross and AIG in the form submitted.

5.14 That as recommended by the City Manager in the submitted report *M&C 2019-148: Mobile Device Governance Policy Statement*, Common Council approve the Mobile Device Governance Policy Statement, which is incorporated in the draft of the full Mobile Device Governance Policy.

5.15 Refer to Item 14.4.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the recommendation set out in each consent agenda item respectively be adopted with the exception of Items 5.1, 5.2, 5.3, and 5.15 which have been identified for debate.

MOTION CARRIED UNANIMOUSLY.

## **6. Members Comments**

Council members commented on various community events.

## **7. Proclamations**

## **8. Delegations/Presentations**

8.1 Train Whistles at Douglas Avenue and Bentley Street Crossings

Mr. P. Brown, President-Saint John County Condominium Corporation # 16, advised Council that the use of train whistles at the Douglas Avenue and Bentley Street crossings is very disruptive to the residents' quality of life.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the issue of train whistles at the Douglas Avenue, Bentley Street crossings be referred to the City Manager.

MOTION CARRIED.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that the report on Train Whistles at Douglas Avenue and Bentley Street be received for information.

MOTION CARRIED.

**9. Public Hearings 6:30 PM**

**10. Consideration of By-laws**

10.1 Council Code of Conduct Bylaw LG-5 (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Responding to a question, the Clerk advised that the administration of the bylaw provides some remedial actions for contravention.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number LG- 5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John", be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "By-Law Number LG-5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number LG- 5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John", be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, “By-Law Number LG-5, A By-Law respecting the Code of Conduct for Elected Members of The City of Saint John.”

10.2 Municipal Plan Amendment, Zoning Bylaw Amendment with Section 59  
Conditions – 40, 85-89 and 310 Retail Drive (3<sup>rd</sup> Reading)

Moved by Councillor Merrithew, seconded by Councillor Strowbridge:

RESOLVED that the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read.

MOTION CARRIED.

In accordance with the Local Governance Act sub-section 15(3) the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” instead of being read in its entirety was read in summary as follows:

“The Municipal Plan By-Law of The City of Saint John enacted on the 30<sup>th</sup> day of January, A.D., 2012 is amended by:

- a) amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure;
- b) amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres.”

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law” amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, “By-Law Number C.P. 106-18 A Law to Amend the Municipal Plan By-Law.”

(Councillor Sullivan withdrew from the meeting)

Moved by Deputy Mayor McAlary, seconded by Councillor Strowbridge:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John”, be amended by adding “Regional Commercial

Residential Zone (CR-R)” to Section 2.2; adding “Regional Commercial Residential Zone (CR-R)” as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read.

MOTION CARRIED.

(Councillor Sullivan re-entered the meeting)

In accordance with the Local Governance Act sub-section 15(3) the by-law entitled, “By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John” instead of being read in its entirety was read in summary as follows:

“The Zoning By-Law of The City of Saint John enacted on the fifteenth day of December, A.D., 2014 is amended by:

- Adding “Regional Commercial Residential Zone (CR-R)” to Section 2.2
- Adding “Regional Commercial Residential Zone (CR-R)” as Section 11.12
- Adding 11.12(1) Permitted Uses
- Adding 11.12(2) Conditional Uses
- Adding 11.12(3) Conditions of Use
- Adding 11.12(4) Zone Standards
- Rezoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as PID No. 55230544, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.
- Rezoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as PID No. 55196166, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.
- Rezoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as PID No. 55122212, from Mini-Home Park

Residential (RP) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone.

- Amending Section 11 by adding the Regional Commercial Residential (CR-R) zone to Table 11.1.”

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that Common Council authorize the Mayor and Common Clerk to execute an amending agreement pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), which would amend the agreement dated the 16th day of September 2006 between East Point Inc. as developer, and the City of Saint John, respecting portions of the property identified in the said agreement and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (RSNB 1973 as amended);

AND FURTHER BE IT RESOLVED that Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act the following conditions upon the use of a portion of the Property identified in said agreement having an area of 13.15 hectares, located at 11, 15 and 41 Fashion Drive, 11,10,36,40 and 44 East Point Way and 40 Retail Drive, 85-89 Retail Drive and 310 Retail Drive, also identified as PIDs 55186001, 55195317, 55230445, 55230544, 55122212 and 55196166:

a) namely that its use be restricted a development of a shopping centre which may incorporate residential development subject to the provisions of the Regional Commercial Residential (CR-R) zone, with the total of floor area of development in this area limited to 58,064 square metres (625,000 square feet) which may include up to 200 dwelling units on PID numbers 55230544, 55196166 and 55122212;

b) Any improvements or signalization to existing driveways along Retail Drive be supported by a traffic impact study completed by the developer and approved by the City with the improvements completed at the developer's expense.

c) Any additional driveway access to Westmorland Road is prohibited.

d) For the proposed development site involving 200 residential units, the developer's engineering consultant provided a theoretical peak domestic sewage flow rate for the proposed development. Where necessary the City calculated the theoretical peak domestic sewage flow rates for all properties on the contributing East Point development site. Using the provided and calculated theoretical flow rates it indicates a potential capacity constraint downstream from the proposed development on Retail Drive, within a section of approximately 45 m of existing 200 mm sanitary sewer main, infrastructure that was previously installed by the developer. In order to determine if there is a capacity constraint, the developer may, prior to undertaking any downstream improvements, perform flow monitoring (wet & dry weather monitoring) on the wastewater system, under the direction of the City, to determine actual measurements

in the system and confirm capacity. Upon review of the submitted flow monitoring results, should the City confirm sufficient capacity exists, the identified downstream infrastructure upgrade will not be required by the developer. Should the flow monitoring determine there is a capacity constraint as the City's initial review indicated, the developer shall be required, at the developer's expense to undertake the engineering review to determine the nature of the constraint and provide the analysis to the City for review. Should system improvements be required, the full design and construction of these improvements shall be subject to the approval by the City and shall be the full cost responsibility of the developer. If any of the required work and infrastructure improvements can be phased to accommodate the proposed development, this will be supported by the City.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John", be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read a third time, enacted, and the corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-74 A Law to Amend the Zoning By-Law of The City of Saint John.

10.3 Municipal Plan Amendment, Zoning ByLaw Amendment with Section 59 Conditions and Supplementary Report – 1007-1019 Millidge Avenue (3<sup>rd</sup> Reading)

Moved by Councillor MacKenzie, seconded by Councillor Merrithew:

RESOLVED that the staff report entitled *M&C 2019-146 1007-1009 Millidge Avenue-*

*Supplementary Report* be received for information.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 106-19 A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, and that the subject lands be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:

- a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
  - Recreational Vehicle Sales and Service, Large;
  - Recreational Vehicle Sales and Service, Small;
  - Service and Repair, Household;
  - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.

That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, hereby imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b.
  - (i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
  - (ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and



(iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-75 A Law to Amend the Zoning By-Law of The City of Saint John."

10.4 Zoning ByLaw Amendment with Section 59 Conditions – 1003 Latimore Lake Road (3<sup>rd</sup> Reading)

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that, pursuant to the provisions of Section 59 of the Community Planning Act, the use of the parcel of land with an area of 13 hectares, located at 1003 Latimore Lake Road, also identified as a portion of PID Number 00331124 and a portion of PID Number 00333757, be subject to the following conditions:

- a. Site development not be undertaken except in accordance with a detailed site plan, which includes a phasing plan and method of excavation.

- b. All access to the site be limited to the existing driveway access located at 1003 Latimore Lake Road (PID No. 00329409). No access to the site is to be permitted through Pipeline Road East or at any other location.
- c. In addition to a 30 metre treed buffer separating the subject property from municipally-owned land to the north, a berm be constructed to provide further separation from the municipal water transmission main.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-76 A Law to Amend the Zoning By-Law of The City of Saint John".

## **11. Submissions by Council Members**

## **12. Business Matters - Municipal Officers**

### **12.1 Continuous Improvement Initiative Updates (verbal)**

S. Rackley-Roach, Director Continuous Improvement introduced the newest initiatives.

City Staff Drinking Water Initiative – N. Jacobsen Deputy City Manager - City staff have adopted a new reliance on drinking city water not bottled water, while adhering to Occupational Health and Safety guidelines. There will be water filling stations available.

Passports to Parks 4 parks in 4 days – L. Caissie Communications - Since the program's 2012 inception, the program events featuring music, entertainment, BBQs, active games, and adventures will continue this year:

- Rockwood Park - June 29
- Station One Skate Park - July 1
- Little River Reservoir - July 13
- Dominion Park Beach - July 20

Enhancements to One Stop Shop – Commissioner J. Hamilton – Presented the enhancements to the program including Rapid Labs Solutions, and Seamless Engineering Approvals.

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that Common Council Continuous Improvement Initiative Updates (verbal) be received for information.

MOTION CARRIED.

12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)

Referring to the submitted report entitled *Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)* C. Lowe provided a visual presentation of the building conditions.

The Mayor read the cautionary statement as follows:

“The information which has been provided in the Council Kit includes the report of the Building Inspector stating that the building located at 22 McLaughlin Road (PID 333930) is a hazard to the safety of the public by virtue of its being, amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e. that the building is structurally sound and not dilapidated?”

No one came forward to present evidence.

Moved by Councillor Hickey, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-150: Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930)*, Common Council approve the following:

RESOLVED that the building located at 22 McLaughlin Road, PID# 333930, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED that the building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

MOTION CARRIED.

12.3 Central Peninsula Plan and Associated Capital Projects Update

Referring to the submitted report, entitled *M&C 2019-154: Central Peninsula Plan and Associated Capital Projects Update*, J. Brown provided a review of the plan highlights.

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-154: Central Peninsula Plan and Associated Capital Projects Update*, Common Council:

1. Receive and file the submitted report and project update for the Central Peninsula Plan; and,
2. Approve the allocation of the \$500,000 Neighborhood Plan Capital Fund as outlined in the report.

MOTION CARRIED.

12.4 City of Saint John Climate Change Adaptation Plan Presentation

Referring to the submitted report entitled *City of Saint John Climate Change Adaptation Plan Presentation* Executive, Director ACAP Saint John Graeme Stewart-Robertson and Asset Manager S. Yammine commented that adaptation plans for three urban neighbourhoods and the city as a whole are being developed. Other municipal climate analyses undertaken were presented. Education and community engagement events were described. A final plan is intended for submission to Council in March 2020.

Moved by Councillor Norton, seconded by Councillor Hickey:

RESOLVED that the submitted report entitled *M&C 2019-143: City of Saint John Climate Change Adaptation Plan Presentation*, be received for information.

MOTION CARRIED.

12.5 Ice Strategy Plan B Implementation

Referring to the submitted report entitled *Ice Strategy Plan B Implementation* Deputy Commissioner T. O'Reilly provided the options, stating that Option 2 Recreation Card and Non-Resident User Fees Implementation is being recommended.

Responding to questions the Deputy Commissioner stated that:

- the City of Saint John taxpayers subsidize non-resident users \$375,000 in operating costs annually to use the City's rinks;

- the City examined the measures introduced by the City of Fredericton, Town of Sussex, Nanaimo and other municipalities for cost recovery for the use of the rink facilities by non-resident users;
- the timeline for implementation for the 2019-2020 recreation season and enforcement methods;
- arena sustainability measures;
- Play SJ promotes a regional approach to arenas.

Councillor Merrithew raised a point of order to the Chair to keep the speakers comments to 3 minutes in accordance with the Procedural Bylaw.

Moved by Councillor Merrithew, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-151: Ice Strategy Plan B Implementation*, Common Council:

- 1) Support any potential future motions brought before the Regional Service Commission that seek consensus on a new Regional Arena Funding Formula that would respect the intent behind the following principles:
  - a) The applicable cumulative operating cost deficit of all regional arenas shall be redistributed among taxpayers of the respective municipalities and LSDs based on proportion of usage in the respective jurisdictions;
  - b) Operating cost deficits determined not to be applicable shall not be included in the funding formula and shall remain the responsibility of the host municipality; and,
  - c) Following commitment to the above-mentioned principles, the established Working Group identifies, using external consulting services if necessary, the applicable operating cost deficits and usage data that would be subsequently recommended to the Commission to be included in the Funding Formula.
- 2) Endorse the "Recreation Card & Non-Resident User Fee" Plan B option and approve a Non-Resident User Fee of \$200.00 + HST for the year 2019-2020 and \$350.00 + HST for the 2020-2021 as presented in M&C 2019 – 151.

MOTION CARRIED with Deputy Mayor McAlary and Councillors MacKenzie and Armstrong voting nay.

### **13. Committee Reports**

### **14. Consideration of Issues Separated from Consent Agenda**

#### **14.1 Hockey New Brunswick - Request to Present to Council**

Moved by Deputy Mayor McAlary, seconded by Councillor Hickey:

RESOLVED that that request to present to Council from Chris Green, Chair ROC4/HNB be received for information.

MOTION CARRIED.

14.2 C. Osborne Letter King St. West - Removal of Heritage Conservation Area

14.3 C. Osborne Letter - Report recommending Denial of Heritage Designation of 152 Watson Street

Commissioner Hamilton responded to questions stating that the Heritage Bylaw will be reviewed this summer. Interested parties will have an opportunity to present in the review process.

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that the items 14.2 and 14.3 be referred to staff and the Heritage Development Board for a policy to consider adding or removing heritage properties to a register.

MOTION CARRIED.

14.4 Glen Falls Flooding

Monica Boudreault commented on the pro-active inspection process of the detention pond. The visual inspection is conducted yearly. Every second year GPS points to assess sediment are taken.

Moved by Councillor Hickey, seconded by Deputy Mayor McAlary:

RESOLVED that the report entitled *M&C 2019-145: Glen Falls Flooding* be received for information.

MOTION CARRIED.

**15. General Correspondence**

**16. Supplemental Agenda**

**17. Committee of the Whole**

17.1 Cherry Brook Zoo Letter of Intent

Moved by Councillor Sullivan, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17<sup>th</sup>, 2019, Common Council approve:

That a Letter of Intent be executed with Cherry Brook Zoo (the "Zoo") confirming the parties' agree to enter into good faith negotiations for a long-term lease of the site of the Zoo, identified on a survey plan dated the 7<sup>th</sup> day of November, 1977 and titled "Plan to Accompany Lease, City of Saint John to Cherry Brook Zoo of Saint John Inc." prepared by Dobbin Surveys Ltd.;

That the Letter of Intent shall provide:

- (a) the negotiations aforesaid shall be pursued upon the condition that the Zoo is able to continue its operations, generally as they currently exist, without requiring or requesting any funding from The City of Saint John (the "City");
- (b) one pre-condition to a long-term lease shall be the Zoo's providing the City with information which results in the City's determining, in its sole discretion, that the Zoo will be able to operate during the term of such a lease in a financially sustainable manner without any financial support from the City; and
- (c) except with respect to pursuing negotiations in good faith, the Letter of Intent neither creates nor gives rise to any obligations or rights and shall not be construed by any third party, as doing so; and,

That the City Solicitor be directed to prepare the aforesaid Letter of Intent and the Mayor and Common Clerk be authorized to execute it.

MOTION CARRIED.

#### 17.2 Intergovernmental Affairs and Strategic Communications Position

Moved by Councillor Reardon, seconded by Councillor Hickey:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17<sup>th</sup>, 2019, Common Council approve the Contract Position of "Director of Government Relations and Strategic Communications" be staffed for a one year term, renewable at the discretion of the City Manager; and further that Common Council approve a maximum of \$150,000 be allocated from the Restructuring Reserve Fund to support the Government Relations and Strategic Communications function over a 12 month period commencing in July 2019.

MOTION CARRIED.

#### 17.3 Canada Games Aquatic Centre Interim Financing Request

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17<sup>th</sup> 2019, Common Council authorize the Commissioner of Finance to provide interim financing to the Canada Games Aquatic Centre of \$75,000 for the 2019 estimated operational shortfall during the period of June 2019 until the funding is provided by the

Regional Facilities Commission budget in 2021 at the interest rate received by the City of Saint John in the operating bank account (prime less 1.75%).

MOTION CARRIED with Councillor Casey voting nay.

**17.4    Sea Street Estates Subdivision Lawsuit**

Moved by Councillor Norton, seconded by Councillor Reardon:

RESOLVED that as recommended by the Committee of the Whole, having met on June 17<sup>th</sup>, 2019, Common Council advise the plaintiffs that the City of Saint John is not yet in a position to accept the settlement and direct the City Manager to continue to obtain the information and agreements to enable Council to accept the proposed agreement.

MOTION CARRIED.

**18.    Adjournment**

Moved by Councillor Sullivan, seconded by Councillor Reardon:

RESOLVED that the meeting of Common Council held on June 17, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 9:54 p.m.





**Fundy Regional  
Service Commission**

Commission de Services  
Régionaux de Fundy

PO Box / CP 3032, Grand Bay-Westfield NB E5K 4V3

T. 506 738-1212 • F. 506 738-1207  
hotline@fundyrecycles.com

June 18, 2019

City of Saint John  
8<sup>th</sup> Floor, City Hall  
PO Box 1971  
Saint John NB  
E2L 4L1

**Reference: Audited Financial Statements for the Year Ended 31 December 2018**

Dear Mayor and Council:

Pursuant to the requirements of Section 29(1) of the Regional Service Delivery Act, I am pleased to submit to you the Financial Statements of the Fundy Regional Service Commission for the year ended 31 December, 2018. The Fundy Regional Service Commission reviewed and adopted the Financial Statements at the May 27, 2019 meeting.

If you should have any further questions, please do not hesitate to contact me.

Regards,

Marc MacLeod  
Executive Director

Encl: Audited Financial Statements of the Fundy Regional Service Commission for the Year  
Ended 31 December, 2018

**Fundy Regional Service Commission**  
**Financial Statements**  
Year Ended December 31, 2018



## **Fundy Regional Service Commission**

Index to the Financial Statements

Year Ended December 31, 2018

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## INDEPENDENT AUDITOR'S REPORT

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To the Members of Fundy Regional Service Commission

### *Opinion*

We have audited the financial statements of Fundy Regional Service Commission (the Company), which comprise the statement of financial position as at December 31, 2018, and the statements of operations, changes in net debt and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Company as at December 31, 2018, and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### *Basis for Opinion*

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Company in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with those requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### *Responsibilities of Management and Those Charged with Governance for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate the Company or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Company's financial reporting process.

### *Auditor's Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

(continues)

Independent Auditor's Report to the Members of Fundy Regional Service Commission *(continued)*

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



Saint John, New Brunswick  
May 27, 2019

CHARTERED PROFESSIONAL ACCOUNTANTS

**Fundy Regional Service Commission**  
**Consolidated Statement of Operations**  
Year Ended December 31, 2018

	<b>2018</b>		<b>(Restated)</b>	
	<b>( Unaudited )</b>		<b>2017</b>	
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>	
	<b>(Note 24)</b>			
<b>Revenue</b>				
Member charges	\$ 2,358,206	\$ 2,632,028	\$ 2,389,519	
Sales of services	5,478,194	5,655,577	5,364,145	
Government transfers	-	175,302	103,570	
Interest	-	72,049	49,602	
Gain on sale of investments	-	11,682	13,505	
	<u>7,836,400</u>	<u>8,546,638</u>	<u>7,920,341</u>	
<b>Expenditures</b>				
Cooperative and regional planning services	70,772	42,847	58,946	
Local planning services	237,560	244,491	196,037	
Solid waste services	7,832,476	7,762,571	7,465,718	
Generation facility	337,099	263,068	579,665	
Loss on disposal of tangible capital assets	-	49,872	86,999	
	<u>8,477,907</u>	<u>8,362,849</u>	<u>8,387,365</u>	
<b>Annual operating surplus (deficit)</b>	<u>\$ (641,507)</u>	<u>183,789</u>	<u>(467,024)</u>	
<b>Accumulated operating surplus</b>				
Beginning of year				
As previously reported		20,456,026	20,656,666	
Adjustment of prior years (Note 17)		(2,756,589)	(2,490,205)	
As restated		<u>17,699,437</u>	<u>18,166,461</u>	
End of year		<u>\$ 17,883,226</u>	<u>\$ 17,699,437</u>	

See accompanying notes to the consolidated financial statements

**Fundy Regional Service Commission**  
**Consolidated Statement of Remeasurement Gains and Losses**  
**Year Ended December 31, 2018**

	2018	(Restated) 2017
Unrealized gains (losses) attributable to:		
Portfolio investments	\$ (82,887)	\$ 31,698
Amounts reclassified to the statement of operations		
Realized losses (gains) on portfolio investments	(11,682)	(13,505)
Net remeasurement gains (losses) for the year	(94,569)	18,193
<b>Accumulated remeasurement gains (losses)</b>		
Beginning of year	115,027	96,834
End of year	\$ 20,458	\$ 115,027

See accompanying notes to the consolidated financial statements

**Fundy Regional Service Commission**  
**Consolidated Statement of Financial Position**  
**As at December 31, 2018**

	2018	(Restated) 2017
<b>Financial assets</b>		
Cash (Note 3)	\$ 446,478	\$ 752,558
Receivables		
General (Note 4)	711,083	504,865
Due from federal government and its agencies (Note 5)	242,730	105,868
Due from Province of New Brunswick (Note 6)	62,788	99,981
Portfolio investments (Note 7)	2,005,254	2,050,820
	<u>3,468,333</u>	<u>3,514,092</u>
<b>Liabilities</b>		
Bank indebtedness (Note 8)	\$ 2,507,589	\$ 7,761
Accounts payable and accrued liabilities	892,457	763,719
Customer security deposits	99,666	99,266
Deferred revenue	15,942	29,395
Long term debt (Note 9)	108,000	214,000
Closure and post-closure liability (Note 10)	1,412,307	1,289,432
	<u>5,035,961</u>	<u>2,403,573</u>
<b>NET ASSETS (DEBT)</b>	<u>(1,567,628)</u>	<u>1,110,519</u>
<b>Non-Financial Assets</b>		
Tangible capital assets (Note 19)	63,885,539	59,727,864
Accumulated amortization (Note 19)	(44,553,294)	(43,097,804)
	<u>19,332,245</u>	<u>16,630,060</u>
Deferred financing charges	300	898
Inventory of supplies	73,292	56,898
Prepaid expenses	65,475	16,089
	<u>19,471,312</u>	<u>16,703,945</u>
<b>ACCUMULATED SURPLUS</b>	<u>\$ 17,903,684</u>	<u>\$ 17,814,464</u>
<b>Accumulated surplus is comprised of:</b>		
Accumulated operating surplus (Page 2)	\$ 17,883,226	\$ 17,699,437
Accumulated remeasurement gains (Page 3)	20,458	115,027
	<u>\$ 17,903,684</u>	<u>\$ 17,814,464</u>

**Commitments (Note 25)**

See accompanying notes to the consolidated financial statements

On behalf of the Commission

Approved by:

Commissioner

Commissioner



**Fundy Regional Service Commission**  
**Consolidated Statement of Changes in Net Assets**  
**Year Ended December 31, 2018**

	2018	(Restated) 2017
Annual operating surplus (deficit)	\$ 183,789	\$ (467,024)
Add (deduct) :		
Acquisition of tangible capital assets	(4,594,356)	(1,745,856)
Proceeds on disposal of tangible capital assets	15,000	4,778
Amortization of tangible capital assets	1,827,298	2,173,762
Amortization of deferred financing charges	598	1,662
(Gain) loss on sale of tangible capital assets	49,872	86,999
Acquisition of inventories	(16,393)	-
Consumption of inventories	-	17,070
Increase in prepaid assets	(49,386)	(16,089)
	<u>(2,583,578)</u>	<u>55,302</u>
Net remeasurement gains (losses)	<u>(94,569)</u>	<u>18,193</u>
Increase (decrease) in net assets	(2,678,147)	73,495
<b>Net Assets</b>		
Beginning of the year	<u>1,110,519</u>	<u>1,037,024</u>
End of the year	<u>\$ (1,567,628)</u>	<u>\$ 1,110,519</u>

**Fundy Regional Service Commission**  
**Consolidated Statement of Cash Flows**  
**Year Ended December 31, 2018**

	<b>2018</b>	<b>(Restated) 2017</b>
<b>Increase (decrease) in cash and cash equivalents</b>		
<b>Operating transactions</b>		
Annual operating surplus (deficit)	\$ 183,789	\$ (467,024)
Loss (gain) on disposal of tangible capital assets	49,872	86,999
Loss (gain) on sale of investments	(11,682)	(13,505)
Amortization of tangible capital assets	1,827,298	2,173,762
Amortization of deferred financing charges	598	1,662
Receivable - General	(206,218)	125,665
Receivable - Federal Government and its agencies	(136,862)	(21,736)
Receivable - Province of New Brunswick	37,193	-
Accounts payable and accrued liabilities	128,738	235,265
Customer security deposits	400	(517)
Deferred revenue	(13,453)	-
Closure and post-closure liability	122,875	112,750
Inventory of supplies	(16,393)	17,070
Prepaid expenses	(49,386)	(16,089)
	<u>1,916,769</u>	<u>2,234,302</u>
<b>Capital transactions</b>		
Acquisition of tangible capital assets	(4,594,356)	(1,745,856)
Proceeds on sale of tangible capital assets	15,000	4,778
	<u>(4,579,356)</u>	<u>(1,741,078)</u>
<b>Financing transactions</b>		
Issue of bank indebtedness	2,499,828	(4,108)
Repayment of long term debt	(106,000)	(498,000)
	<u>2,393,828</u>	<u>(502,108)</u>
<b>Investing transactions</b>		
Proceeds on sale of investments	383,212	487,557
Purchase of investments	(420,533)	(705,499)
	<u>(37,321)</u>	<u>(217,942)</u>
 Net (decrease) increase in cash and cash equivalents	 (306,080)	 (226,826)
<b>Cash and cash equivalents</b>		
Beginning of year	<u>752,558</u>	<u>979,384</u>
End of year	<u>\$ 446,478</u>	<u>\$ 752,558</u>

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**1. Purpose of the Organization**

The Fundy Regional Service Commission was established under the Regional Service Delivery Act and New Brunswick Regulation 2012-91 including limits of its regional boundaries .

Section 38 of the Regional Service Delivery Act came into force on January 1, 2013 which dissolved the former Fundy Region Solid Waste Commission and by Ministerial Order under section 41 transferred all assets, liabilities, rights, obligations, powers and responsibilities of the former regional solid waste commission to the regional service commission.

Section 45 of the Regional Service Delivery Act came into force on January 1, 2013 which dissolved the former District Planning Commissions established under the Community Planning Act and by Ministerial Order under section 48 transferred all assets, liabilities, rights, obligations, powers and responsibilities of the former rural district planning commission to the regional service commission.

The business and affairs of the Commission is directed and controlled by a board of directors in accordance with Regional Service Delivery Act. The Board is comprised of (a) the mayors of each municipality or rural community and (b) where a member of the Commission is a local service district; at large representative chosen by and in accordance with New Brunswick Regulation 2012-109.

The Commission's mandate is as follows:

- (a) To provide solid waste disposal services to municipalities and local service districts.
- (b) To provide land use planning services to all local service districts and any municipality that wants to receive the service.
- (c) To develop regional planning strategies that foster sustainable development practices, encourage a coordinated development between communities that influence and guide the placement of important infrastructure while serving as a tool for better protection, management and harmonization of urban and rural landscapes and resources.
- (d) The Commission will be a source for communities to plan, coordinate and pool resources on a regional basis to enable a more effective response to emergencies.
- (e) The Commission will be the entity through which municipalities and local service districts identify the needs, scope and financing of recreational facilities. In addition, it will provide services consisting of development of agreements and assistance with securing provincial funding on a fully regional or sub-regional basis.

**2. Summary of significant accounting policies**

The consolidated financial statements of the Commission are the representations of management prepared in accordance with Canadian generally accepted accounting principles for local governments, as recommended by the Public Sector Accounting Board ( PSAB ) of the Chartered Professional Accountants of Canada.

The focus of Public Sector Accounting ( PSA ) financial statements is on the financial position of the Commission and the changes thereto. The consolidated Statement of Financial Position includes all of the assets and liabilities of the Commission.

No other entities have been included in these consolidated financial statements.

Significant aspects of the accounting policies adopted by the Commission are as follows:

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**2. Summary of significant accounting policies (continued)**

**Reporting entity**

The consolidated financial statements reflect the assets, liabilities, revenues, expenditures and changes in net debt and cash flows of the reporting entity. The reporting entity is comprised of all organizations and enterprises accountable for the administration of their affairs and resources to the Commission and which are owned or controlled by the Commission.

Interdepartmental and organizational transactions and balances are eliminated.

**Budget**

The budget figures contained in these financial statements were approved by the Commission on October 16, 2017.

**Revenue recognition**

- (a) Solid waste tipping fees are recorded when waste is delivered to the landfill facility and collection is reasonably assured.
- (b) Sales of recyclable materials are recorded when bales are ready for shipment from the recycling facility, realizable value is determinable and collection is reasonably assured
- (c) Cooperative and regional planning service member charges are recorded when services are provided and collection is reasonably assured.
- (d) Local planning service member charges are recorded when services are provided and collection is reasonably assured.
- (e) Investment and other income are recorded on the accrual basis.

**Expenditure recognition**

Expenditures are recorded on the accrual basis. Outstanding commitments for goods and services relating to the current year are accrued at the balance sheet date.

**Solid waste landfill closure and post-closure liability**

The Commission follows the CPA Canada PSA 3270 standards to account for and report the liability for closure and post-closure care of a solid waste landfill site. Closure activities include final cover and vegetation, drainage control features, and facilities for leachate monitoring, water quality monitoring and monitoring / recovery of gas. Post-closure care activities include all activities related to monitoring the site once it can no longer accept waste including acquisition of additional land for buffer zones, treatment and monitoring of leachate, monitoring ground and surface water, gas monitoring and recovery, and on-going maintenance of control systems, drainage systems and final cover.

The liability is recognized as the landfill site's capacity is used. Usage is measured on a volumetric basis.

**Use of estimates**

The preparation of the consolidated financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the consolidated financial statements and the reported amount of revenues and expenses during the reporting period. Significant estimates include allowance for doubtful accounts, useful life and residual value of tangible capital assets, future landfill closure/post-closure costs and the assumptions used to calculate the current year closure/post-closure liability. These estimates are reviewed periodically, and as adjustments become necessary, they are reported in earnings in the period in which they become known. Actual results may differ from those estimates.

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**2. Summary of significant accounting policies (continued)**

**Financial instruments**

The Commission follows the provisions of CPA Canada PS 3450 standards.

Measurement of financial instruments

The commission initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions.

The commission subsequently measures all its financial assets and financial liabilities at amortized cost, except for investments in equity instruments that are quoted in an active market, which are measured at fair value. Changes in fair value of these portfolio investments are recognized in remeasurement gains and losses.

Financial assets measured at amortized cost include cash, fixed income and pooled investment fund portfolio investments, trade receivables, accrued investment income, due from the federal government and its agencies and due from the Province of New Brunswick.

Financial liabilities measured at amortized cost include bank indebtedness, accounts payable and accrued liabilities, security deposits, deferred revenue and long term debt.

Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. The amount of the write-down is recognized in operations. The previously recognized impairment loss may be reversed to the extent of the improvement, directly or by adjusting the allowance account, provided it is no greater than the amount that would have been reported at the date of the reversal had the impairment not been recognized previously. The amount of the reversal is recognized in operations.

Transaction costs

The commission recognizes its transaction costs in operations in the period incurred. However, financial instruments that will not be subsequently measured at fair value are adjusted by the transaction costs that are directly attributable to their origination, issuance or assumption.

**Cash and cash equivalents**

Cash and cash equivalents include cash on hand, balances with banks, short term deposits with original maturities of three months or less and bank overdrafts. Bank borrowings are considered to be financing activities.

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**2. Summary of significant accounting policies (continued)**

**Tangible capital assets**

The Commission follows the provisions of CPA Canada PSA 3150 standards: Tangible Capital Assets. Tangible capital assets are recorded at cost which includes all amounts that are directly attributable to acquisition, construction, development or betterment of the asset. Donated or contributed tangible capital assets are recorded at their fair market value at the date of construction or contribution. The capitalization threshold is \$ 10,000. Amortization shall begin in July of the year in which the costs were incurred and no amortization is recorded in the year of disposal with the exception of containment cells which are amortized over the actual usage period. Assets under construction are not amortized until the asset is available for productive use. The cost of the tangible capital asset is amortized over the estimated useful life as follows:

<b>Asset type</b>	<b>Amortization basis</b>	<b>Estimated useful life</b>
Landfill site and roadways	Volume usage of the landfill	landfill life
Buildings	Volume usage of the landfill	landfill life
Buildings (compost and MRF facilities foundation)	Volume usage of the landfill	landfill life
Buildings (compost and MRF facilities frame and covering)	Straight-line	20 years
Gas generation system	Straight-line	9 years
Containment cells	Straight-line	3-5 years
Vehicles	Straight-line	5 - 10 years
Heavy equipment	Straight-line	5 - 20 years
Equipment	Straight-line	5 - 10 years
Furniture and fixtures	Straight-line	10 years

**Contributed goods and services**

With the exception of tangible capital assets which are recognized at their fair market value, the value of contributed goods and services are not recognized in the financial statements.

**Inventory of supplies**

Inventory is valued at the lower of cost and net replacement cost with cost being determined on the average cost basis.

**Post-employment benefits and compensated absences**

The Commission follows the provisions of CPA Canada PS 3250 and PS 3255 standards in its financial statement presentation and disclosure.



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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**2. Summary of significant accounting policies (continued)**

**Segmented information**

The Commission provides waste disposal, local planning and cooperative and regional planning services for the geographic area of Region 9. For management reporting purposes, the Commission's operations and activities are organized and reported by function. This presentation was created for the purpose of recording specific activities to attain certain objectives in accordance with special regulations, restrictions or limitations. Services are provided by departments as follows:

**Solid Waste Services**

This department provides solid waste disposal services to the Municipalities and Local Service Districts. This includes the operation of various recycling programs, the handling of hazardous waste and public education programs.

**Generation Facility**

This department utilizes landfill gases to generate electricity. Solid Waste Services uses the electricity generated and any excess production is purchased by Saint John Energy.

**Local Planning Services**

This department provides land use planning services to all local service districts and any municipality that does not currently have the service. This service includes the development of rural plans, the administration and enforcement of the plans, the issuance of building permits, conducting building inspections, and the approval of subdivisions, etc. The Commission encourages local service districts to develop common integrated plans, where possible and appropriate.

**Cooperative and Regional Planning Services**

**Regional Planning**

The Commission is responsible for the development of a Regional Plan, the aim of which would be to better coordinate and manage development and land use within the region. More specifically, the Regional Plan will focus on strategies that focus sustainable development practices, that encourage coordinated development between communities, that influence and guide the location of significant infrastructure (e.g., major roadways, facilities, trails), and that enhance coordination of commercial/industrial development. The Regional Plan will also serve as an important tool in better managing, protecting and harmonizing urban and rural landscapes and resources.

**Regional Policing Collaboration**

The Commission will serve as a forum through which the effectiveness and efficiency of policing services is reviewed and evaluated on a regional basis. In addition, the Commission will identify issues of common concern within the region and provide direction on priorities for policing services. The Commission will identify ways in which police forces within a region can work together to share costs, reduce duplication and generally build stronger linkages with one another.

**Regional Emergency Measures Planning**

The Commission will serve as a forum through which Municipalities and Local Service Districts will plan, coordinate and pool resources on a regional basis in order to enable more effective responses to emergency situations. This will involve working closely with the New Brunswick Emergency Measures Organization (NB EMO) to develop regional emergency protocols (specifying mutual assistance agreements between communities), providing assistance in developing and maintaining local emergency measures plans, and facilitating training initiatives for regional and inter-regional emergency responses.

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

Segmented information (continued)

Regional Sport, Recreational, and Cultural Infrastructure Planning and Cost-Sharing

The Commission is responsible for facilitating the planning and cost-sharing of major sport, recreational and cultural facilities within the region.

The Commission is the entity through which Municipalities and Local Service Districts come together to identify and reach consensus on the need, the scope and the financing required for such new facilities (could include the expansion/renovation of existing facilities). Such agreements could be developed by the Commission on a fully regional or on a sub-regional basis and would cover both initial capital and ongoing operational costs. In order to secure provincial funding, the project proponents will be required to obtain support from those communities expected to benefit from the facilities.

The commission is required to meet any provincial or other established standards associated with the services

**3. Cash**

	<u>2018</u>	<u>2017</u>
Restricted - Capital Reserve Fund	\$ 76,212	\$ 143
Restricted - Closure and Post-closure liability	74,189	79,943
Unrestricted	296,077	672,472
	<u>\$ 446,478</u>	<u>\$ 752,558</u>

**4. Receivables**

	<u>2018</u>	<u>2017</u>
Trade	\$ 703,109	\$ 499,969
Accrued investment income - Reserve Fund	640	-
Accrued investment income - Closure and Post-closure liability	7,334	4,896
	<u>\$ 711,083</u>	<u>\$ 504,865</u>

**5. Due from federal government and its agencies**

	<u>2018</u>	<u>2017</u>
Canada Revenue Agency ( HST refund )	\$ 238,880	\$ 105,868
Canada Border Services Agency	3,850	-
	<u>\$ 242,730</u>	<u>\$ 105,868</u>

**6. Due from Province of New Brunswick**

	<u>2018</u>	<u>2017</u>
Environment & Local Government - solid waste tipping fees	\$ 61,581	\$ 61,753
Environmental Trust Fund	781	35,348
Other	426	2,880
	<u>\$ 62,788</u>	<u>\$ 99,981</u>



**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**7. Portfolio investments**

	<u>2018</u>	<u>2017</u>
Restricted - Reserve fund	\$ 529,092	\$ 512,211
Restricted - Closure and Post-closure liability	1,476,162	1,528,678
Unrestricted	-	9,931
	<u>\$ 2,005,254</u>	<u>\$ 2,050,820</u>

These investments are comprised as follows:

	<u>2018</u>		<u>2017</u>	
	<u>Book Value</u>	<u>Fair Value</u>	<u>Book Value</u>	<u>Fair Value</u>
Reserve fund				
Pooled investment funds	\$ 529,092	\$ 529,092	\$ 522,141	\$ 522,141
Closure and Post-closure liability				
Canadian fixed income	931,694	931,694	907,951	907,951
Canadian common shares	524,011	544,468	505,700	620,727
	<u>\$ 1,984,797</u>	<u>\$ 2,005,254</u>	<u>\$ 1,935,792</u>	<u>\$ 2,050,819</u>

Fair values for Canadian common shares have been determined based on quoted market rates provided by the investment management firm. The fair market values of Canadian fixed income investments and pooled investment funds approximate their book values.

**8. Bank Indebtedness**

	<u>2018</u>	<u>2017</u>
Bank demand loan, prime rate interest, unsecured	\$ 2,500,000	\$ -
Visa facility, \$ 25,000 limit at standard visa terms	7,589	7,761
	<u>\$ 2,507,589</u>	<u>\$ 7,761</u>

The Commission has a \$ 1,000,000 revolving line of credit facility at prime rate of interest which remains unutilized at yearend.

**9. Long-term debt**

	<u>2018</u>	<u>2017</u>
<u>New Brunswick Municipal Finance Corporation Debentures:</u>		
Solid Waste Services		
BK42, 1.15% - 2.35%, due May 15, 2019, OIC #02-0069	108,000	214,000

Approval of the Municipal Capital Borrowing Board has been obtained for long-term debt.

Principal payments required during the next five years are as follows:

2019	\$ 108,000
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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**10. Solid waste landfill closure and post-closure liability**

Paragraphs 19(12), 19(13) and 19(14) of Regulation 2012-109 for the Regional Service Delivery Act require the Commission to establish, manage and annually contribute to a special account that is designated by the commission for the payment of closure and post-closure expenses of the solid waste landfill site. The amounts required for these expenses and for the annual contribution shall be determined in accordance with the recommendations of the Public Sector Accounting Board respecting "solid waste landfill closure and post-closure liability" in the CICA public sector accounting handbook.

Closure activities include all activities related to closing the landfill site such as final cover/vegetation and completing facilities for drainage control, leachate monitoring, water quality monitoring and monitoring/recovery of gas.

Post-closure care activities include all activities related to monitoring the landfill site once it can no longer accept waste. These include acquisition of additional land for buffer zones, monitoring and treatment of leachate, monitoring ground water and surface water, monitoring and recovery of gas and ongoing maintenance of various control systems, drainage systems and final cover.

The liability is recognized as the landfill site's capacity is used. Usage is measured on a volumetric basis.

An engineering study was last completed in 2015 and calculated that the footprint at the end of the landfill's useful life would be contain approximately 5,050,500 cubic meters of waste equating to approximately 3,444,000 metric tonnes. Closure and post-closure care annual costs were estimated to be \$ 270,000 (2009 dollars) increased for inflation to \$ 313,004 (2015 dollars). The Commission has partially installed a gas collection and monitoring system as part of the future closure process. Incurring these costs prior to the actual closure date is expected to reduce the liability for future closure and post-closure costs.

	<u>2018</u>	<u>2017</u>
Key recognition and measurement assumptions are as follows:		
Year landfill opened	1997	1997
Expected final year of operation	2048	2048
Compaction ratio in metric tonnes per cubic meter	0.7	0.7
Total estimated capacity (metric tonnes)	3,449,434	3,450,936
Estimated cumulative capacity utilized to end of year (metric tonnes)	1,439,434	1,373,936
Annual metric tonnes landfilled	65,497	60,916
Estimated capacity remaining at end of year (metric tonnes)	2,010,000	2,077,000
Estimated years of closure and post-closure care	30	30
Inflation rate	2.00%	2.00%
Discount rate for future cash flows	4.50%	4.50%
Net present value of annual closure and post-closure care costs	\$ 332,162	\$ 325,649
Estimated funding balance for closure and post-closure care required at end of operations (future value in 2048 dollars)	\$ 12,675,752	\$ 12,675,752
Estimated future cash outflows associated with closure and post-closure activities discounted at a rate of 4.5% resulting in a total estimated net present value expenditure of:	\$ 3,384,426	\$ 3,238,685

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**10. Solid waste landfill closure and post-closure liability (continued)**

The solid waste landfill closure and post-closure liability has been calculated as follows:

	<u>2018</u>	<u>2017</u>
Total discounted future cash flows associated with closure and post-closure activities	\$ 3,384,426	\$ 3,238,685
Multiplied by cumulative capacity used (metric tonnes)	1,439,434	1,373,936
Divided by total estimated capacity (metric tonnes)	3,449,434	3,450,936
	<u>1,412,307</u>	<u>1,289,432</u>
Less; expenditures previously recognized	1,289,432	1,176,682
Increase to recognized liability	<u>\$ 122,875</u>	<u>\$ 112,750</u>

**Statement of Revenue and Expenditure**

**Revenue**

Transfer from Solid Waste Operating Fund	\$ -	\$ 212,950
Realized gains on disposal of investments	11,682	13,505
Unrealized gains on portfolio investments	-	18,193
Investment income	49,027	37,912
	<u>60,709</u>	<u>282,560</u>

**Expenditures**

Unrealized losses on portfolio investments	94,569	-
Investment management fees	24,725	14,529
	<u>119,294</u>	<u>14,529</u>

**Annual Surplus (deficit)** (58,585) 268,031

**Special account balance**

Beginning of year	1,615,061	1,347,030
End of year	<u>\$ 1,556,476</u>	<u>\$ 1,615,061</u>

The Commission has designated specific investments and accrued investment income to settle closure and post-closure care liabilities as follows:

	<u>2018</u>	<u>2017</u>
Cash held in investment accounts	\$ 74,189	\$ 79,943
Portfolio investments		
Canadian fixed income	931,694	907,951
Canadian common shares	544,468	620,727
Accrued investment income	7,334	4,896
Accrued investment management fees	(4,800)	-
	<u>\$ 1,552,885</u>	<u>\$ 1,613,517</u>

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**11. Measurement uncertainty**

The Commission estimated the future costs of closing the landfill site and monitoring the site for a period of thirty years after closing based on assumptions about future events. The landfill closure and post-closure liability recorded in the financial statements will require adjustment if the following significant assumptions change:

- (1) A costing study determines that future annual closure and post-closure cost estimates differ from current expectations.
- (2) The estimated 2% rate of inflation or 4.5% discount rate differs.
- (3) The total capacity and estimated life of the landfill has been determined based on average annual tonnes landfilled and compaction ratios. Annual volumetric usage is impacted by factors such as population change, increased waste diversion and technological innovation which may significantly impact the life of the landfill.

**12. Contingencies**

In the normal course of operations, the Commission becomes involved in various claims and legal proceedings. While the final outcome with respect to claims and legal proceedings pending at December 31, 2018 cannot be predicted with certainty, it is the opinion of management that resolution of these matters will not have a material adverse effect as the Commission maintains insurance coverage in amounts considered appropriate.

**13. Short-term borrowings compliance**

**Interim capital borrowing**

The Commission has outstanding ministerial authority for short-term capital borrowings as follows:

<u>Approval #</u>	<u>Amount</u>	<u>Term and purpose</u>
18-0031	\$3,620,000	not to exceed 4 years; Environmental Health Services(General)

**Operating borrowing**

As prescribed in the Regional Service Delivery Act Regulation 2012-109, borrowing for operating expenses is limited to 5% of the Commission's operating budget for that service and borrowing for operating expenses of a solid waste management service is limited to 25% of the operating budget for that service.

In 2018, the Commission has complied with these restrictions.

**Inter-fund borrowing**

The Municipal Financial Reporting Manual requires that short-term inter-fund borrowings be repaid in the next year unless the borrowing is for a capital project. Interfund borrowing is in compliance with the requirements.

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**14. Surplus / deficit reconciliation**

	2018	2017
Net financial assets	\$ (1,567,628)	\$ 1,110,519
Adjustments:		
Unrealized loss (gain) on portfolio investments	(20,458)	(115,027)
Temporary financing of capital expenditures with working capital	69,808	
Bank loan	2,500,000	-
Long term debt	108,000	214,000
Inventory of supplies	73,292	56,898
Prepaid expenses	65,475	16,089
Current net assets	<u>\$ 1,228,489</u>	<u>\$ 1,282,479</u>
Composition of current net assets		
2016 Solid Waste Fund Surplus		\$ 388,174
2016 Cooperative & Regional Planning Fund Surplus		12,410
2016 Local Planning Fund Surplus		93,273
2017 Solid Waste Fund Surplus	239,534	239,534
2017 Cooperative & Regional Planning Fund Surplus	6,988	6,988
2017 Local Planning Fund Surplus	29,746	29,746
2018 Solid Waste Fund Surplus	292,028	
2018 Cooperative & Regional Planning Fund Surplus	27,926	
2018 Local Planning Fund Surplus	24,320	
2018 Generation Facility Fund Surplus	2,003	
Reserve Fund balances	605,944	512,354
	<u>\$ 1,228,489</u>	<u>\$ 1,282,479</u>

**15. Financial instruments**

The Commission is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about risk exposure and concentration of risks at December 31, 2018

Credit risk

Credit risk arises from the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge its obligations. The Commission is exposed to credit risk from customers. In order to reduce its risk, the Commission reviews new customers' credit history before extending credit, collects security deposits or bank letters of credit, conducts regular reviews of its existing customers' credit performance and reviews overdue invoices with customers. The Canadian government sector accounted for 100% of member charge revenue. In addition, 80.3% of Canadian source industrial, commercial, institutional, construction and demolition tipping fees are generated from three major customers. The remaining sales are represented by a significant number of diverse customers.

Aging of overdue trade receivables (not impaired)	Overdue by 1 month	Overdue by 2 months	Overdue by Over 2 months
Government	\$ 134,102	\$ 1,534	\$ 781
Non-government	126,425	39,788	17,559
	<u>\$ 260,527</u>	<u>\$ 41,322</u>	<u>\$ 18,340</u>

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**15. Financial instruments (continued)**

Aging of overdue trade receivables (impaired)

Canadian customers

Non-government

\$	-	\$	-	\$	-
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Impairment is determined based on aging, collection history and customer communications.

Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate due to changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk. The Commission has portfolio investments, held as equity instruments, debt instruments and pooled investment funds, totalling \$ 2,005,254 representing only domestic sources. These investments are subject to fluctuations in stock market prices whether caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market.

The Commission does not have a formally documented investment policy. The fund manager must maintain reasonable sector and securities diversification within the investment portfolio.

Investment allocation by asset class is as follows:

Canadian pooled investment funds	26.4%
Canadian fixed income	46.5%
Canadian equity	27.1%
	<u>100.0%</u>

Investment allocation by sector is as follows:

Canadian pooled investment funds	
High interest savings accounts	26.4%
Canadian fixed income	
Federal and Provincial	28.6%
Municipal	1.0%
Corporate	16.8%
Canadian equity	
Energy	6.9%
Materials	1.8%
Industrials	0.7%
Consumer discretionary	3.8%
Consumer staples	0.8%
Financials	10.4%
Information technology	1.1%
Telecommunications services	1.7%
	<u>100.0%</u>

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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**15. Financial instruments (continued)**

Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate due to changes in market interest rates. Cash balances earn interest at floating interest rates and fixed income portfolio investments bear interest at fixed interest rates. Long term debt of \$ 106,000 bears interest at a fixed rate until paid off in 2019. Bank indebtedness totalling \$ 2,500,000 bears interest at a floating rate until it is refinanced with long term debt in 2019. Due to the short debt refinancing time period and professional management of the investment portfolio, the commission believes that interest rate risk is low.

Currency risk

Currency risk arises from the risk that the fair value of future cash flows of a financial instrument will fluctuate due to changes in foreign exchange rates. The Commission does not have any sales or receivables denominated in foreign currencies.

The commission is exposed to currency risk from Canadian supplier purchases of goods sourced directly or indirectly from foreign manufacturers (i.e. heavy equipment purchased for landfill operations originates primarily from the USA)

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty meeting its obligations associated with financial liabilities. The Commission has significant working capital held in accounts receivable from customers but management believes that cash flow will be sufficient to settle financial liabilities as required. If liquidity difficulties arise, the Commission has the ability to borrow for operating and capital purposes.

**16. Post-employment benefits and compensated absences**

The commission sponsors a defined contribution pension plan for its unionized workforce whereby the employer obligation is limited to a matching contribution of up to 5% of regular and overtime pay. For employees with full-time status of 10 years or more, the employer will contribute up to 6% matching. The expense recognized in the 2018 financial statements totals \$ 76,418. There were no significant changes to the pension plan during the year.

The Commission contributes to RRSP benefit plans for its full-time management workforce. The Commission matches employee contributions to a specified percentage of earnings. The expense recognized in the 2018 financial statements totals \$ 37,170.

The Commission provides sick leave time for full-time employees. An employee can take a leave with pay for an amount of time equal to the accumulated sick leave. Unused sick leave benefit are paid out to the unionized employees on the last pay period of the year. Accordingly, there is no liability at yearend.



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**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

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**17. Adjustment of prior years**

	<u>2018</u>	<u>2017</u>
The accumulated surplus balance has been restated for the following:		
Reclassify unrealized gains to the Consolidated Statement of Remeasurement Gains and Losses	\$ (115,027)	\$ (96,834)
Record inventory of chemical supplies	56,898	73,968
Tangible capital assets disposals in previous years not accounted for	(1,600,571)	(1,521,811)
Accounting errors in calculation of amortization expense	(1,097,889)	(945,528)
	<u>\$ (2,756,589)</u>	<u>\$ (2,490,205)</u>

The following consolidated statement of financial position accounts have increased (decreased) by:

Inventory of supplies	\$ 56,898
Tangible capital assets	\$ (2,044,370)
Accumulated amortization	\$ (942,652)

The following consolidated statement of operations accounts have increased (decreased) by:

Landfill expenses	
Leachate & siltation management	\$ 11,988
Amortization of tangible capital assets	\$ 152,360
Loss on disposal of tangible capital assets	\$ 78,764

**18. Comparative figures**

Certain of the 2017 comparative amounts have been reclassified to conform with the financial statement presentation adopted for the current year



**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**19. Schedule of Tangible Capital Assets**

	Land	Buildings	Vehicles	Heavy Equipment	Equipment	Furniture & Fixtures	Infrastructure		Assets Under Construction	2018 Total	(Restated) 2017 Total
							Landfill Site & Roadways	Containment Cells			
<b>COST</b>											
Balance, beginning of year	\$ 1,173,460	\$ 7,372,923	\$ 187,502	\$ 7,858,826	\$ 5,001,355	\$ 42,475	\$ 11,251,000	\$ 26,250,629	\$ 589,694	\$ 59,727,864	\$ 58,429,166
Add:											
Net additions during the year	83,374	12,645	-	279,584	18,509	-	475,752	4,314,186	(589,694)	4,594,356	1,745,856
Less:											
Disposals during the year	-	(306,750)	-	(129,931)	-	-	-	-	-	(436,681)	(447,158)
Balance, end of year	1,256,834	7,078,818	187,502	8,008,479	5,019,864	42,475	11,726,752	30,564,815	-	63,885,539	59,727,864
<b>ACCUMULATED AMORTIZATION</b>											
Balance, beginning of year	-	3,153,021	86,370	5,750,517	4,007,024	42,475	4,490,549	25,567,848	-	43,097,804	41,304,483
Add:											
Amortization during the year	-	175,500	20,535	339,249	249,492	-	230,173	812,349	-	1,827,298	2,173,762
Less:											
Accumulated amortization on disposals	-	(253,047)	-	(118,761)	-	-	-	-	-	(371,808)	(380,441)
Balance, end of year	-	3,075,474	106,905	5,971,005	4,256,516	42,475	4,720,722	26,380,197	-	44,553,294	43,097,804
<b>NET BOOK VALUE</b>	\$ 1,256,834	\$ 4,003,344	\$ 80,597	\$ 2,037,474	\$ 763,348	\$ -	\$ 7,006,030	\$ 4,184,618	\$ -	\$ 19,332,245	\$ 16,630,060
Consists of:											
Solid Waste assets	\$ 1,256,834	\$ 4,003,344	\$ 80,597	\$ 1,927,703	\$ 763,348	\$ -	\$ 7,006,030	\$ 4,184,618	\$ -	\$ 19,222,474	\$ 16,475,637
Electrical Generation assets	-	-	-	109,771	-	-	-	-	-	109,771	154,423
	\$ 1,256,834	\$ 4,003,344	\$ 80,597	\$ 2,037,474	\$ 763,348	\$ -	\$ 7,006,030	\$ 4,184,618	\$ -	\$ 19,332,245	\$ 16,630,060

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**20. Schedule of Segment Disclosure**

	<b>Solid Waste Services</b>	<b>Cooperative &amp; Regional Planning Services</b>	<b>Local Planning Services</b>	<b>Generation Facility</b>	<b>2018 Consolidated</b>	<b>(Restated) 2017 Consolidated</b>
<b>Revenues</b>						
Member charges	2,429,377	\$ 58,364	\$ 144,287	\$ -	\$ 2,632,028	\$ 2,389,519
Sales of services	5,531,736	-	-	123,841	5,655,577	5,364,145
Government transfers	134,052	-	41,250	-	175,302	103,570
Transfers from own and other funds	-	-	-	-	-	-
Other revenues	-	-	-	-	-	-
Interest	71,456	-	593	-	72,049	49,602
Gain on sale of investments	11,682	-	-	-	11,682	13,505
Gain on disposal of tangible capital assets	-	-	-	-	-	-
	<b>8,178,303</b>	<b>58,364</b>	<b>186,130</b>	<b>123,841</b>	<b>8,546,638</b>	<b>7,920,341</b>
<b>Expenses</b>						
Salaries and benefits	2,884,865	19,682	176,261	109,606	3,190,414	2,944,119
Goods and services	3,134,918	23,166	68,229	66,536	3,292,849	3,173,074
Amortization	1,740,373	-	-	86,925	1,827,298	2,173,762
Interest	2,416	-	-	-	2,416	9,411
Loss on disposal of tangible capital assets	49,872	-	-	-	49,872	86,999
	<b>7,812,444</b>	<b>42,848</b>	<b>244,490</b>	<b>263,067</b>	<b>8,362,849</b>	<b>8,387,365</b>
<b>Surplus (deficit) for the year</b>	<b>\$ 365,859</b>	<b>\$ 15,516</b>	<b>\$ (58,360)</b>	<b>\$ (139,226)</b>	<b>\$ 183,789</b>	<b>\$ (467,024)</b>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**21. Reconciliation of Annual Surplus**

	<b>Solid Waste Operating Fund</b>	<b>Cooperative &amp; Regional Planning Operating Fund</b>	<b>Local Planning Operating Fund</b>	<b>Generation Facility Operating Fund</b>	<b>Solid Waste Capital Fund</b>	<b>Generation Facility Capital Fund</b>	<b>Solid Waste Capital Reserve Fund</b>	<b>Local Planning Capital Reserve Fund</b>	<b>Solid Waste Operating Reserve Fund</b>	<b>Local Planning Operating Reserve Fund</b>	<b>Total</b>
<b>2018 annual surplus (deficit)</b>	\$ 2,149,107	\$ 15,516	\$ (58,953)	\$ (52,301)	\$ (1,790,245)	\$ (86,925)	\$ 6,997	\$ 593	\$ -	\$ -	\$ 183,789
<b>Adjustments to annual surplus (deficit) for funding requirements</b>											
Second previous year's surplus (deficit)	388,174	12,410	93,273								493,857
Transfers between funds											
Transfer from local planning operating fund to the local planning capital fund			(10,000)							10,000	-
Transfer from solid waste operating fund to the solid waste capital reserve fund	(65,000)						65,000				-
Transfer from solid waste operating fund to the solid waste operating reserve fund	(11,000)								11,000	-	-
Transfer from solid waste operating fund to the generation facility operating fund	(100,099)			100,099							-
Transfer from solid waste operating fund to the solid waste capital fund	(1,978,753)				1,978,753						-
Transfer from generation facility operating fund to the generation facility capital fund				(45,795)		45,795					-
Transfer from solid waste operating fund to the solid waste capital fund	(106,000)				106,000						-
Loss (gain) on disposal of tangible capital assets					49,872	-					49,872
Proceeds from disposal of tangible capital assets	15,000										15,000
Amortization of deferred financing charge	599										599
Amortization of tangible capital assets					1,740,373	86,925					1,827,298
<b>Total adjustments to annual surplus (deficit)</b>	<b>(1,857,079)</b>	<b>12,410</b>	<b>83,273</b>	<b>54,304</b>	<b>3,874,998</b>	<b>132,720</b>	<b>65,000</b>	<b>-</b>	<b>11,000</b>	<b>10,000</b>	<b>2,386,626</b>
<b>2018 annual fund surplus (deficit) per PNB requirements</b>	<b>\$ 292,028</b>	<b>\$ 27,926</b>	<b>\$ 24,320</b>	<b>\$ 2,003</b>	<b>\$ 2,084,753</b>	<b>\$ 45,795</b>	<b>\$ 71,997</b>	<b>\$ 593</b>	<b>\$ 11,000</b>	<b>\$ 10,000</b>	<b>\$ 2,570,415</b>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**22. Statement of Reserves**

	<b>Solid Waste Capital Reserve</b>	<b>Local Planning Capital Reserve</b>	<b>Solid Waste Operating Reserve</b>	<b>Local Planning Operating Reserve</b>	<b>2018 Total</b>	<b>2017 Total</b>
<b>Assets</b>						
Cash	\$ 55,212	\$ -	\$ 11,000	\$ 10,000	\$ 76,212	\$ 143
Investments	488,543	40,549	-	-	529,092	512,211
Accrued investment income	596	44	-	-	640	-
	<u>\$ 544,351</u>	<u>\$ 40,593</u>	<u>\$ 11,000</u>	<u>\$ 10,000</u>	<u>\$ 605,944</u>	<u>\$ 512,354</u>
<b>Accumulated Surplus</b>	<u>\$ 544,351</u>	<u>\$ 40,593</u>	<u>\$ 11,000</u>	<u>\$ 10,000</u>	<u>\$ 605,944</u>	<u>\$ 512,354</u>
<b>Revenue</b>						
Transfer from Solid Waste Operating Fund	\$ 65,000	\$ -	\$ 11,000	\$ -	\$ 76,000	\$ 672,626
Transfer from Local Planning Operating Fund				10,000	10,000	40,000
Investment income	6,997	593	-	-	7,590	3,531
	<u>71,997</u>	<u>593</u>	<u>11,000</u>	<u>10,000</u>	<u>93,590</u>	<u>716,157</u>
<b>Expenditures</b>						
Transfer to Solid Waste Capital Fund					-	1,151,420
<b>Annual Surplus (deficit)</b>	71,997	593	11,000	10,000	93,590	(435,263)
<b>Accumulated Surplus</b>						
Beginning of year	<u>472,354</u>	<u>40,000</u>	<u>-</u>	<u>-</u>	<u>512,354</u>	<u>947,617</u>
End of year	<u>\$ 544,351</u>	<u>\$ 40,593</u>	<u>\$ 11,000</u>	<u>\$ 10,000</u>	<u>\$ 605,944</u>	<u>\$ 512,354</u>

Reserve fund investments are held as pooled investment funds

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**22. Statement of Reserves ( continued )**

**Commission resolutions regarding transfers to and from reserves:**

**December 10, 2018**

**8.b) Year End Motions**

**Motion:** To approve transfer of \$25,000 from the Solid Waste Services Operating Fund to the Solid Waste Services Capital Reserve Fund as per the 2017 budget in accordance with the Project No. 27900 – Canada-New Brunswick Building Canada Fund (BCF)- Communities Component agreement.

This motion is a requirement of the BCF agreement which funded the construction of the Material Recovery Facility (MRF). The agreement requires the deposit for 10 successive years without a withdrawal.

Moved: Director Baxter  
 Seconded: Director Chatterton  
 Vote: Motion Carried

**Motion:** To approve transfer of \$10,000 from the Local Planning Services Operating Fund to the Local Planning Services Operating Reserve Fund.

Local Planning has a projected surplus at year end. There is indication that there will be a legal challenge made on a PRAC decision in 2018 and the money would be set targeted for any legal costs in 2019 that exceeded the annual budget. By transferring to the Operating Reserve, it will make the money available in 2019, mitigating impact on that budget as opposed to carrying surplus into 2020.

Moved: Director Bedford  
 Seconded: Director Rathburn  
 Vote: Motion Carried

**Motion:** To approve transfer of \$40,000 from the Solid Waste Services Operating Fund to the Solid Waste Services Capital Reserve Fund.

There were two capital expenses from the operating budget that were not executed in 2018 that were in the capital plan. One dumpster (\$10k) for the public drop off and landfill gas system engineering and drilling (\$30k of \$75k) were not fully executed due to supply issues and spring flooding. The capital reserve allows money to be spent on capital projects only and is expected to be spent on the same projects.

Moved: Director Baxter  
 Seconded: Director Bedford  
 Vote: Motion Carried

**Motion:** To approve transfer of \$11,000 from the Solid Waste Services Operating Fund to the Solid Waste Services Operating Reserve Fund.

Paving (\$11k) repairs to the entrance were not completed in 2018 due to vendor issues. Planning to spend the same money on this project in 2019 by transferring to the operating reserve so as not to be applied to the 2019 operations budget.

Moved: Director Chatterton  
 Seconded: Director Rathburn  
 Vote: Motion Carried

  
 Marc MacLeod  
 Executive Director  
 Fundy Regional Service Commission

  
 Date

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**23. Operating Budget to PSA Budget**

	Corporate Services Budget	Cooperative & Regional Planning Budget	Local Planning Budget	Solid Waste Budget	Generation Facility Budget	Subtotal	Amortization	Transfers	Total
<b>Revenue</b>									
Member charges	\$ -	\$ 58,363	\$ 144,287	\$ 2,155,556	\$ -	\$ 2,358,206	\$ -	\$ -	\$ 2,358,206
Sales of services	-	-	-	5,328,194	150,000	5,478,194	-	-	5,478,194
Transfers from own and other funds	253,859	-	-	-	100,099	353,958	-	(353,958)	-
Surplus of second previous year	-	12,409	93,273	331,176	-	436,858	-	(436,858)	-
	253,859	70,772	237,560	7,814,926	250,099	8,627,216	-	(790,816)	7,836,400
<b>Expenditures</b>									
Governance	68,800					68,800	-	-	68,800
Administration	185,059	50,772	49,027	1,122,609	5,700	1,413,167	-	(253,859)	1,159,308
Regional planning		3,000				3,000	-	-	3,000
Regional sport, recreation & culture infrastructure planning & cost-sharing		7,000				7,000	-	-	7,000
Other Services Provided to All Members		10,000				10,000			10,000
Planning and building inspection services			186,033			186,033	-	-	186,033
Operations - Solid Waste Service				4,740,562	244,399	4,984,961	1,833,649	52,480	6,871,090
Financial Services						-			
- Interest				52,480		52,480	-	(52,480)	-
- Other Financing Charges	-		2,500	24,544		27,044	-	-	27,044
- Transfer to the Capital Fund - Debt Repayment				1,094,000		1,094,000		(1,094,000)	
- Transfer to the Capital Fund - Asset Acquisition				510,000		510,000	-	(510,000)	-
- Transfer to the Capital Reserve				25,000		25,000	-	(25,000)	-
- Transfer to the Generation Facility Operating Fund				100,099		100,099		(100,099)	
Closure & Post-closure expense				145,632		145,632	-	-	145,632
	253,859	70,772	237,560	7,814,926	250,099	8,627,216	1,833,649	(1,982,958)	8,477,907
<b>Surplus ( Deficit )</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,833,649)	\$ 1,192,142	\$ (641,507)

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**24. Revenue and Expense Support**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		<b>2017</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
<b>Revenue</b>			
Member charges			
Cooperative and regional planning services	\$ 58,363	\$ 58,364	\$ 40,929
Local planning services	144,287	144,287	85,807
Solid waste tipping fees	2,155,556	2,429,377	2,262,783
Total member charges	<u>\$ 2,358,206</u>	<u>\$ 2,632,028</u>	<u>\$ 2,389,519</u>
Sales of services			
Solid waste services			
Tipping fees from other sources			
Industrial, commercial, institutional	4,648,444	4,642,765	4,401,592
Construction and demolition	168,000	153,450	143,994
Special waste	30,000	80,188	137,853
Recycling			
Fibre	230,000	121,705	239,623
Refundable Products	-	11,632	5,248
Metals	-	31,408	21,380
Paints	3,600	7,137	8,623
Plastics	-	12,107	13,234
Other	8,750	130,312	77,553
Other operational revenue			
Organics	204,400	186,712	194,508
Compost	5,000	5,883	1,709
Other	30,000	148,437	13,938
Electrical generation	150,000	123,841	104,890
Total sales of services	<u>\$ 5,478,194</u>	<u>\$ 5,655,577</u>	<u>\$ 5,364,145</u>
Government transfers			
Environmental Trust Fund	\$ -	\$ 125,944	\$ 76,070
Regional Recreation Development	-	41,250	27,500
Province of New Brunswick - Employment assistance	-	8,108	-
Total government transfers	<u>\$ -</u>	<u>\$ 175,302</u>	<u>\$ 103,570</u>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>	
	<b>( Unaudited )</b>		<b>2017</b>	
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>	
<b>Expenditures</b>				
<b>Corporate Services</b>				
Governance				
Board Members				
Honorariums	\$ 46,400	\$ 42,363	\$ 42,389	
Travel	9,400	3,847	4,333	
Training and development	-		-	
Insurance	13,000	11,500	11,214	
Total Governance	68,800	57,710	57,936	
Administration				
Executive Director's Office				
Salaries and benefits	51,594	50,003	49,064	
Travel	5,000	2,407	4,676	
Training and development	2,500	939	2,339	
Human Resources	-	25,424	10,321	
Financial Management				
Salaries and benefits	71,176	48,404	80,615	
Training and development	2,500	244	1,815	
External audit fees	22,000	18,514	25,000	
Other Administrative Services				
Advertising and public relations	1,000	1,586	1,904	
Legal services	5,000	7,375	2,000	
Office equipment and supplies	9,589	5,330	5,254	
Printing and copying	9,700	4,995	21,666	
Telecommunications	4,000	1,727	7,722	
Other	1,000	60	365	
Total Administration	185,059	167,008	212,741	
Total Corporate Services Expenditures	\$ 253,859	\$ 224,718	\$ 270,677	
Allocated to:				
Cooperative and Regional Planning Services	\$ 50,772	\$ 40,113	\$ 52,071	
Local Planning Services	10,894	10,578	11,291	
Solid Waste Services	192,193	174,027	207,315	
	\$ 253,859	\$ 224,718	\$ 270,677	



**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		<b>2017</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
<b>Expenditures</b>			
<b>Cooperative and Regional Planning Services</b>			
Allocation from Corporate Services	\$ 50,772	\$ 40,113	\$ 52,071
Regional Planning			
Administration	3,000	-	-
Regional Sport, Recreation and Culture: Infrastructure			
Planning and Cost-Sharing			
Administration	7,000	-	6,875
Other Services Provided to All Members			
Economic Development	10,000	2,734	-
<b>Total Cooperative and Regional Planning Services Expenditures</b>	<b>\$ 70,772</b>	<b>\$ 42,847</b>	<b>\$ 58,946</b>
<b>Expenditures</b>			
<b>Local Planning Services</b>			
Administration			
Allocation from Corporate Services	\$ 10,894	\$ 10,578	\$ 11,291
Other Administrative Services			
Advertising and public relations	3,000	1,840	105
Liability insurance	5,000	5,000	5,000
Professional services	12,500	3,844	69
Office building	5,888	4,539	3,804
Office equipment and supplies	820	347	3,249
Printing and copying	900	-	486
Telecommunications	8,400	3,546	3,307
Other	1,625	607	891
<b>Total Administration</b>	<b>49,027</b>	<b>30,301</b>	<b>28,202</b>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
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**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		<b>2017</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
Planning and Building Inspection Services			
Planning Services			
Salaries and benefits	50,000	91,512	56,278
Travel	4,500	3,691	2,891
Training and development	2,500	1,590	2,020
Maps and reference material	1,000	-	-
GIS operating and planet	750	370	493
Advertising	2,000	-	-
Planning committees	8,000	3,938	57
Other	300	-	-
	<u>69,050</u>	<u>101,101</u>	<u>61,739</u>
Inspection Services			
Salaries and benefits	102,533	101,273	94,946
Travel	8,200	7,200	7,125
Training and development	4,000	889	1,043
Maps and reference material	1,500	81	130
GIS operating and planet	750	670	548
	<u>116,983</u>	<u>110,113</u>	<u>103,792</u>
Total Planning and Building Inspection Services	<u>186,033</u>	<u>211,214</u>	<u>165,531</u>
Fiscal Services			
Other Financing Charges			
Banking service charge	2,500	2,976	2,304
Total Local Planning Expenditures	<u>\$ 237,560</u>	<u>\$ 244,491</u>	<u>\$ 196,037</u>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		<b>2017</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
<b>Expenditures</b>			
Solid waste services			
Administration			
Allocation from Corporate Services	\$ 192,193	\$ 174,027	\$ 207,315
Director's Office			
Salaries and benefits	176,273	172,456	165,725
Travel	11,000	3,849	10,259
Training and development	3,000	3,426	2,658
Other Administrative Services			
Advertising	-	261	416
Liability insurance	161,500	124,093	124,339
Professional services	114,000	72,193	112,949
Legal services	5,000	9,247	28,982
Office building	19,950	12,066	14,612
Office equipment and supplies	28,775	18,141	22,690
Printing and copying	3,300	3,015	2,479
Telecommunications	12,500	9,627	9,992
Crane Mountain Enhancement Inc (Note 25)	24,209	24,209	23,969
Host Community Enhancement Fund (Note 25)	88,247	89,147	87,373
Public education			
Personnel	142,987	138,475	132,202
Advertising, tours and promotional	98,475	207,751	122,536
Other administrative	21,200	25,030	17,464
Amortization	20,000	25,571	18,341
<b>Total Administration</b>	<b>1,122,609</b>	<b>1,112,584</b>	<b>1,104,301</b>

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
Solid waste services			
Operations			
Station and buildings			
Repairs and maintenance	7,000	-	94
Electricity	9,000	8,427	7,095
Property taxes	244,650	232,695	232,695
Environmental health and safety	103,958	92,757	79,388
Amortization	30,000	37,853	26,387
Machinery and equipment			
Fuel	169,290	176,475	166,347
Repairs and maintenance	130,160	101,370	104,285
Amortization	200,000	160,549	245,508
Landfill operations			
Personnel	735,663	761,694	659,929
Site and road maintenance	47,300	41,919	51,500
Monitoring	58,100	55,124	56,479
Site security and safety	12,700	8,660	10,013
Special waste handling	15,648	9,386	7,177
Cell cover material	130,500	127,091	85,044
Leachate & siltation management	685,273	884,963	666,944
Safety equipment and supplies	32,474	21,486	36,587
Interest	49,150	-	1,767
Amortization	1,050,000	1,025,544	1,084,793
Scale house			
Personnel	158,758	167,157	150,451
Supplies	22,400	15,596	14,842
Amortization	25,000	38,607	21,200
Waste diversion			
Personnel - Recycling facility	455,142	468,428	409,945
Personnel - Depot collection	382,638	410,933	429,798
Recycling facility	160,350	151,976	131,222
Depot collection program	347,403	263,126	243,674
Amortization - Recycling facility	55,000	62,356	57,974
Amortization - Depot collection program	85,000	95,887	92,616
Composting program			
Personnel	264,133	257,132	302,608
Processing	425,522	370,151	375,024
Cart and bin purchases	125,000	117,144	109,755
Interest	3,330	2,416	7,644
Amortization	281,649	294,006	318,700

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**24. Revenue and Expense Support (continued)**

	<b>2018</b>		<b>(Restated)</b>
	<b>( Unaudited )</b>		<b>2017</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
Hazardous household waste			
Collection	8,000	4,582	6,505
Disposal	25,000	25,366	27,991
Other	4,500	745	1,079
Total solid waste operations	6,539,691	6,491,601	6,223,060
Fiscal Services			
Other Financing Charges			
Debenture issue costs	13,448	598	1,662
Banking service charge	11,096	10,188	9,416
Other Fiscal Services			
Closure & post-closure expense	145,632	122,875	112,750
Investment management fees	-	24,725	14,529
Total fiscal services	170,176	158,386	138,357
Total Solid Waste Expenditures	\$ 7,832,476	\$ 7,762,571	\$ 7,465,718
Generation Facility			
Other Administrative Services			
Professional services	\$ 2,000	\$ 3,499	\$ 2,464
Office building	3,200	3,024	2,648
Office equipment and supplies	500	-	-
Total Administration	5,700	6,523	5,112
Operations			
Personnel			
Salaries and benefits	101,699	109,606	121,681
Travel	5,000	-	-
Other	4,300	-	-
Machinery and equipment			
Fuel	25,400	6,322	6,802
Repairs and maintenance	108,000	53,692	137,827
Amortization	87,000	86,925	308,243
Total Operations	331,399	256,545	574,553
Total Generation Facility Expenditures	\$ 337,099	\$ 263,068	\$ 579,665

**Fundy Regional Service Commission**  
**Notes to the Consolidated Financial Statements**  
**December 31, 2018**

**25. Commitments**

**Crane Mountain Enhancement Inc**

The Commission has committed to provide \$ 20,000 annually (adjusted for 1/2 of the annual inflation rate) to Crane Mountain Enhancement Inc (CMEI) to fund monitoring and educational expenditures for the time period that solid waste facilities are operated at the site. The annual payment is reduced accordingly if the cash or near cash assets of CMEI exceed \$ 60,000.

	2018	2017
Monitoring and education funds transferred	\$ 24,209	\$ 23,969

**Host Community Enhancement Fund**

As required by New Brunswick Order in Council 2005-112, the Commission allocates a dedicated portion of tipping fees to the Host Community Enhancement Fund for special projects designed to enhance the facility and/or the host community for the time period that solid waste facilities are operated at the site. For 2000 and subsequent years, the Commission has committed to provide \$ 75,000 annually (adjusted for 1/2 of the annual inflation rate). The Fund is administered by Crane Mountain Enhancement Inc (formerly Fundy Future Environment and Benefits Council) and the Commission. The eligible funding recipients, project descriptions and funding amounts are as follows:

Funding Recipient	Project Description	2018	2017
Church Of The Resurrection	Play park	\$ 11,500	\$ 10,428
Friends of Blueberry Hill	Maintenance & upgrades to trail system		2,700
Friends of Blueberry Hill	Tree planting	3,300	
Grand Bay Home and School	Greenhouse, seeds & compost		3,019
Grand Bay Legion Branch #22	Kitchen		10,501
Grand Bay Primary	Outdoor classroom	11,200	
Grand Bay-Westfield Scouts	Stoves and cookware	1,439	845
Grand Bay-Westfield Senior Art Group	Workshops & exhibitions	415	212
Grand Bay-Westfield Volunteer Firefighters	Gym equipment		5,110
Grand Bay-Westfield Volunteer Firefighters	Barbeque	1,610	
Honour Our Veterans	Veteran banners		3,311
Honour Our Veterans	Sign brackets	4,180	
Ketepec Scouts	Snowshoes and supplies	3,716	
Martinon Community Centre	Insulation		1,721
Martinon Community Centre	Kitchen appliances & dishes		861
Morna Heights Home and School	Books for library		1,431
Morna Heights Home and School	Library storage and seating	2,115	
Morna Heights School	i-pads	2,168	2,395
Over 50 Activity Group	Tables, chairs, bridge books & playing cards		3,422
RV Community Centre	Refrigeration equipment		32,484
RV Community Centre	Eavestrough	9,122	
RV Community Centre	Repair wall leaks	19,119	
RV Volunteer Hunter Education	Sponsor young hunters	400	400
Stonehammer UNESCO Geopark	Concrete Stamps	7,600	
Westfield Elementary School	Playground equipment		8,533
Westfield Elementary School	Library revitalization	10,964	
3 on 3 Summer Basketball	Basketball supplies	299	
		\$ 89,147	\$ 87,373



**SAINT JOHN BOARD  
OF POLICE  
COMMISSIONERS**

**ONE Peel Plaza, E2L 0E1  
PO Box 1971  
Saint John, New Brunswick  
Canada E2L 4L1**

*Bureau des Commissaires du  
Service de Police de Saint John  
C.P. 1971  
Saint John Nouveau-Brunswick  
Canada E2L 4L1*

**EDWARD KEYES**

*Chair/ Président*

**JEFF MCALOON**

*Vice Chair/Vice Président*

**DOUGLAS JONES**

*Secretary/Secrétaire*

**BRIAN BOUDREAU**

*Commissioner/Commissaire*

**DON DARLING**

*Commissioner/Commissaire*

**GARY SULLIVAN**

*Commissioner/Commissaire*

**MAIKE WHITE**

*Commissioner/Commissaire*

**MICHAEL COSTELLO**

*Commissioner/Commissaire*

**BRUCE CONNELL**

*Chief of Police/  
Chef de Police*

**DAPHNE WAYE**

*Executive Administrator/  
Secrétaire Administrative*

*Telephone/Téléphone:  
(506) 648-3324*

*E-mail/Courriel:  
[policecommission@saintjohn.ca](mailto:policecommission@saintjohn.ca)*



**SAINT JOHN**

*Explore our past/  
Explorez notre passé  
Discover your future/  
Découvrez votre avenir*

June 11, 2019

Mayor Don Darling and Members of  
Common Council

Your Worship and Councillors:

**Re: 2018 Operating Budget – December Year-End (Unaudited)  
Financial Results**

The Saint John Board of Police Commissioners, at its meeting on Tuesday, June 11, 2019 accepted and approved the attached (unaudited) Financial Report of the Saint John Police Force's Operating Budget as of December 31, 2018.

On behalf of the Saint John Board of Police Commissioners, I am pleased to provide a copy of this report to Common Council in accordance with Section 7(3) of the *New Brunswick Police Act*.

Respectfully submitted,

Edward Keyes, Chair  
Saint John Board of Police Commissioners

EK/dew

Attachment



## **REPORT TO SAINT JOHN BOARD OF POLICE COMMISSIONERS**



### **COMMITTEE OF THE WHOLE**

June 11, 2019

Mr. Edward Keyes, Chair and  
Members of the Board of Police Commission

Chair Keyes and Members

### **SUBJECT**

**2018 Operating Budget – December Year-End (Unaudited) Financial Results**

### **BACKGROUND**

The purpose of this report is to provide the Board with an update on the (unaudited) year-end financial position of the Saint John Police Force's Operating Budget as of December 31, 2018.

### **FINANCIAL HIGHLIGHTS**

For the period ended as at December 31, 2018, the **net** operating expenses for the Saint John Police Force were under budget by \$278,188 or 1.10%.

There are seven key areas that contributed to this budget variance.

1. Revenue surpassed the annual target by \$275,378.
2. Salaries and Wages were under budget by \$636,894.
3. Overtime costs exceeded budget by \$305,112.
4. Extra-Duty overtime expense was \$101,160 and is 100% recoverable.
5. Court Time and Other Personnel costs were over budget by \$117,743.
6. Fringe Benefits were under by \$53,423.
7. Good and Services were over budget by \$163,492.



**Subject: 2018 Operating Budget – December Year End (Unaudited) Financial Results**

---

## **Budget Analysis**

### **REVENUE OFF-SETS**

The \$275,378 in additional revenue was generated from extra-duty assignments, cost recovery opportunities through investigative joint operations, and funding from the Public Safety to defray the expense to conduct Standard Field Sobriety and Drug Recognition Expert training.

### **SALARIES AND WAGES**

Salaries were under budget by \$636,894 and this relates to vacancies that occurred during the year and these savings will be used to cover the increase in overtime and court time expense.

### **OVERTIME**

#### **Saint John Police Association (SJPA)**

The overtime costs were over budget by \$305,112. The Patrol Division accounted for \$271,274 and the Criminal Investigation Division was over budget by \$26,215.

The overtime expense for Extra-Duty was \$101,160 and this amount is 100% covered from billings to third parties for paid overtime assignments.

### **OTHER PERSONNEL COSTS**

#### **Court Time - Saint John Police Association (SJPA)**

The cost for court time exceeded budget by \$113,014.

### **GOODS & SERVICES**

The various Goods and Services accounts were over budget by \$163,492.

**Subject: 2018 Operating Budget – December Year End (Unaudited) Financial Results**

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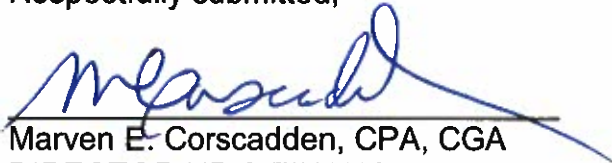
## **RECOMMENDATION**

- **It is recommended that the Board accept and approve this (unaudited) Financial Report for the period ended as at December 31, 2018 and forward a copy to Common Council as required under Section 7 (3) of the New Brunswick Police Act.**

### ***Attached reports and documents:***

- Consolidated Statement of Operations – December 31, 2018
- Budget Variance Analysis – December 31, 2018

Respectfully submitted,



Marven E. Coruscadden, CPA, CGA  
DIRECTOR HR & FINANCE



Bruce Connell  
CHIEF OF POLICE

**SAINT JOHN POLICE FORCE  
BUDGET VARIANCE ANALYSIS  
For the Period Ended December 31, 2018**

Budget	Expenses	Variance	Current Variance Timing	Actual
\$25,689,293	\$25,686,483	\$2,810	-	\$2,810

Expense Category	Variance	Explanation of Variance
Salaries & Wages	\$636,894	<ul style="list-style-type: none"> <li>• <b>Salaries: Non-Union</b> under budget by \$120.</li> <li>• <b>Salaries: Local 486</b> under budget by \$69k.</li> <li>• <b>SJPA Police Officer wages</b> under budget by \$449k.</li> </ul>
Overtime	(\$406,272)	<ul style="list-style-type: none"> <li>• <b>Overtime: SJPA-Patrol:</b> Over budget by (\$271k).</li> <li>• <b>Overtime-SJPA-Criminal Investigations:</b> Over budget by (\$16k).</li> <li>• <b>Extra-Duty Overtime</b> - Over by (\$101k) and this expense is 100% recovered with earned revenue as all hours paid are invoiced to 3<sup>rd</sup> parties for Extra-Duty assignments.</li> </ul>
Other Personnel Costs	(\$117,743)	<ul style="list-style-type: none"> <li>• <b>Court Time:</b> Over budget by (\$116k).</li> </ul>
Fringe Benefits	\$53,423	<ul style="list-style-type: none"> <li>• <b>Benefits:</b> The rate for police officers is at 28.6% and 24.8% for civilian employees. This rate now includes the employer portion the Long-Term Disability (LTD) program and the Shared Risk Pension plan. It also includes EI, CPP, WCB and employee group benefit costs.</li> </ul>
General Services	(\$128,922)	<ul style="list-style-type: none"> <li>• <b>Telephone:</b> Under budget by \$27k.</li> <li>• <b>Radios:</b> Over by (\$189k) – Savings from other areas of the operating budget were used to make a one-time pay down on the capital expense for Police Trunk Mobile Radios.</li> <li>• <b>Employer Training:</b> Under by \$22k.</li> </ul>

**Saint John Police Force – December 31, 2018**  
**Budget Variance Analysis**

<b>Expense Category</b>	<b>Variance</b>	<b>Explanation of Variance</b>
<b>Insurance</b>	<b>(\$69,649)</b>	<ul style="list-style-type: none"> <li>• <b>Deductible Account:</b> Over budget by <b>(\$72k)</b> and this is a direct charge back to Police via the City's insurance department for 3<sup>rd</sup> party civil claims (damages) against Police.</li> </ul>
<b>Professional Services</b>	<b>(\$91,806)</b>	<ul style="list-style-type: none"> <li>• <b>Legal:</b> Over budget by <b>(\$28k)</b>.</li> <li>• <b>Other Professional Services:</b> Over budget by <b>(\$67k)</b>.</li> </ul>
<b>Other Purchased Services</b>	<b>(\$43,348)</b>	<ul style="list-style-type: none"> <li>• <b>Other Purchased Services:</b> Over budget by <b>(\$43k)</b>.</li> </ul>
<b>Repair &amp; Maintenance</b>	<b>\$2,420</b>	<ul style="list-style-type: none"> <li>• No significant variance at the end of 2018.</li> </ul>
<b>Rentals</b>	<b>\$76,131</b>	<ul style="list-style-type: none"> <li>• <b>Equipment Rentals:</b> Over budget by <b>(\$26k)</b>.</li> <li>• <b>Vehicle Rentals:</b> Over budget by <b>(\$22k)</b>.</li> <li>• <b>Building Occupancy Charge for One Peel Plaza-</b> Under budget by <b>\$123k</b>.</li> </ul>
<b>Purchased Goods</b>	<b>(\$28,311)</b>	<ul style="list-style-type: none"> <li>• <b>Special Investigative Operations:</b> Over budget by <b>(\$31k)</b> and this was recovered from CSINB when conducting several joint operations in 2018.</li> </ul>
<b>Government Services</b>	<b>(\$58)</b>	<ul style="list-style-type: none"> <li>• No significant variance at the end of 2018.</li> </ul>
<b>Internal Services</b>	<b>(\$583)</b>	<ul style="list-style-type: none"> <li>• <b>Fleet Maintenance – \$38k</b> – The cost for maintenance was under budget.</li> <li>• <b>Fleet Fuel – (\$32k)</b> – The fuel costs were over budget at year-end.</li> </ul>

# **Saint John Police Force – December 31, 2018** **Budget Variance Analysis**

Expense Category	Variance	Explanation of Variance
Asset Purchases	\$120,635	<ul style="list-style-type: none"> <li>• <b>Vehicle Purchases – \$164k</b> – This specific budget account was under budget at end of the year and these savings were used to off-set other expenses in the operating budget.</li> <li>• <b>Other Assets – (\$45k)</b> – Twelve (12) additional portable radios were purchased to provide every officer with their own unit to enhance safety.</li> </ul>

# Saint John Police Force

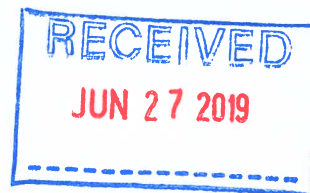
## Consolidated Statement of Operations

### For the Period Ended December 31, 2018

	2018		2018		2017		2017	
	Budget	Actual	Variance		Budget	Actual	Variance	
Salaries & Wages	16,593,994	15,957,100	636,894		16,215,774	15,970,147	245,627	
Overtime	607,000	1,013,272	(406,272)		507,000	750,985	(243,985)	
Other Personnel Costs	188,600	306,343	(117,743)		191,600	256,016	(64,416)	
Fringe Benefits	4,721,031	4,667,608	53,423		4,720,456	4,707,527	12,929	
<b>Total Wages &amp; Fringe Benefits</b>	<b>22,110,625</b>	<b>21,944,322</b>	<b>166,303</b>		<b>21,634,830</b>	<b>21,684,675</b>	<b>(49,845)</b>	
General Services	438,000	566,922	(128,922)		374,000	499,428	(125,428)	
Insurance	51,000	120,649	(69,649)		37,000	68,812	(31,812)	
Professional Services	309,000	400,806	(91,806)		403,370	397,385	5,985	
Other Purchased Services	91,200	134,548	(43,348)		106,000	110,244	(4,244)	
Repairs & Maintenance	115,000	112,580	2,420		130,500	111,571	18,929	
Rentals	1,078,168	1,002,037	76,131		1,096,693	988,402	108,291	
Purchased Goods	323,200	351,511	(28,311)		293,700	353,895	(60,195)	
Government Services	5,100	5,158	(58)		6,500	5,084	1,416	
Internal Corporate Charges	766,000	766,583	(583)		532,376	775,383	(243,007)	
Asset Purchases	402,000	281,365	120,635		154,700	176,051	(21,351)	
<b>Total Goods &amp; Services</b>	<b>3,578,668</b>	<b>3,742,160</b>	<b>(163,492)</b>		<b>3,134,839</b>	<b>3,486,255</b>	<b>(351,416)</b>	
<b>Surplus/(Deficit)</b>	<b>\$ 25,689,293</b>	<b>\$ 25,686,483</b>	<b>\$ 2,810</b>	<b>0.01%</b>	<b>\$ 24,769,669</b>	<b>\$ 25,170,930</b>	<b>\$ (401,261)</b>	<b>-1.62%</b>
<b>Revenue Sources</b>	480,775	756,153	275,378		650,000	845,594	195,594	
<b>NET Operating Expenses</b>	<b>\$ 25,208,518</b>	<b>\$ 24,930,330</b>	<b>\$ 278,188</b>	<b>1.10%</b>	<b>\$ 24,119,669</b>	<b>\$ 24,325,336</b>	<b>\$ (205,667)</b>	<b>-0.85%</b>

To: Mayor and Council of the City of Saint John

Re: Safe Pedestrian Access



Your Worship and Council,

Safe Pedestrian Access remains a foreign concept for the decision makers of this city. Something is wrong when painting a crosswalk at a dangerous pedestrian barrier constitutes a liability and the only solution is a one hundred thousand (\$100,000.) dollar fix.

By law, pedestrians have the right of way at any intersection, marked or not. A crosswalk is just a visual reminder to motorists to obey the rules of the road, so how is a crosswalk a liability?

The elusive Move SJ is purportedly responsible for pedestrians yet their documented priorities read more like something from a lobbyist group for cyclists and the high maintenance recreational trail of Harbour Passage than a bona fide, pedestrian inclusive, transportation plan.

Move SJ's failure to attend the 2017 municipally hosted Growth and Community Development three day South End Summit speaks volumes as to the true agenda of this publically funded entity.

Safe Pedestrian Access is a priority of the citizens who live in Saint John and must be treated as such by our decision makers, wherever they reside.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mary Ellen Carpenter".

Mary Ellen Carpenter

41 Crown St. #207  
Saint John, NB. E2L 0E2  
(506) 899-0519

To: Mayor and Council of the City of Saint John

Re: Bus Drivers



Your Worship and Council,

Bus drivers are the face of Saint John Transit. These dedicated professionals interact daily with the public and are to be commended for the safe courteous service they provide.

According to *Right to Information and Protection of Privacy Act*, Saint John Transit, a publically funded entity whose primary purpose is to directly service the public, has no customer service policy except for the limited information printed on transfers and monthly passes.

Interpretation of "continuous travel" and "travel in the same direction" differs drastically from driver to driver. This is not surprising considering the inefficient, back-tracking, overlapping route redundancy of SJ Transit's current system.

Inquiries concerning these inconsistencies are directed to the Transit office where responses range from nonsensical to outright lies. Saint John Transit's failure to provide customer service clarification too often results in unpleasant passenger confrontation yet it is unfair to blame the drivers for just following orders.

A professional evaluation of Saint John Transit by experts from outside the Greater Saint John area is overdue.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Ellen Carpenter". The signature is fluid and cursive, with a large loop at the end.

Mary Ellen Carpenter

41 Crown St. #207  
Saint John, NB. E2L 0E2  
(506) 899-0519



## COUNCIL REPORT

M&C No.	2019-163
Report Date	July 02, 2018
Meeting Date	July 08, 2018
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Proposal for Cured-in-Place Point Repair Liners**

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Jason Leclerc</i></b>	<b><i>Brent McGovern</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that the standing offer agreement for the supply and installation of Cured-in-Place Point Repair Liners and associated work be awarded to Industrial Hydro-Vac NB Limited for 2019 with an option to extend for years two through five.

### ***EXECUTIVE SUMMARY***

The purpose of this report is to seek Council's approval for the award of the supply and installation of cured-in-place point repair liners and associated work to support advancement of the City's sewer maintenance program. During inspections of the sewer collection systems, defects are identified that can be repaired with cost effective trenchless technologies.

This initiative was approved as part of the 2019 budget process for the 2019 Water and Sewerage Utility Fund.

Advancing this sewer maintenance program supports the sustainable management of sanitary sewer infrastructure by extending the useful life of the sewer assets at the lowest possible cost while also minimizing disruptions to motorists and businesses.

### ***PREVIOUS RESOLUTION***

Not applicable

## ***STRATEGIC ALIGNMENT***

**Valued Service Delivery** – Saint John invests in sustainable City services and municipal infrastructure. The award of the standing offer agreement for Cured-in-place Point Repair Liners and associated work supports Council's Priorities and in this case reinforces the customer-focused services by exploring service improvements through innovation and technology.

## ***REPORT***

In 2018, as part of the sewer asset management and maintenance program, a standing offer agreement was issued for CCTV Video inspection and associated works in order to greatly improve the accuracy and completeness of the asset management data as well as to provide ongoing inspection of the sewer collection system. The inspection program has provided Saint John Water with an improved understanding of asset conditions. It has also provided Saint John Water an opportunity to implement the latest technology in trenchless repairs or Cured-in-Place Point Repair Liners.

As part of the CCTV Video Inspection program, the City now inspect 65,000m every year in order to complete a system wide inspection every 10 years. As part of these inspections, multiple defects are discovered that are suitable for sewer rehabilitation by trenchless technology.

The advantages of trenchless technologies like Cured-in-Place Point Repair Liners are that the repair has a reduced cost over traditional construction methods as it avoids the traditional approach of street excavation, limited disruptions to the public and they enable Saint John Water to extend the life of the asset at the lowest possible cost. Cured-in-Place Point Repair Liners also allow for the prevention of serious sudden sewer failures or backups which limits the City's liability while at the same time improving the level of service.

## ***SERVICE AND FINANCIAL OUTCOMES***

Saint John Water will be the primary user of the Supply Agreement but other departments like Transportation and Environment Services will also benefit from this standing offer to complete Cured-in-Place Point Repair liners for the storm sewer infrastructure.

The total estimated cost of this one year standing offer agreement will be approximately \$75,000 plus HST, which will be managed within the 2019 approved budgets.

### **INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS**

Materials Management facilitated the Request for Proposal (RFP) process to solicit proposals for Cured-in-Place Point Repair Liners.

As such the RFP closed on Thursday, May 16, 2019 with the following companies responding by submitting proposals:

- AVL Construction Group Inc. – Drummond, NB
- Eastern Trenchless Limited – Fredericton, NB
- Services Infraspec Inc. – Laval, QC
- Industrial Hydrovac NB Ltd. – Saint John, NB

A review committee, consisting of staff from Materials Management and Saint John Water reviewed the submission for completeness and compliance with the RFP requirements and selection criteria consisting of the following:

1. *Quality and Completeness*
2. *Proponent's Experience*
3. *Experience and Qualification of Key Personnel*
4. *Equipment*
5. *Cost*

The submission from Eastern Trenchless Limited was rejected as non-compliant due to an unapproved alternate repair liner product being submitted which does not meet the requirements of the RFP.

The proposal submitted by Industrial Hydro-Vac NB Limited was ranked highest by the evaluation committee and met all the requirements set forth in the RFP at the lowest cost.

The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation being put forth.

### **ATTACHMENTS**

No Attachments

## COUNCIL REPORT

M&C No.	2019-169
Report Date	July 02, 2019
Meeting Date	July 08, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Online Payment Solution***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Sarah Ranson</i></b> <b><i>Anne Drew</i></b>	<b><i>Stephanie Rackley-Roach</i></b> <b><i>Kevin Fudge</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

The City Manager recommends that this report be received and filed.

### ***EXECUTIVE SUMMARY***

City and Saint John Parking Commission staff are ready to launch the online payment tool, Paymentus, for parking tickets. Paymentus conforms to industry security regulations for credit card payment processing. The Information Technology and Finance teams have completed the necessary actions to secure and test the online payment tool.

### ***PREVIOUS RESOLUTION***

N/A

### ***REPORT***

At the January 28 2019 Council Meeting, Council was advised that City staff were investigating another online payment solution to replace Click2Gov. The new payment solution was to be in place by the end of the second quarter of 2019. The purpose of this report is to introduce the new payment method.

Paymentus is a paperless electronic payment solution that the City has been using since May 2017 for monthly parking payments. Paymentus is Payment Card Industry (PCI) Certified, which requires adherence to all of the PCI DSS data security standards. The PCI Security Standards Council is a global forum for the ongoing development, enhancement, storage, dissemination and

implementation of security standards for account data protection. It also provides critical tools needed for implementation of the standards.

The City currently has an agreement with Paymentus for service for the monthly parking customers. This agreement was approved by Common Council in 2017. Other Canadian Paymentus customers include Saint John Energy, Halifax Regional Municipality, City of Charlottetown, Gazifère Quebec, City of Ottawa, City of Guelph, and BC Hydro.

As part of the City's due diligence to protect our customers, the City worked with cybersecurity experts to complete vulnerability scanning and remediation efforts on the City's technical infrastructure to provide a secure link to the Paymentus tool to complete payment transactions. Users are advised they are leaving the City's website and of the URL for Paymentus, a PCI compliant tool for making secure on-line payments.

The Paymentus payment method will be launched July 15 2019. At this time, the link on the City's website to the online payment function for parking tickets will be published.

#### ***STRATEGIC ALIGNMENT***

As outlined in Council Priorities, the City supports valued customer service delivery. Adopting this payment method for parking tickets provides citizens the ability to make online payments securely.

#### ***SERVICE AND FINANCIAL OUTCOMES***

Paymentus does not have a reoccurring monthly cost to make secure online payment of parking tickets available through the City's website given the current agreement with the vendor. There was a nominal one-time fee for set-up which was off-set by costs associated with the previous payment solution.

While the City was working to implement a new online payment solution for parking tickets, call volume for phone payments increased significantly. As customers migrate back to the self-service option for paying parking tickets, staff time will be saved.

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City's Solicitor's Office, Finance Service, Information Technology Service, and the Saint John Parking Commission have worked together on implementing this payment solution for parking tickets.

#### ***ATTACHMENTS***

None.

## COUNCIL REPORT

M&C No.	19-173
Report Date	July 02, 2019
Meeting Date	July 08, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT:** Succeed and Stay Project - Research

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<b>David Dobbelsteyn</b>	<b>Jacqueline Hamilton/Phil Ouellette</b>	<b>John Collin</b>

### **RECOMMENDATION**

RESOLVED that the City enter into an agreement with the University of New Brunswick for the Succeed and Stay Project.

### **EXECUTIVE SUMMARY**

With the release of the City's new *Population Growth Framework* in 2018, the City has been on a trajectory towards growing our population base.

To enable the delivery of the *Framework*, the City entered into an agreement with the Atlantic Canada Opportunities Agency and the Government of New Brunswick called the *Succeed and Stay Project in 2019*.

A major part of *Succeed and Stay* is research based, and staff are recommending that the City retain the professional research services of Dr. Mikael Hellstrom to assist the City with research on why some immigrants integrate into Saint John and some leave.

The agreement with UNB is relatively simple, though staff from both UNB and the City are recommending a signed agreement in order to provide clarity on intellectual property.

Staff is recommending that the Mayor and Common Clerk be authorized to execute the attached agreement with UNB (**Attachment A**).

## **PREVIOUS RESOLUTION**

February 11, 2018:

### ***Succeed and Stay Project***

*RESOLVED that pursuant to applications for funding made by The City of Saint John (the “City”) to the Atlantic Canada Opportunities Agency (“ACOA”) and to the Province of New Brunswick (the “Province”), Common Council approves a funding agreement with each of ACOA and the Province;*

## **STRATEGIC ALIGNMENT**

The Succeed and Stay Project aligns with Council’s priorities of:

### **Growth and Prosperity:**

- We grow in a smart way and attract talent, innovation and opportunities so all residents can thrive
- Promote Saint John as a community to live, work and play to grow the residential tax base

### **Valued Service Delivery:**

- Explore service improvements through innovation, technology and developing partnerships with other organizations.

### **The Roadmap for Smart Growth:**

- Action # 15

### **The Population Growth Framework:**

- Actions: 4, 16, & 17

## **REPORT**

The *Population Growth Framework* is our City’s new strategy to achieve population growth. The Vision of the *Framework* is that Saint John will become the most welcoming community in Atlantic Canada. In doing so, we hope to have even more people move here and call Saint John home.

In order to more quickly drive this growth agenda, Council entered into agreements with ACOA and GNB earlier this year called *Succeed and Stay*. Part of this project is specific research that seeks to identify variables and determinants that contribute to the long-term retention of immigrants, and the long-term success and integration of immigrants in Saint John - in other words, why do newcomer’s *Succeed and Stay* in Saint John?

The City has created an advisory committee for this research project made of up stakeholders with academic expertise in this area, including UNB Saint John, EDGSJ, the Human Development Council and representatives of the Local Immigration Partnership.

City staff have also assembled a multi-disciplinary team to lead the research project and are recommending that the City enter into an agreement with UNB for the research services of Dr. Mikael Hellstrom as outlined in the attached *Succeed and Stay Research Project* agreement with UNB.

As the City's research project with UNB involves intellectual property, and the City's agreements with ACOA and GNB have specific requirements on intellectual property, staff recommend an agreement with UNB to clearly define the parameters of intellectual property ownership.

#### ***SERVICE AND FINANCIAL OUTCOMES***

Funding for the agreement with UNB is fully covered through the existing *Succeed and Stay* agreements with ACOA and GNB.

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Input has been received from Growth and Community Development Services, Human Resources, Materials Management, Finance, Asset Management, IT, and the Legal Department. Input has also been received from ACOA and the Succeed and Stay Advisory Committee.

#### ***ATTACHMENTS***

Attachment A: **UNB Succeed and Stay Research Project Proposal**



June 14, 2019

The City of Saint John  
PO Box 1971  
Saint John, NB  
Canada  
E2L 4L1

Attention: David Dobbelsteyn, Population Growth Manager | Directeur de la croissance  
démographique

**Re: Succeed and Stay Research Project**

Further to your discussion with Dr. Joanna Everitt, Director, Urban and Community Studies Institute, University of New Brunswick, we are pleased to submit herewith our proposal to carry out the work described below. If the Terms of Reference for the work as set out herein are acceptable to you, please confirm by signing and returning one copy of this letter which will then become the Agreement between The City of Saint John (the "Client") and the University of New Brunswick (the "University").

We appreciate the opportunity to work with you and look forward to the successful completion of the work.

Terms of Reference:


1. The Work shall consist of determining specific factors and determinants that contribute to the successful integration of immigrants in Saint John concomitant with long term retention (>5 years); and, to gather rigorous data on services that newcomers to Saint John use, and to inform efforts to increase newcomer attraction and retention in Saint John, all as further described in the attached Statement of Work (Phase 1) (Appendix A), which forms a part of this Agreement.
2. Unless otherwise agreed, the Work will begin on June 17, 2019 and shall end on August 30, 2019.
3. The University will conduct the work for a lump sum fee of nine thousand, three hundred & seventy five Canadian dollars (\$9375.00 CAD).
4. Invoicing to the Client shall occur upon signing of this Agreement.
5. (a) Client and University may disclose information, marked "Confidential", one to the other to facilitate this work. Unless already known or public, such information shall not be disclosed to any third Party without the express written authorization of the issuing party. This Article survives termination of this Agreement.

- (b) Except with the prior written consent of the Client and subject to the confidentiality requirements, no reports or papers on the work, either oral or written, shall be published by the University until twelve (12) months after the Client has received the final report. Requests for earlier publication shall be made to the Client, with draft copies, not less than 90 days before proposed publication.
  - (c) Background Intellectual property owned, independently conceived, reduced to practice, or writing by the University prior to entering into the Agreement with no facilities, contribution, involvement or support by the Client, as to its conception, shall remain the sole and exclusive property of the University, and the Client shall have no title or claim to such intellectual property.
  - (d) Background Intellectual property owned, independently conceived, reduced to practice, or writing by the Client prior to entering into the Agreement with no facilities, contribution, involvement or support by the University, as to its conception, shall remain the sole and exclusive property of the Client, and the University shall have no title or claim to such intellectual property.
  - (e) Foreground Intellectual property, meaning all information of a scientific, technical, or artistic nature, first conceived, developed, or reduced to practice for the Client (Article 1), shall be owned by the Client, subject to the payment by the Client to the University of the full amount due under the provisions of this Agreement. The Client grants the University a non-exclusive, unrestricted royalty-free license, subject to confidentiality requirements, to use the foreground intellectual property for non-commercial purposes.
  - (f) Where a graduate student is employed in the work, the graduate student will own the copyright to the thesis developed in conjunction with this project. The graduate student will not be delayed in any way by the requirements of this agreement in writing and presenting his or her thesis to meet the usual academic requirements for graduation.
- 6.
- (a) Client shall indemnify University against all costs, suits, or claims resulting from the use by Client or its customers or licensees of any deliverable or project results developed by University under this Agreement.
  - (b) University shall indemnify Client against all costs, suits or claims on account of injuries to persons participating in the Project or damage to University property during the performance of this Agreement.
- 7.
- (a) The University will render its professional services to the Client with that degree of care, diligence and skill consistent with accepted norms of sound practice.
  - (b) The University does not purport to be knowledgeable in the application of the results of the work to the various scientific, industrial, commercial or regulatory disciplines, beyond the services described in Article 1.
  - (c) The Client will make available to the University all relevant materials, information or data pertinent to the work which is required by the University, in timely

manner. The University shall be entitled to rely upon the accuracy and completeness of such information and data and shall not be responsible to the Client for the consequences of any error or omission contained therein.

8. (a) Changes in the scope of the work will only be implemented upon written authorization from the Client. Fees for changes shall be as agreed upon by the parties or shall be in accordance with the schedule in Article 3.
  - (b) Termination of the work may be by either party upon two (2) weeks notice to the other. Payment in this event shall be for the work completed and/or committed at termination as a proportion of the total work authorized.
9. This Agreement shall be governed by the laws of the Province of New Brunswick and shall be subject to the jurisdiction of the Courts of New Brunswick.

Yours truly,

  
\_\_\_\_\_  
Dr. Joanna Everitt  
Principal Investigator

  
\_\_\_\_\_  
Kelly Ashfield, P.Eng.  
Executive Director,  
Office of Research Services

Hereby acknowledged and accepted this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019

The City of Saint John

\_\_\_\_\_  
Don Darling, Mayor

\_\_\_\_\_  
Jonathan Taylor, Common Clerk

**Appendix A**  
**Statement of Work**  
**Succeed and Stay Research Project**



The City of Saint John

June 12, 2019

## Succeed and Stay Research Project

### Statement of Work – Co-Investigator

#### Scope of Work

The City of Saint John has assembled a diverse research team for the Succeed and Stay Research Project. The City is requesting that Mikael Hellstrom, Ph.D. of the Urban and Community Studies Institute of the University of New Brunswick (UNB) be assigned as co-investigator of the project.

#### Project Objectives

To determine specific factors and determinants that contribute to the successful integration of immigrants in Saint John concomitant with long term retention (>5 years); and,

To gather rigorous data on services that newcomers to Saint John use, and to inform efforts to increase newcomer attraction and retention in Saint John.

#### Supervision

The person with primary responsibility for the overall management of the performance of the research project is the Population Growth Manager. The City has also chosen Duyen Nguyen, Ph.D. as the Principal Investigator of the project with responsibility for technical supervision of the project.

#### Co-investigator Responsibilities:

Assist the *Principal Investigator* in all facets of the research project and to specifically:

- Identify the determinants as to why Newcomers Succeed and Stay in Saint John, and seek to find commonalities between them;
- Conduct up to 50 semi-structured interviews (or until data saturation) with Newcomers to Saint John.
- Conduct background literature review, assist with overall research design and implementation, draft items for data collection tools, co-present to advisory committees, draft and assist with ethics applications;
- Assist with participant engagement and recruitment;
- Assist the research team in publishing reports on their findings;
- Publish a comprehensive report on why some newcomers succeed and stay, and others do not.



- This report will offer a detailed analysis of factors that are predictors of a potential new resident succeeding and staying in Saint John and discuss themes that would have policy implications.
- This report is due before the end of 2019

## Schedule

The Succeed and Stay research project will formally begin on June 17, 2019 and will be substantially completed by December 31, 2019, with follow up work and secondary reports to conclude by April 30, 2020

## Compensation & Logistics

### Compensation

#### Period 1

The City of Saint John will provide \$9375 to UNB for the research services of Dr. Hellstrom for a period of 10 weeks at 35 hrs. per week, beginning on June 17<sup>th</sup>, 2019

#### Period 2

UNB in conjunction with the Human Development Council (HDC) will apply to MITACS for \$33,333 (8 Months) in postdoctoral funding for Dr. Hellstrom through their accelerate program. If the application is successful, the City will provide \$16,666 to HDC to cover their half of the costs owing to MITACS.

If the MITACS application is unsuccessful, the City will provide \$16,666 to UNB for the services of Dr. Hellstrom for a period of 17 weeks (4 Months) at 35 hrs. per week, beginning on Sept 2, 2019.

### Logistics

- For the duration of this period, Dr. Hellstrom will not be an employee of the City of Saint John, but will be seconded to the research team;
- The City will provide Dr. Hellstrom with the use of an office; laptop; office phone; network, printing, internet access, parking and work related mileage costs;
- The City will cover other costs of the research project, including necessary supplies, or compensation for research participants



**SAINT JOHN**

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[www.saintjohn.ca](http://www.saintjohn.ca)

## COUNCIL REPORT

M&C No.	2019-164
Report Date	June 28, 2019
Meeting Date	July 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Licence Agreement for Moonlight Bazaar on City Property***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Curtis Langille</i></b>	<b><i>Kevin Fudge/Ian Fogan</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

1. That the City enter into a Licence agreement with Five & Dime Inc. hereby called the "Organizer" for \$1.00 to grant its agents, employees, partners and contractors access to and use the City owned property, identified as PID No. 8979 for the Moonlight Bazaar event, including the painting of a mural on the City retaining wall, and further removal of same, subject to the following terms and conditions:
  - a. the Licence shall commence on July 15, 2019 and conclude at 11:59 pm (local time) on July 21, 2019;
  - b. that Five & Dime Inc. shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause and host liquor liability coverage;
  - c. proof of insurance stated in (b) above is due on or before close of business July 12, 2019;
  - d. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of

damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area;

- e. the Organizer is responsible for security of the area and their property;
  - f. that the organizing committee has made satisfactory arrangements with the Saint John Parking Commission for the temporary relocation of the necessary parking spaces for the users of the parking lot for the length of time as noted above in (a);
  - g. the provision of washroom facilities will be the responsibility of the Organizer;
  - h. the site is to be thoroughly cleaned to the satisfaction of the City of Saint John representatives when the event has concluded;
  - i. that Five & Dime Inc. or its representatives be authorized to make application for any permit that is required in conjunction with the Moonlight Bazaar event; and
  - j. that the proponent provide \$1,000.00 to the City to be used for future maintenance of the art work, as the City deems appropriate.
2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

### ***EXECUTIVE SUMMARY***

The organizing committee for the Moonlight Bazaar event, being Five & Dime Inc. is requesting to use the City's property, which is a commercial parking lot for part of its event this year. The event would occur on Saturday, July 20th with the organizers requiring access and use of a portion of the site during the week leading into the day of the event. This additional lead time is requested to allow an artist access to the parking lot in order to paint a mural on the retaining wall that forms part of this property. Attached is the proposed site layout for this event.

The terms and conditions contained in the recommendation of this report will be included in a Licence agreement that will provide Five & Dime Inc. and their agents the access they requested and also protect the City against any unforeseen circumstances.

### ***PREVIOUS RESOLUTION***

Common Council, at its meeting of June 3, 2019 approved a recommendation from the Chief of Police to allow the temporary closure of public streets, being portions of Canterbury and Grannan Streets, along with the consumption of



alcoholic beverages in public places in conjunction with the Moonlight Bazaar event.

### ***STRATEGIC ALIGNMENT***

Providing for entrepreneur opportunities and special events in the City's Uptown Core aid in creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

### ***REPORT***

Further to the comments contained in the Executive Summary.

The Moonlight Bazaar event has been a huge success for the past two (2) years it has operated in the vicinity of Grannan and Canterbury Streets. It continues to grow and evolve and as a result, the organizing committee has approached the City to use the City owned parking lot for this year's event. The City lot would be occupied for the use of a beer tent along with a number of other vendor's. An artist would also be on-site during the week leading into the day of the event to paint a mural on the City's retaining wall which forms part of the property. The City's Arts and Culture coordinator and the City's Heritage Officer have reviewed the organizer's plan for this mural and are supportive. The paints to be used are not corrosive in any way to the concrete retaining wall and the design of the mural would be tasteful. The event organizer expects the mural to have a life span of ten years or more and is prepared to provide up to \$1,000.00 towards any necessary maintenance to the mural. The City at any time in the future may, if it considers it necessary, to remove and or paint over the mural.

Various City departments and agencies have been advised and are supportive of the event and the temporary use of the parking lot. The terms and conditions as set out in the recommendation contained in this report will facilitate the proposal/event and protect the interests of the City of Saint John.

### ***SERVICE AND FINANCIAL OUTCOMES***

The various City Departments involved with this proposal are supportive of this event and will coordinate their respective responsibilities for the use of this site to ensure this event is a success.

There are no financial costs to the City associated with this project other than providing the site, while the tourism benefits and Uptown added vibrancy to the City highlighting this event is significant.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Risk Management, Saint John Parking Commission, Growth and Community Development Services, Transportation and Environment Services were all

advised of this proposal and their input has been provided into this report where applicable. This report has been forwarded to the City Solicitor's office for review of the terms and conditions.

***ATTACHMENT***

1. Location Map;
2. Site Map with Letter of Request.



**SAINT JOHN**

## **Moonlight Bazaar Event: City Parking Lot**



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## **Moonlight Bazaar/Art Installation in Canterbury Parking Lot**

**The Moonlight Bazaar is an urban event that was created in 2017 in Uptown Saint John. The Bazaar brings together music, food, art, and creative performances into one unique experience. Fortune telling, video projections, food stalls, local beer & spirits, and fine art & craft items are a few of the core features that bring the experience of the Bazaar to life.**

**In addition to the experiential components of the event, there are various interventions to the physical space that inspire new enhancements that improve the experience and/or aesthetics of the event area. Sod is temporarily laid on a portion of one street, for example, with string lights strung above, providing a soft, relaxing environment that contrasts sharply with the surrounding context of brick and asphalt.**

**In this spirit, for this year's Moonlight Bazaar, the Event Team is seeking permission to introduce a high-quality, permanent art installation on the retaining wall located on the eastern portion of the parking lot at the corner of Princess Street and Canterbury Street. The piece would be installed over the course of the week leading up to the Bazaar and remain indefinitely on the wall until the City either wishes to remove it or the lot gets developed. The event team is also planning to locate three or four vendors in the parking lot during the Bazaar, including a Moosehead beer tent. The other vendors will be selling either food, clothing, or arts & craft items.**

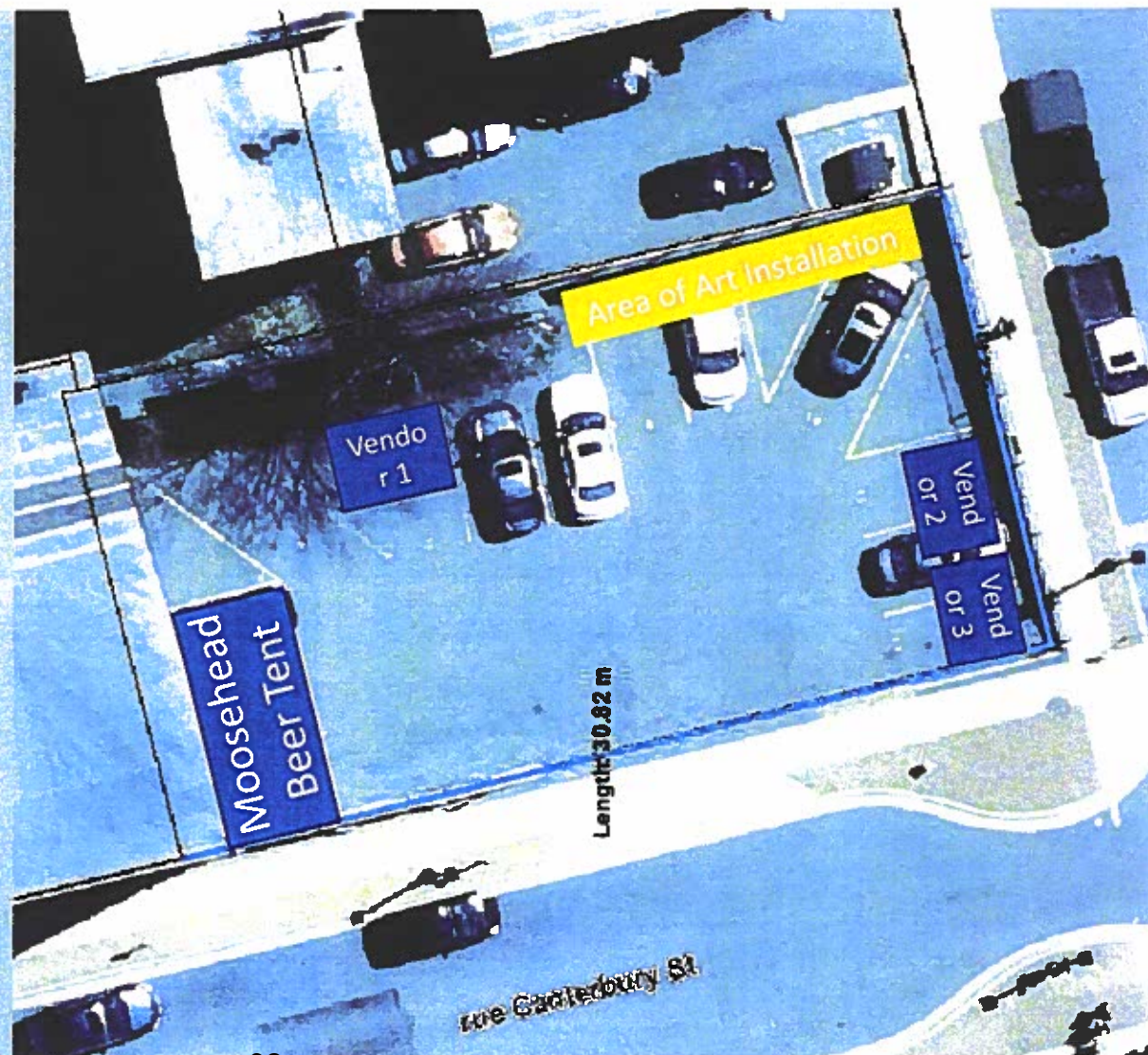
**The paint used for the installation will not need maintenance for at least 10 years. The Moonlight Team is dedicated to contributing \$1000 toward a legacy fund that can be put toward the future maintenance of the art piece.**

**Finally, the Event Team will be providing insurance for the artist for the week he will be installation the artwork, and the City will be named as co-insured on the coverage Plan.**

**Don't hesitate to contact me if you have any questions or concerns with the above.**

**Jody Kliffer  
Events and Experiences Lead  
jody@civilized.life  
(506)898-0020**

# Proposed Use of Canterbury/Princess Parking Lot for Moonlight Bazaar







## Site Plan

-  = Fenced Entry/Exit points
-  = Location of 6 porta potties
-  = Location of Generator
-  = Location of Event Headquarters

## COUNCIL REPORT

M&C No.	2019 - 160
Report Date	June 20, 2019
Meeting Date	July 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Sale of Portion of Land at Mispic Beach to the Province***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Curtis Langille</i></b>	<b><i>K. Fudge/I. Fogan</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

That Common Council enter into the Corporate Agreement of Purchase and Sale with Her Majesty The Queen in Right of the Province of New Brunswick, as represented herein by the Minister of Transportation and Infrastructure, attached hereto M & C # 2019-160, and further directs the Mayor and Common Clerk to execute any document necessary to effect the transfer.

***EXECUTIVE SUMMARY***

The Department of Transportation and Infrastructure (DTI) is planning to replace a culvert on Red Head Road, near Mispic Park Beach. The existing culvert is in poor condition and is in danger of failing. There is also significant erosion around the pipe, resulting in a temporary detour already in place. DTI are planning to do the work this summer.

To properly complete the work, the Department needs to construct a dissipation pool at the outlet end of the culvert. This would necessitate the purchase of approximately 104 m<sup>2</sup> from the City of Saint John. A survey plan showing the area they require is attached with the area colored in blue. The purchase price would be \$1.00 with all costs to be paid by the Province.

As the construction season has already commenced, DTI are requesting early access to the City parcel to conduct the work, prior to the completion of the Land transfer, which forms part of the attached agreement.

***PREVIOUS RESOLUTION***

N/A



## ***STRATEGIC ALIGNMENT***

Staff aims to provide open, transparent and consistent internal process to facilitate investment and development, while maintaining City standards that align with the City's economic health priorities.

## ***REPORT***

The Department of Transportation and Infrastructure (DTI) is planning to replace a culvert on Red Head Road, near Mispic Park Beach. The culvert currently in place, a 2000mm corrugated steel pipe, is in poor condition and is in danger of failing. There is also significant erosion around the pipe. DTI are planning to replace it with a 2400mm concrete pipe and are hoping to do the work this summer. A temporary detour is already in place.

To properly complete the work, the Department needs to construct a dissipation pool at the outlet end of the culvert. This would necessitate the purchase of approximately 104 m<sup>2</sup> from the City of Saint John. A survey plan showing the area they require is attached with the area colored in blue. The purchase price would be \$1.00 with all costs to be paid by the Province.

The small parcel of land requested by the Province is outside of the developed portion of the Mispic Park but forms part of its peripheral lands. This transfer of land will have no impact on the continued operation of the Park.

As the construction season has already commenced, DTI are requesting early access to the City parcel to conduct the work, prior to the Land transfer being completed.

## ***SERVICE AND FINANCIAL OUTCOMES***

The transfer of the small parcel of land to the Province would allow the infrastructure to be replaced and would not detract from the ongoing use of the Mispic Beach. All costs associated with this land transaction will be the responsibility of the Province.

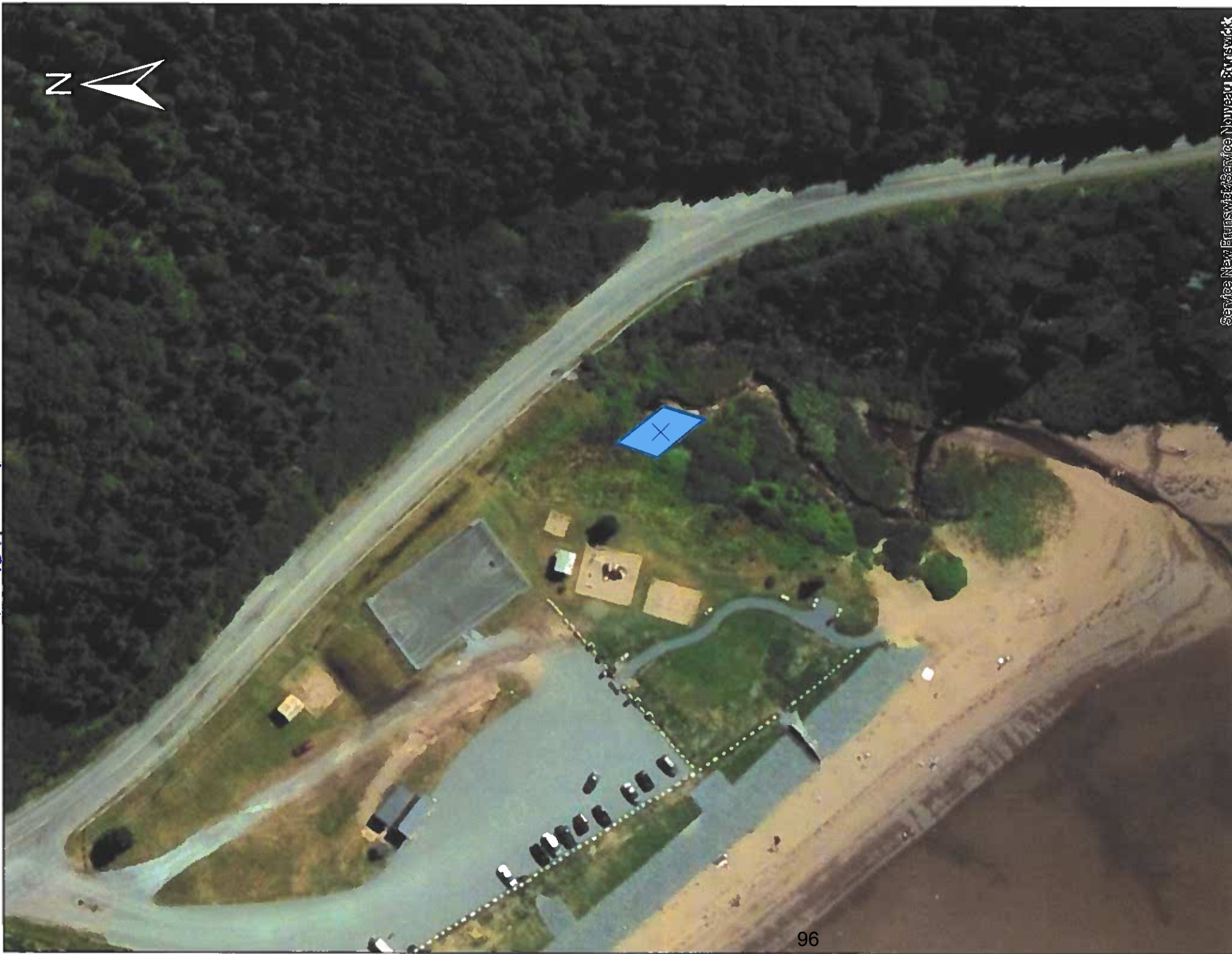
## ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

A number of City departments were solicited for their comments on whether the City should sell this small parcel; including, Infrastructure Development, Transportation and Environment Services, Growth and Community Development Services and Leisure Services. There were no concerns by staff about its disposal. The City's Solicitor's office was forwarded the attached agreement of Purchase and Sale.

## ***ATTACHMENTS***

1. Location Map; and
2. Agreement of Purchase and Sale





Service New Brunswick / Service Nouveau Brunswick

CORPORATE AGREEMENT OF  
PURCHASE & SALE

LAND ONLY

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BETWEEN:

CITY OF SAINT JOHN  
COMPANY NAME

SIGNING OFFICERS:

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
CIVIC ADDRESS

15 MARKET SQUARE, PO BOX 1971, SAINT JOHN, NEW BRUNSWICK E2L 4L1  
MAILING ADDRESS

hereinafter referred to as the "Vendor", OF THE FIRST PART;

AND:

HER MAJESTY THE QUEEN in Right of the Province of New Brunswick, as represented herein by the Minister of Transportation and Infrastructure, hereinafter referred to as the "Purchaser", OF THE SECOND PART.

WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties agree as follows:

1. The Vendor hereby agrees to sell to the Purchaser, and the Purchaser hereby agrees to purchase from the Vendor, at the purchase price, all that/those certain lot(s), piece(s) and parcel(s) of land situate, lying and being in the City of Saint John in the County of Saint John

and the Province of New Brunswick, containing 0.0104 hectares more or less, and being more particularly shown as Parcel(s) No. 19-1 on Plan(s) No. 11-4-0014 hereinafter referred to as the "said land".

2. The Purchaser shall at his/her expense prepare the deed/release (including survey plan, if necessary) for the transfer of the "said land" and shall deliver a deed or compensation release document to the Vendor in accordance with Section 3 hereof. If a notice of expropriation is filed prior to the settlement date, the compensation release document will stand in place of a deed.

3. This transaction of purchase and sale shall take place on the settlement date hereinafter described, which settlement date shall be the date upon which the Purchaser delivers to the Vendor a deed/release for the "said land". The Vendor shall on the settlement date execute and deliver the said deed/release to the Purchaser and the Purchaser shall upon receipt of the said deed/release duly executed by the Vendor pay to the Vendor the purchase price hereinafter described.

4. The purchase price for the "said land" shall be in the sum of one dollar (\$1.00) subject to the adjustments outlined in Section 7 hereof.

5. The Vendor shall not be bound to produce any Abstract of Title, or any documents, copies of documents, or other evidence of title except such as are in his possession or control.

6. The Purchaser may search the title to the "said land" at his own expense and may at any time prior to the settlement date make written objection to the Vendor regarding the title to the "said land". In the event the Vendor is unable or unwilling to remove or otherwise deal with the objection to the satisfaction of the Purchaser, the Purchaser may at his discretion cancel this Agreement.

7. All adjustments of rents and taxes shall be made to the settlement date. The Purchaser reserves the right to deduct from the purchase price, hereinbefore stipulated, an amount equal to the taxes, under the Real Property Tax Act, outstanding on the "said land" at the settlement date and to pay the amount so deducted in satisfaction of those outstanding taxes.

8. In the event the Purchaser has not delivered to the Vendor a deed/release pursuant to paragraph 3 hereof within one year after the date of execution of this agreement then this agreement shall be null and void.

9. The Vendor represents that the following are all of the mortgages and encumbrances against the "said land" (if none, write Not Applicable (N/A)):

N/A

---



---

10. The following terms and conditions (if any) form a part of this agreement; (if none, write Not Applicable (N/A)):

---



---

I hereby provide permission for DTI, their workmen or contractors to enter upon the parcel identified in the Purchase and Sale Agreement to begin construction once Common Council has resolved to approve the transaction.

---



---

11. The Vendor agrees not to cut or remove any trees within the boundaries of the "said land" unless specified in section 10 of this agreement. If any cutting and or removal of said trees occurs pursuant to the date of signing this agreement, this agreement will become null and void.

12. The Vendor states to the best of his/her knowledge that there are no underground fuel tank(s) storage container(s) or contamination within the boundaries of the "said land".

13. The offer and agreement are subject to the approval of the Deputy Minister of Transportation and Infrastructure.

This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the Vendor and on the successors and assigns of the Purchaser.

IN WITNESS WHEREOF the Vendor has hereunto set its Corporate Seal attested by the hands of its duly authorized officer(s) this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

IN WITNESS WHEREOF the Purchaser has set his/her hand the day and year first above written.

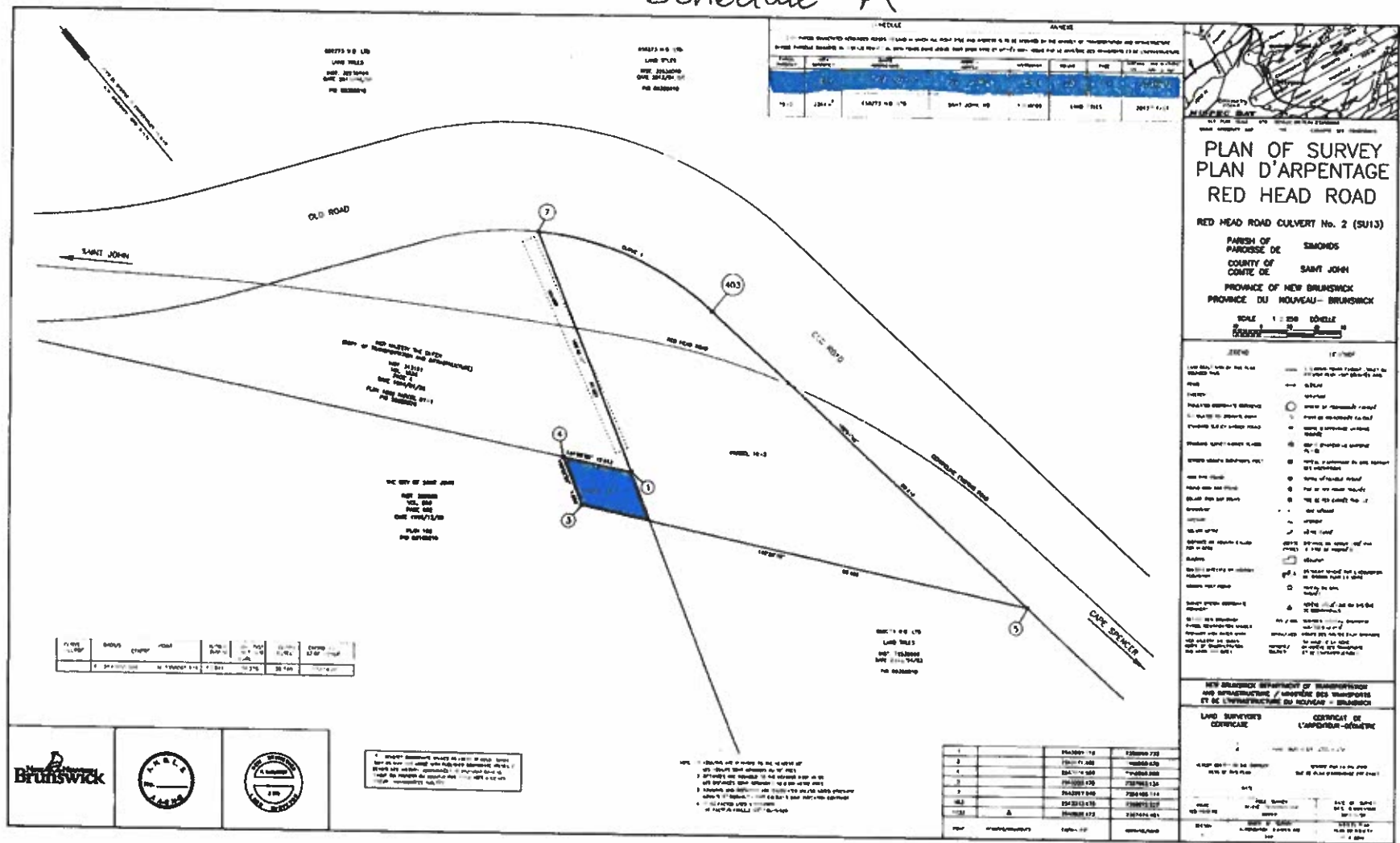
SIGNED AND EXECUTED  
IN THE PRESENCE OF

HER MAJESTY THE QUEEN in right  
of the Province of New Brunswick

**WITNESS**

**PURCHASER**  
**DEPUTY MINISTER OF TRANSPORTATION**  
**AND INFRASTRUCTURE**

Schedule "A"





## COUNCIL REPORT

M&C No.	2019-174
Report Date	July 04, 2019
Meeting Date	July 09, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Naval Memorial – Harbour Passage - Licence Agreement with United Services Institute of New Brunswick (“RUSI”)***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>John L. Nugent</i></b>	<b><i>John L. Nugent</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

That Common Council approve the proposed Licence Agreement between the City and Royal United Services Institute of New Brunswick Inc. (“RUSI”) as attached to M&C 2019-174 and authorize its execution by the Mayor and Common Clerk once confirmation has been received that RUSI has been duly incorporated.

### ***EXECUTIVE SUMMARY***

The establishment of a Naval Memorial in Saint John first arose as an idea introduced several years ago by HMCS Brunswicker (the primary Royal Canadian Reserve unit in New Brunswick).

As a Canadian Armed Forces unit under the Department of National Defence, HMCS Brunswicker is not permitted to undertake fundraising campaigns and therefore sought an appropriate partner to assist in this regard.

The Royal United Services Institute of New Brunswick (RUSI-NB), a non-governmental organization of former and serving members of the military, was identified as the appropriate partner. RUSI-NB is an affiliated member of the Conference of Defence Associations. RUSI-NB also has charitable status from Canada Revenue Agency.

Under the leadership of HMCS Brunswicker and the Royal United Services Institute of New Brunswick, together with the active support of a Citizens Committee, the Saint John Naval Memorial will become the first and only physical monument that will recognize the rich Naval history of our city and province, while also



remembering and honouring the men and women who lost their lives at sea during war and peacetime.

The Saint John Naval Memorial will become the first and only monument site in New Brunswick to pay homage to the significant service and sacrifice of the men and women of the Royal Canadian Navy, and their comrades in the other branches of the military. It will also recognize the contributions individuals and organizations made to help them serve in the cause of peace and freedom over the last two centuries.

### ***PREVIOUS RESOLUTION***

#### **“8.2 HMCS Brunswicker Naval Memorial Presentation**

Referring to the submitted report entitled *HMCS Brunswicker Naval Memorial Presentation*, D.M. Brown Commanding Officer HMCS Brunswicker, Senator Noel Kinsella Honorary Captain HMCS Brunswicker, requested that Common Council approve a license to place the memorial on City land. The sod turning is planned for May 5<sup>th</sup>, 2019, the anniversary of the Battle of the Atlantic.

The City Solicitor advised that a licensing agreement would be required.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that HMCS Brunswicker request to locate a Naval Memorial on City owned land on Harbour Passage be referred to the City Manager for implementation.

MOTION CARRIED.”

### ***STRATEGIC ALIGNMENT***

The project facilitated by the proposed licence contributes to the cultural vibrancy of our community and does so in a fiscally responsible manner.

### ***REPORT***

RUSI is a currently unincorporated group that represents members and former members of the various branches of the Canadian Armed Forces. It has undertaken the project of establishing a memorial to commemorate those who lost their lives or were injured in their service to the Canadian Navy.

Saint John has been selected by RUSI as the most appropriate location for such a memorial given the City’s historic and continuing affiliation with the Canadian Navy and the sea.

The proposal of RUSI is to erect a granite monument of a character and quality consistent with the conceptual rendering which is attached to the proposed Licence Agreement as Schedule "B-1". Additionally, improvements to the pedestrian walkways surrounding the memorial itself will be undertaken by RUSI at its sole cost, and they are also depicted in the architectural renderings attached to the proposed Licence Agreement as Schedule "B-2".

The responsibility for erecting the naval memorial, establishing the improvements to the surrounding walkways as well as the ongoing maintenance, repair and/or removal of the memorial will rest solely with RUSI.

As alluded to in the recommendation, RUSI does not currently exist as a legal entity with the result that it cannot be the recipient of a licence until it gains corporate status. RUSI has retained a solicitor to effect incorporation and it is anticipated that confirmation of incorporation will be confirmed within the next few weeks. It is that circumstance which explains the recommendation's establishing as a condition precedent to the City's executing the proposed Licence that RUSI be incorporated.

RUSI's plan with respect to fundraising for the project has been described by its officials as one which will first undertake a capital fundraising campaign followed by a campaign to establish an endowment to provide for the ongoing maintenance, repair and/or removal of the memorial as circumstances dictate.

RUSI officials advise that it is anticipated the naval memorial and associated improvements will be completed prior to the full funding of an endowment to support ongoing maintenance, repair and/or removal. RUSI has entered into an agreement with the Greater Saint John Community Foundation to have the latter administer the contributions which are anticipated to be made to an endowment fund. Officials of the City's Parks and City Landscape Maintenance Group advise that anticipated costs of the work required to maintain and repair the naval memorial would currently be in the order of \$2,000.00 per annum. The proposed Licence Agreement obliges RUSI to use its best efforts to deposit with the Greater Saint John Community Foundation sufficient funds to generate an annual income of that amount adjusted annually for inflation. It need be noted that if the fundraising efforts were to fall short with respect to an endowment, then the City would effectively become responsible for the maintenance, repair and/or removal, if necessary of the project as part of Harbour Passage.

The proposed Licence Agreement identifies a term that continues so long as the City holds a freehold or leasehold title to the site. Currently the City enjoys a lesae from the Province of New Brunswick to an area which includes the site. That lease expires in January 2023 and does not contain an option for the City to renew the lease. Consequently, such renewal will be necessary to be negotiated to facilitate the continued operation of Harbour Passage at this location. RUSI is aware of this fact and its officials advise that they are confident that the Province will provide

assurance for the long-term placement of the memorial. The proposed Licence Agreement does however provide RUSI with the option to surrender its licence prior to undertaking any work which would be anticipated thereby, upon giving thirty (30) days' written notice to the City.

The annual fee for the proposed Licence Agreement is a nominal one dollar (\$1.00).

***SERVICE AND FINANCIAL OUTCOMES***

See "report" treatment of this matter.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Officials of the City's Parks and City Landscape Maintenance Group have been involved from the outset of discussions with RUSI officials and the proposed Licence Agreement reflects their advice.

***ATTACHMENT(S)***

Proposed Licence Agreement between the City and Royal United Services Institute of New Brunswick Inc.

THIS LICENCE AGREEMENT made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BY AND BETWEEN:

**THE ROYAL UNITED SERVICES INSTITUTE OF NEW BRUNSWICK INC., [a non-profit company to be created] (hereinafter called "RUSI")**

OF THE FIRST PART

- and -

**THE CITY OF SAINT JOHN**, having its City Hall at 15 Market Square, Saint John, New Brunswick, a body corporate by Royal Charter, confirmed and amended by Acts of the Legislative Assembly of the Province of New Brunswick (hereinafter called the "**City**")

OF THE SECOND PART

WHEREAS the City has established a linear park which skirts a portion of the eastern shore of Saint John Harbour, which park is known as Harbour Passage; and

WHEREAS the portion of Harbour Passage which is the subject of this Licence is leased by the City from the Province of New Brunswick; and

WHEREAS RUSI proposes to erect on the portion of the said Harbour Passage referred to in the immediately preceding recital a Naval Memorial with associated landscaping and improvements commemorating those who were killed or injured in the service of the Royal Canadian Navy; and

WHEREAS the City is pleased to support the proposal aforesaid;

NOW THEREFORE THIS LICENCE WITNESSETH that for and in consideration of these premises and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the City and RUSI hereby agree as follows:

**1. Interpretation.**

- a. Headings: The division of this Agreement into Sections, the insertion of headings, and the provision of any table of contents are for convenience of reference only and shall not affect the construction or interpretation of this Agreement;
- b. Number and Gender: Unless the context requires otherwise, words importing the singular include the plural and vice versa and words importing gender include all genders;

- c. Currency: All references to money shall refer to Canadian funds;
  - d. Computation of Time Periods: Except as expressly set out in this Agreement, the computation of any period of time referred to in this Agreement shall exclude the first day and include the last day of such period. If the time limited for the performance or completion of any matter under this Agreement expires or falls on a day that is not a Business Day, the time so limited shall extend to the next following Business Day. "Business Day", as used in this agreement, means any day other than a Saturday, Sunday, statutory holiday or civic holiday in the Province of New Brunswick. Time shall be of the essence of this Agreement;
  - e. Relationship: The City and RUSI acknowledge and agree that the relationship between them is solely that of independent contractors, and nothing herein shall be construed to constitute the parties as employer/employee, partners, joint ventures, co-owners, or otherwise as participants in a joint or common undertaking. Neither party, nor its employees, agents or representatives shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other;
  - f. Governing Law: This Licence shall be governed by and construed in accordance with the laws of the Province of New Brunswick and the laws of Canada applicable in that Province and shall be treated, in all respects, as a contract;
  - g. Registration: RUSI agrees that it shall not register this Agreement or any notice or reference in respect of this Agreement against the title to the City's Property.
2. (1) The City hereby grants to RUSI, subject to the terms and conditions set out herein, a licence (the "**Licence**"), by its officers, servants, agents, contractors and workers to enter upon the lands shown shaded in grey on the survey plan attached hereto and forming a part hereof as Schedule "A" (the "**Site**"), which Site is subject to a right of passage in the general public, for the purposes of:
- a. Installing, erecting, constructing, maintaining and repairing, replacing, altering and removing the Naval Memorial and associated landscaping and improvements (collectively, the "**Project**") shown conceptually on Schedules "B-1" and "B-2" attached hereto and a part hereof; as well as
  - b. Installing maintaining, operating, repairing, replacing, altering and removing cables, conduits, utilities and other subsurface infrastructure, all as may be reasonably necessary to achieve the performance of the work described in paragraph (a).
- (2) The Licensee shall exercise the Licence hereby granted in a manner so as to disrupt as little as reasonably possible the general public right of passage over and upon the Site.

- 
3. **Applicable Laws.** RUSI agrees that all work performed under or pursuant to the Licence shall comply with all federal, provincial and municipal laws, statutes, regulations, orders, ordinances, by-laws, rules, plans, policies and decrees (the “**Applicable Laws**”). Without limiting the generality of the foregoing, RUSI, at its sole cost and expense, shall (a) obtain and maintain any and all permits that are required by Applicable Laws at any time with respect to any such work and (b) provide copies of any such permits to the City upon request.
  4. **No Warranty.** The City makes no warranty or representation that the City’s Property is suitable for RUSI’s use, and RUSI acknowledges and agrees that it has satisfied itself in all respects with respect thereto.
  5. **Repairs and Maintenance.** Nothing herein shall obligate the City to perform any work, repair, renovation, maintenance on or of the Project. RUSI shall be responsible for all costs incurred by it in connection with the Licence and the exercise of the rights hereunder including, without limitation, the cost of any utilities required in connection with the operation, disconnection and reconnection of the Project. Without limiting the generality of the foregoing, it is expressly agreed and understood that the City shall not provide the service of snow or ice control to the Site.
  6. **Endowment.**
    - a. RUSI shall use its best efforts to establish an endowment as part of the Common Fund of the Greater Saint John Community Foundation Inc., which endowment shall generate an annual income of \$2,000.00;
    - b. It is expressly agreed and understood that the amount identified in paragraph (a) shall be adjusted annually on the anniversary date of the Licence based upon the percentage change to the previous 12 months Consumer Price Index (CPI) for New Brunswick, as determined by Statistics Canada.
  7. **Ownership.** For certainty, ownership of and responsibility for the Naval Memorial, shall remain with RUSI.
  8. **Term.**
    - a. Subject to paragraphs 8(d), (e), the term of the Licence shall commence on the Effective Date and continue so long as the City holds the leasehold or freehold title to the Site;
    - b. In the event of breach or noncompliance by RUSI of any provision hereof, an officer of the City shall deliver written notice thereof to RUSI;
    - c. Upon receipt of a notice pursuant to paragraph b, RUSI shall remedy the default or noncompliance performance within twenty business days, unless an extension thereof is given in writing on behalf of the City;

- d. In the event that any breach or noncompliance has not been remedied by RUSI pursuant to the provisions of paragraph c., the City may: (i) terminate the Licence by written notice to RUSI, effective the date identified in the said notice, without any liability or responsibility to RUSI or right in RUSI to claim compensation or recovery of any nature from the City; or (ii) arrange to remedy the breach of non-compliance and in such event, RUSI shall reimburse the City the cost of such remediation with reimbursement to be made not later than fifteen (15) business days following notice of such cost being provided to the Licensee pursuant to s. 16 hereof;
  - e. RUSI may surrender the Licence prior to the commencement of any work anticipated to be required to execute the Project, and without penalty or compensation due the City, by giving one (1) month's prior written notice thereof to the City;
  - f. RUSI expressly agrees and understands that in the event this Licence is terminated by the City, the City may use some or all of the amount deposited with the Greater Saint John Community Foundation pursuant to section 6 hereof, to remove the Project or any portion thereof. Furthermore, RUSI expressly agrees and understands that a written request from the City to the Greater Saint John Community Foundation which states that the request is being made pursuant to this paragraph, shall be sufficient without more, and hereby authorizes the Greater Saint John Community Foundation to deliver to the City the amount requested.
9. **Licence Fee.** RUSI shall pay to the City a licence fee (the "**Licence Fee**") without deduction, abatement or set-off, of \$1.00 per year beginning on the date of the execution of the Agreement by the parties and thereafter on January 1<sup>st</sup> in each successive calendar year.
10. **RUSI's Covenants.** RUSI represents, warrants, covenants and agrees as follows:
- a. RUSI shall repair any damage caused to the City's Property by the exercise of rights granted hereunder;
  - b. No construction lien or related notice or certificate of action shall be registered against title to the City's Property as a result of the activities being undertaken by or on behalf of RUSI or those for whom RUSI is responsible and if so registered, shall, upon RUSI becoming aware of same, be forthwith vacated, discharged and released from title at the sole cost and expense of RUSI;
  - c. Prior to commencement by or on behalf of RUSO of the work anticipated to be undertaken pursuant to the Licence, and thereafter as often as the schedule of such work is adjusted, or as repairs/maintenance or new work occurs, RUSI shall deliver to the City a written schedule identifying by day, month and year the activities comprising such work or repairs/maintenance;

- d. Upon completion of its execution of the Project, RUSI shall provide to the City with as-built drawings showing the location of all underground cabling and wiring. RUSI shall revise and update such as-built drawings as required from time to time upon making any changes or alterations.
- e. RUSI shall at all times and at its sole expense maintain the site and the monument thereon in a condition befitting the solemn nature of its intended purpose as described herein.

**11. Insurance and Indemnity.**

- a. RUSI shall maintain an insurance policy, including public liability insurance coverage naming the City as an additional insured, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence or such greater amount as is prudent in the circumstances as reasonably determined by RUSI;
- b. RUSI shall indemnify and save harmless the City against any and all losses, claims, actions, damages, liabilities and expenses in connection with personal injury or death, property damage or any other loss or injury whatsoever arising out of or as a result of:
  - i. Any breach, violation or non-performance of the terms, covenants and obligations on the part of RUSI set out in this Licence Agreement; and
  - ii. RUSI's use of the City's Property pursuant to this Licence Agreement;
- c. The City shall not be liable or responsible in any way for any injury to any person or for any loss or damage to any property at any time in or upon the City's Property, howsoever the same shall be caused (unless caused or contributed to by the negligence or willful misconduct of the City or those for whom it may be responsible at law);
- d. Notwithstanding anything to the contrary contained herein, neither the City nor RUSI shall be liable to the other party for indirect, special or consequential damages (including but not limited to any loss of profits, loss of business revenue, failure to realize expected savings or any other commercial or economic loss) as a result of or arising out of this Licence Agreement.

**12. Assignment.** RUSI shall not assign this Licence Agreement (in whole or in part) or sublicense or otherwise transfer or assign any of its rights hereunder without the prior written consent of the City, which consent may not be unreasonably or arbitrarily withheld.

**13. Successors and Assigns.** This Licence Agreement and everything contained herein shall enure to the benefit of and be binding upon each of the parties hereto and their respective successors and permitted assigns.



- 14. Entire Agreement.** This Agreement continues the entire agreement between the parties pertaining to the subject matter of this Licence Agreement and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written. There are no conditions, warranties, representations or other agreements between the parties in connection with the subject matter of this Licence Agreement (whether oral or written, express or implied, statutory or otherwise) except as specifically set out in this Licence Agreement
- 15. Notices.** Any notice, certificate, consent, determination or other communication required or permitted to be given or made under this Agreement shall be in writing and shall be effectively given and made if (i) delivered personally, (ii) sent by prepaid courier service or mail, or (iii) sent prepaid by fax, in each case to the applicable address set out in Section 16 hereto.
- 16.** Notice hereunder shall be adequately given if delivered by hand or prepaid registered mail:
- a. In the case of the City to:  
  
Common Clerk  
City of the City of Saint John  
8<sup>th</sup> Floor City Hall  
15 Market Square  
Saint John, NB E2L 1E8  
Fax: (506) 674-4214
  - b. In the case of RUSI to:  
  
Lt (ret) Bernard J. Cormier  
Secretary  
Royal United Services Institute of New Brunswick  
83 Sewell Street  
Saint John, NB E2L 3A3  
H: 506-642-5815  
C: 506-651-3414  
[cormier53@gmail.com](mailto:cormier53@gmail.com)

THIS LICENCE AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their successors and permitted assigns respectively.

SIGNED, SEALED & DELIVERED )  
In the presence of: )

**THE CITY OF SAINT JOHN**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Common Clerk

Common Council Resolution:  
\_\_\_\_\_, 2019

**THE ROYAL UNITED SERVICES INSTITUTE OF  
OF NEW BRUNSWICK INC.**

Per: \_\_\_\_\_

[ONE OR TWO SIGNATORIES? CORPORATE SEAL?]

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

I, Jonathan Taylor, of the Town of Quispamsis, in the County of Kings and Province of New Brunswick, MAKE OATH AND SAY:

1. THAT I am the Common Clerk of The City of Saint John and have custody of the Common Seal hereof.
2. THAT the seal to the foregoing instrument affixed is the Common Seal of The City of Saint John and that it was so affixed by Order of the Common Council of the said City.
3. THAT the signature "Don Darling" to the said instrument is the signature of W. Donald Darling, Mayor of the said City, and the signature "Jonathan Taylor" thereto is my own signature.
4. THAT we are the proper officers to sign the foregoing instrument on behalf of The City of Saint John.

SWORN TO BEFORE ME )  
at the City of Saint John, in the )  
County of Saint John and )  
Province of New Brunswick )  
this \_\_\_\_ day of \_\_\_\_\_, 2019 )  
 )  
 )  
\_\_\_\_\_)  
 )  
Commissioner of Oaths )  
Being a Solicitor )  
 )

\_\_\_\_\_  
Jonathan Taylor

**NOTE: This Affidavit is for one signatory and a corporate seal. May need to be changed if there are two signatories and/or the corporation does not have a corporate seal.**

PROVINCE OF NEW BRUNSWICK  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, Deponent, of \_\_\_\_\_, in the County of \_\_\_\_\_ and Province of New Brunswick, MAKE OATH AND SAY:

1. That I am the \_\_\_\_\_ of **The Royal United Services Institute of New Brunswick Inc.** (the "**Corporation**"), the Licensee named in the foregoing instrument and am duly authorized to make this affidavit;

2. THAT the corporate seal affixed to the within instrument is the corporate seal of the Corporation and was thereto affixed by order of the Board of Directors of the Corporation to and for the uses and purposes therein expressed and contained;

3. THAT the name "\_\_\_\_\_" subscribed to in the within instrument is the signature of me, the said \_\_\_\_\_, and was thereto subscribed by order of the Board of Directors of the Corporation to and for the uses and purposes therein expressed and contained;

4. THAT the President is the duly authorized officer of the Corporation to execute the within instrument.

SWORN TO before me at \_\_\_\_\_ )  
\_\_\_\_\_, in the County of \_\_\_\_\_ )  
\_\_\_\_\_, and Province of \_\_\_\_\_ )  
New Brunswick, this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_, 2019 )

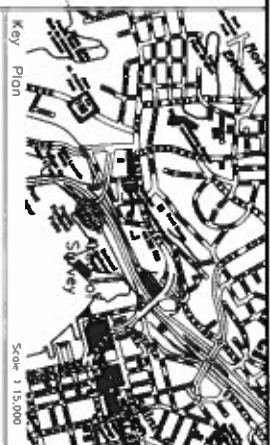
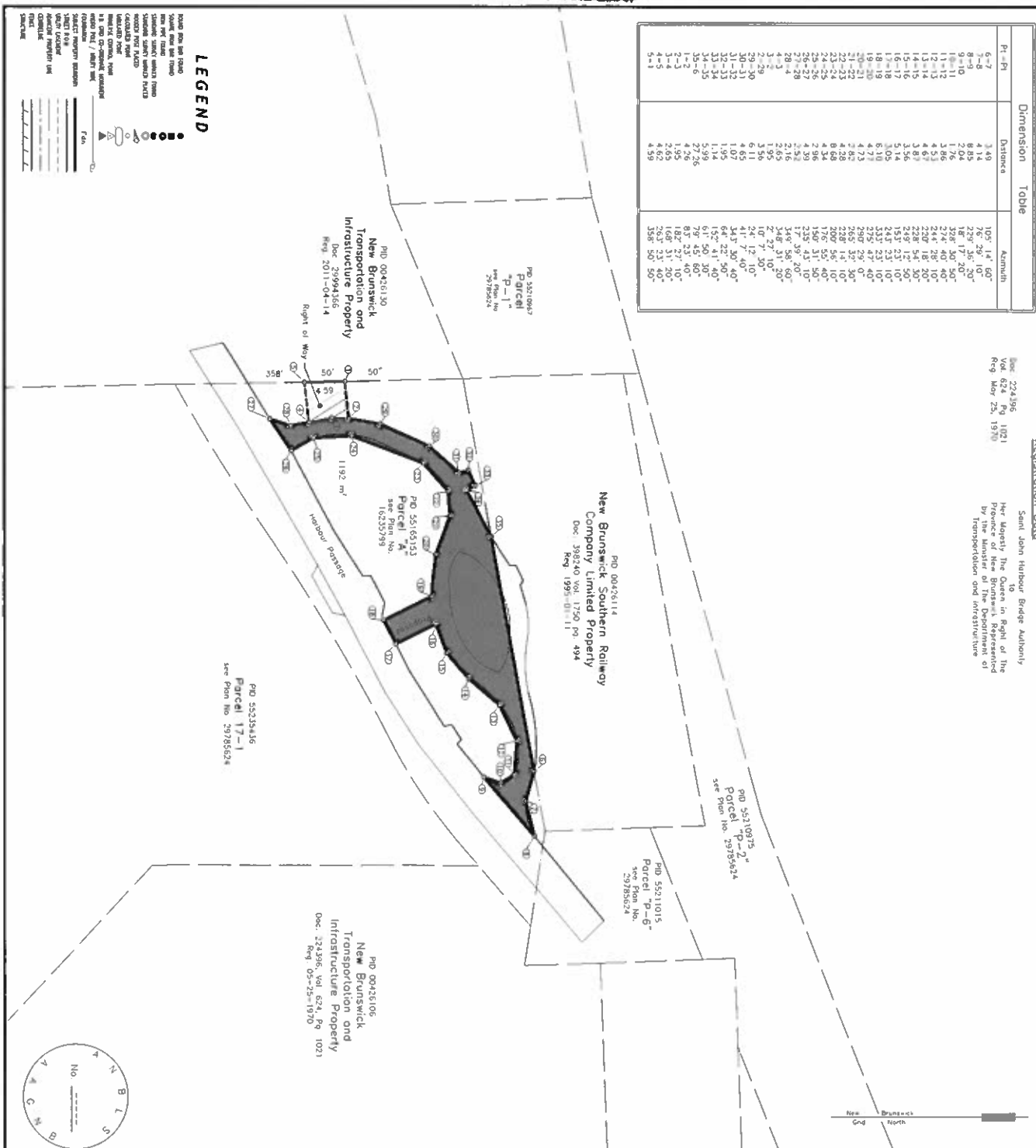
\_\_\_\_\_  
Deponent

\_\_\_\_\_  
Commissioner of Oaths  
Being a Solicitor

Dimension Table		
Pi-Pi	Diameter	Asymh
6-7	3.49	105.14, 60 <sup>o</sup>
7-8	4.14	76.29, 10 <sup>o</sup>
8-9	9.05	72.51, 30 <sup>o</sup>
9-10	10.30	72.51, 30 <sup>o</sup>
10-11	1.76	328.30, 50 <sup>o</sup>
11-12	3.86	274.40, 40 <sup>o</sup>
12-13	1.26	40.74, 40 <sup>o</sup>
13-14	3.87	228.54, 30 <sup>o</sup>
14-15	4.63	220.18, 30 <sup>o</sup>
15-16	3.56	220.18, 30 <sup>o</sup>
16-17	1.50	243.23, 10 <sup>o</sup>
17-18	3.05	243.23, 10 <sup>o</sup>
18-19	6.10	333.23, 10 <sup>o</sup>
19-20	4.71	268.28, 30 <sup>o</sup>
20-21	7.83	268.28, 30 <sup>o</sup>
21-22	4.28	228.14, 10 <sup>o</sup>
22-23	4.28	228.14, 10 <sup>o</sup>
23-24	4.34	176.55, 40 <sup>o</sup>
24-25	4.34	150.51, 50 <sup>o</sup>
25-26	2.96	225.43, 10 <sup>o</sup>
26-27	3.59	225.43, 10 <sup>o</sup>
27-28	2.16	349.58, 60 <sup>o</sup>
28-29	2.65	248.31, 50 <sup>o</sup>
29-30	3.56	107.7, 30 <sup>o</sup>
30-31	6.11	24.12, 10 <sup>o</sup>
31-32	4.65	31.1, 30, 40 <sup>o</sup>
32-33	1.95	64.42, 50 <sup>o</sup>
33-34	1.14	152.41, 40 <sup>o</sup>
34-35	5.29	85.23, 50 <sup>o</sup>
35-36	4.66	85.23, 50 <sup>o</sup>
1-2	1.95	182.27, 10 <sup>o</sup>
2-3	1.95	182.27, 10 <sup>o</sup>
3-4	4.62	263.21, 40 <sup>o</sup>
4-5	4.59	338.50, 50 <sup>o</sup>

Doc. 224,395  
Vol. 624 Pg. 1021  
Req. May 25, 1970

Sam'l John Harbour Bridge Authority  
to  
Her Majesty The Queen in Right of the  
Province of New Brunswick, Represented  
by the Minister of the Department of  
Transportation and Infrastructure



\_\_\_\_\_

Score 115.000

## ACKNOWLEDGMENTS

1. Directions are N, B, Cid, and/or S from G.P.S. observations on NB, ME, 2816d, (400031, C555 (pp. Vol.45)).
2. All distances are in meters, to convert to imperial equivalents, divide by 0.3048
3. Area of survey outlined thus: \_\_\_\_\_, peripheral information compiled from various sources.
4. All documents and plan reference refer to the Registry office for the County of Saint John or the Land Titles District of New Brunswick.
5. Field survey completed on May 10, 2019

- 6 All computations performed and coordinates shown on this plan are based on New Brunswick Stereographic Double Projection and the NAD83(CSRS) Reference System as realized by Service Née Brunswick High Precision Network coordinate survey monuments.

Site	Brunswick	Grid	Co-Ordinate	Values	Brk%
1	3.63	722.664	533	426.736	Cnk Pl
2	3.63	728.584	533	440.190	Cnk Pl
3	3.63	726.402	533	440.880	Cnk Pl
4	3.63	723.992	533	441.570	Cnk Pl
5	3.63	721.602	533	446.220	Cnk Pl
6	3.63	716.448	533	521.231	Cnk Pl
7	3.63	718.531	533	524.898	Cnk Pl
8	3.63	743.660	533	521.879	Cnk Pl
9	3.63	745.995	533	522.817	Cnk Pl
10	3.63	745.995	533	522.817	Cnk Pl
11	3.63	747.199	533	511.975	Cnk Pl
12	3.63	747.199	533	511.975	Cnk Pl
13	3.63	745.660	533	513.663	Cnk Pl
14	3.63	742.002	533	510.644	Cnk Pl
15	3.63	742.002	533	502.420	Cnk Pl
16	3.63	738.158	533	506.701	Cnk Pl
17	3.63	735.003	533	506.701	Cnk Pl
18	3.63	732.588	533	501.976	Cnk Pl
19	3.63	732.588	533	501.976	Cnk Pl
20	3.63	731.124	533	488.996	Cnk Pl
21	3.63	739.828	533	482.667	Cnk Pl
22	3.63	739.828	533	482.667	Cnk Pl
23	3.63	726.750	533	482.667	Cnk Pl
24	3.63	726.750	533	482.667	Cnk Pl
25	3.63	728.416	533	482.958	Cnk Pl
26	3.63	724.317	533	481.190	Cnk Pl
27	3.63	724.317	533	481.190	Cnk Pl
28	3.63	721.575	533	481.784	Cnk Pl
29	3.63	721.575	533	481.784	Cnk Pl
30	3.63	720.524	533	487.149	Cnk Pl
31	3.63	720.524	533	487.149	Cnk Pl
32	3.63	721.951	533	486.845	Cnk Pl
33	3.63	721.951	533	486.845	Cnk Pl
34	3.63	724.781	533	494.404	Cnk Pl
35	3.63	724.781	533	494.404	Cnk Pl
28160	3.63	189.956	535	358.190	NB Midv (Pens)

## Plan of Survey

Showing Lands as Required for Land Use Agreement and Right of Way by Royal United Services Institute of New Brunswick Harbour Passage, City of Saint John, Saint John County, New Brunswick

**HUGHES SURVEYS & CONSULTANTS INC.**

Mode M MacMini Date May 21, 2012

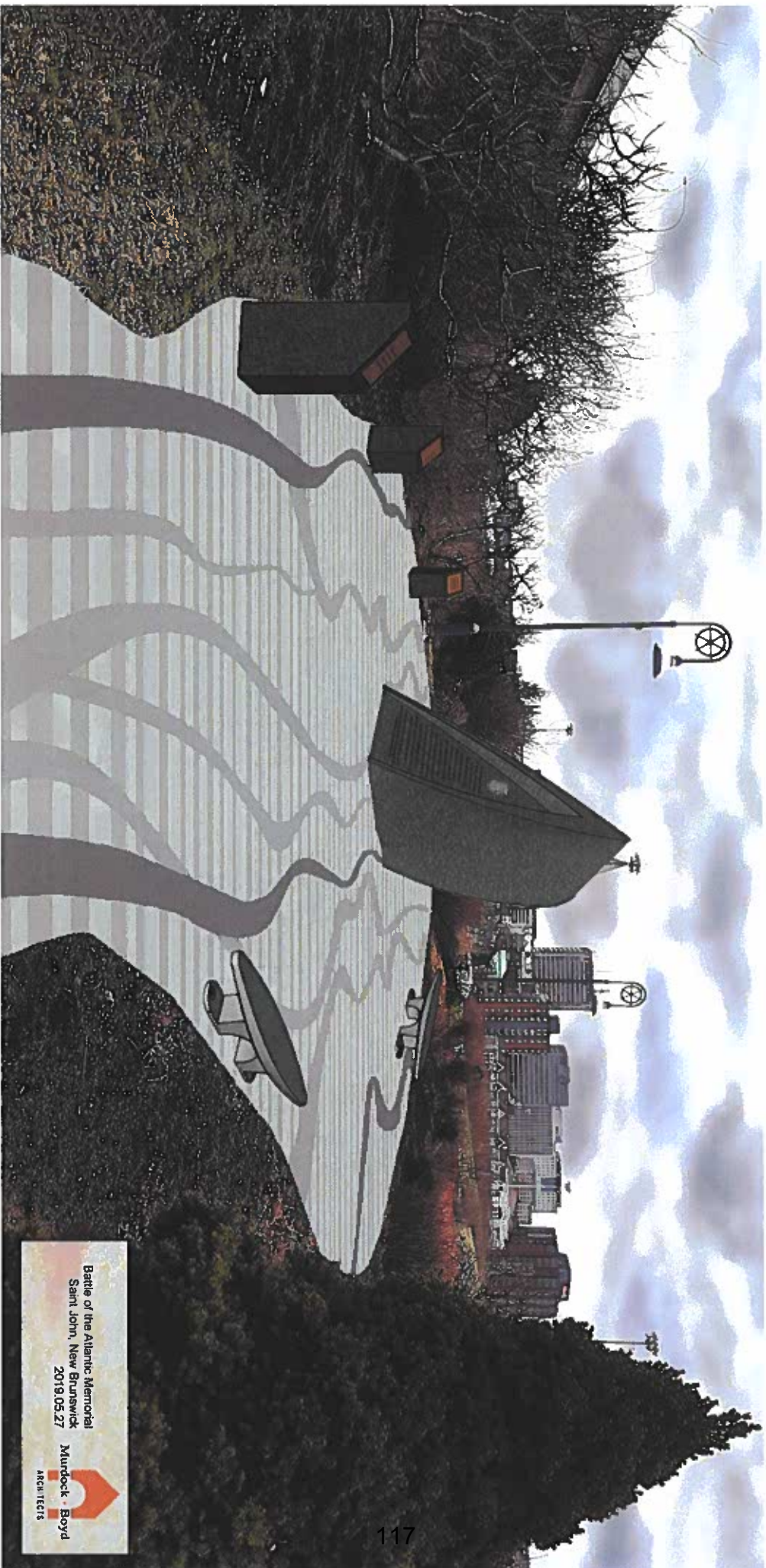
Mem Brunswick Land Surveyor # 384

250

PRO SICCA7	US\$ M\$	2019	10POS	H19087	US\$ M\$	2019

083	Y19-087	C/OA-T2C.SM
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# SCHEDULE "B-1"

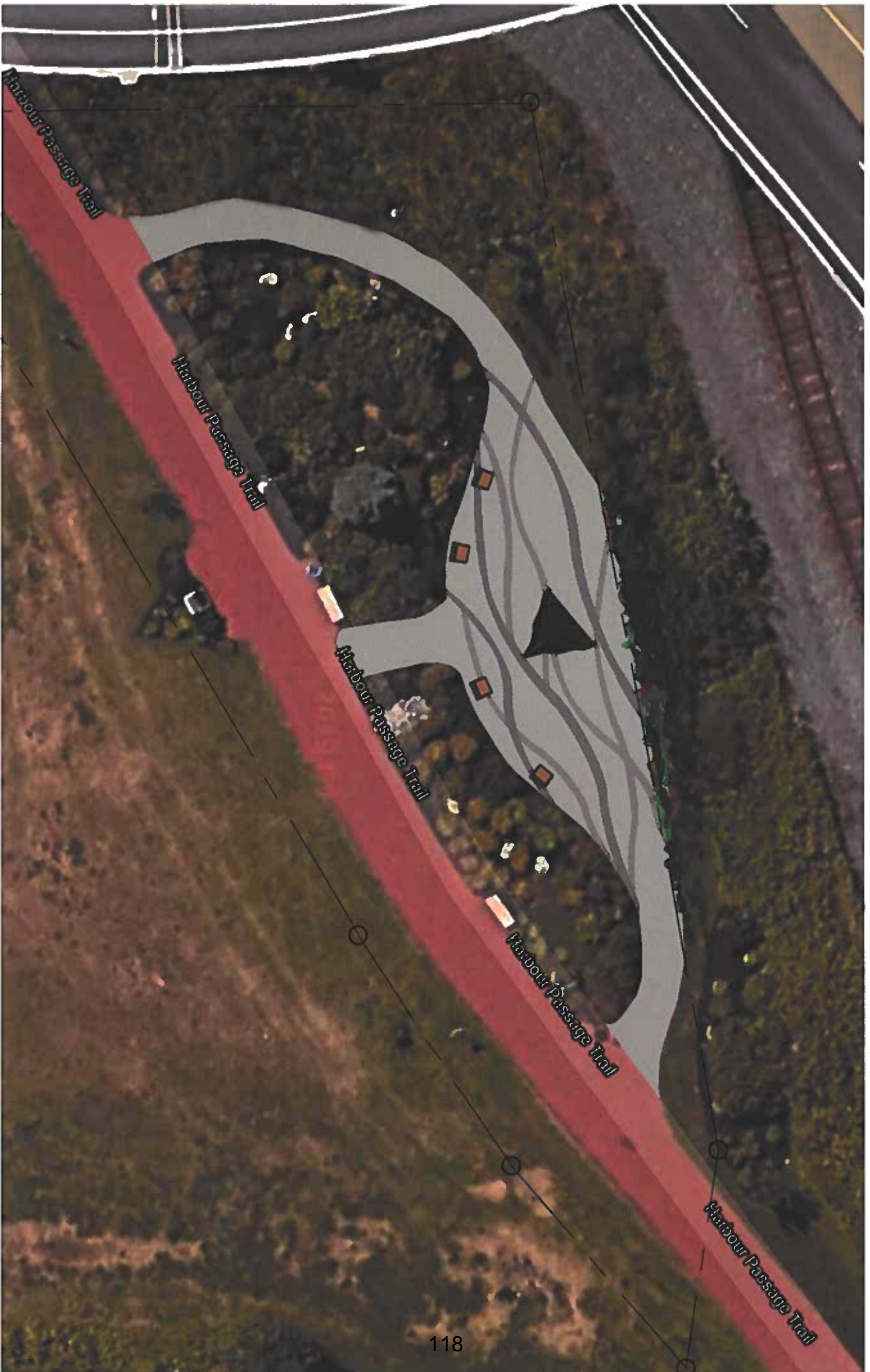


Battle of the Atlantic Memorial  
Saint John, New Brunswick  
2019.05.27





SCHEDULE "B-2"





The City of Saint John

## ***PROCLAMATION***

- WHEREAS:*** Horizon Health Network Public Health and community partners in the City of Saint John, County of St. John, Province of New Brunswick is concerned about the health of its citizens; and
- WHEREAS:*** it is estimated that between 500,000 and 600,000 people in Canada are living with hepatitis B and C and are at risk of developing cirrhosis, liver failure, liver cancer and non-liver related manifestations; and
- WHEREAS:*** Hepatitis C is the most commonly reported blood borne infection in NB; and
- WHEREAS:*** there are vaccines available for Hepatitis A and B; emerging Hepatitis C treatment therapies can cure nearly 95% of cases; and
- WHEREAS:*** World Hepatitis Day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030.

**NOW THEREFORE: I, Mayor Don Darling, of Saint John do hereby proclaim July 28, 2019, as Hepatitis Awareness Day, in the City of Saint John.**

**In witness whereof I have set my hand and affixed the official seal of the Mayor of the City of Saint John.**





# PLANNING ADVISORY COMMITTEE



The City of Saint John

June 20, 2019

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning Application  
0 Heather Way**

On May 20, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its June 18, 2019 meeting.

Mr. Andrew Toole, representing Dunnett's Landscaping Ltd., appeared before the Committee and was in agreement with the Staff recommendation. Mr. Toole noted that this applicant has no connection to the previous applications on the site and that this was a new concept. Mr. Toole also advised that the proposed 11 buildings would be the maximum and a commitment to build phases 1 and 2 at this point at a rate of 1 building per year and that future phases may be subject to change of building type (townhouse, rowhouse) – all of which will depend on market factors.

Mr. Toole also went through a number of concerns raised in letters of objection received to the Committee. He advised that while the focus of the development would be market rentals, there would be student and affordable housing through programs with the Province. Mr. Toole also addressed concerns in the letter from Meghan and Steve Craig regarding drainage, traffic concerns on Heather Way, distances of buildings from properties on Boyaner Crescent and timing of the project.

Mr. Toole also addressed a request in the letter of support provided by Jill Good that a treed buffer for properties along Hedley Street be provided, and agreed with this suggestion. Staff and the applicant worked to craft an additional condition to this affect, which was adopted as part of the Committee recommendation.

Committee members questioned material currently stored on the site and the use of the storm water modeling for future phases as well as erosion and sediment control. Landscaping materials stored on site will be used as part of the construction of the development.

Brian Irving, of Develop Saint John, spoke in support of the application noting that a recent market study from Turner Drake showed a significant decline in vacancy rates across Saint John (approximately 3.7%, which is considered low) and that for East Saint John vacancy rates for new builds (building built in the last ten years) was virtually zero percent. Given these factors, Develop Saint John supports the project, as it will bring much needed accommodation to the eastern portions of Saint John where demand is significant.

Meghan Craig of Boyaner Crescent appeared before the Committee to speak against the proposal. She acknowledged the responses to her letter of objection provided by Mr. Toole and repeated her concern for potential drainage impacts to her and neighbouring properties as well as traffic concerns on Heather Way, particular in winter when only one lane is cleared.

In response to questions from the Committee, Staff and Mr. Toole explained that during the construction process, interim measures to contain water drainage are required and inspected by the City. Mr. Toole went on to explain the obligation of professional engineers in designing these systems and how any issues would be dealt with.

Upon considering the Staff report, comments from the application, letters of support and opposition and comments from the area resident, the Committee adopted an amended Staff recommendation which incorporates an additional tree buffer for properties along Hedley Street as suggested in a letter of support and accepted by the applicant. The amended recommendation is provided below for Common Council's consideration.

**RECOMMENDATION:**

1. That Common Council rezone land with an area of approximately 55,603 square metres located at 0 Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM).
2. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300, the following conditions upon the development and use of the land:

- a. A treed buffer and berm must be constructed along the property line shared with dwellings on Boyaner Crescent. Hedge height is to be at least 1 metre and must be shown on a landscaping plan, submitted as part of any building permit for buildings which share a property line with dwellings on Boyaner Crescent. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All landscaping for this berm must be maintained for the life of the development.
- b. To promote interconnectivity to the future adjacent undeveloped lands, the cul-de-sac is to be designed to City Standards in a manner to ensure that the road can be turning into a through road to the adjacent lands. The design of this cul-de-sac and future changes are subject to approval by the Chief City Engineer or his/her designate.
- c. The site shall not be developed except in accordance with a detailed site plan and detailed building elevation plans, prepared by the developer and subject to the approval of the Development Officer. These plans will indicate the location, design and exterior finish of all buildings, the location and treatment of parking areas, driveways, landscaped areas and other site features, and the approved site plan and building elevation plans must be attached to any application for a building permit for the development.
- d. An Engineered Storm Drainage Submission be submitted for the full building out of the development with the Building Permit for "Phase One" (as indicated on the tentative plan provided) of the development. "Phase One" shall comprise the full inclusive build out of the proposed underground infrastructure and street construction necessary to support "Phase one" of the development.
- e. Detailed engineering drawings and design brief (including plan and profile) of all proposed infrastructure (water, sanitary, storm and street) and connections to existing infrastructure must be submitted by the owner/developer's engineering consultant for review and acceptance by the City.
- f. A final engineered water and sewer analysis (domestic demands, fire flows, peak flows, etc.) and servicing proposal will need to be submitted to the City by the owner/developer's engineering consultant for review and acceptance by the City in order to determine/confirm the impact this development will have on the existing municipal water and sewer infrastructure. Prior to any proposed development beyond Phase 2 (as indicated on the tentative plan provided), a flow monitoring program would need to be completed by the City in order to re-evaluate the existing downstream sewer capacities. The developer/owner's engineering consultant will need to submit the subsequent Phase(s), including sewer demands for evaluation and acceptance by the City prior to proceeding.

- g. A treed buffer at least 5 metres in width must be planted along the property line shared with dwellings on Hedly Street. Trees must be a minimum height of 2 metres at time of planting and the tree buffer must be shown on a landscaping plan, submitted as part of any building permit for buildings, which share a property line with dwellings on Hedly Street. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All tree planting is to be maintained for the life of the development

Respectfully submitted,



Eric Falkjar  
Chair

Attachments



The City of Saint John

**Date:** June 14, 2019

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Tuesday, June 18, 2019**

**SUBJECT**

**Applicant:** Don-More Surveys & Engineering Ltd.

**Owners:** Dunnett's Landscaping Ltd.

**Location:** 0 Heather Way

**PID:** 55208300

**Plan Designation:** Stable Residential

**Existing Zoning:** Two-Unit Residential (R2)

**Proposed Zoning:** **Mid-Rise Residential (RM)**

**Application Type:** Rezoning

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, July 8, 2019**. Committee may impose conditions.

## **SUMMARY**

The applicant is seeking to rezone the parcel from Two-Unit Residential (R2) to Mid-Rise Residential (RM) to facilitate a series of multi-residential buildings, with access to a new public street. Construction of this project will be phased over a long period, beginning with phases one and two within the next year.

## **RECOMMENDATION**

1. That Common Council rezone land with an area of approximately 55,603 square metres located at 0 Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM).
2. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300, the following conditions upon the development and use of the land:
  - a. A treed buffer and berm must be constructed along the property line shared with dwellings on Boyaner Crescent. Hedge height is to be at least 1 metre and must be shown on a landscaping plan, submitted as part of any building permit for buildings which share a property line with dwellings on Boyaner Crescent. The landscaping plan is subject to the approval of the Development Officer prior to the issuance of a Building Permit. All landscaping for this berm must be maintained for the life of the development.
  - b. To promote interconnectivity to the future adjacent undeveloped lands, the cul-de-sac is to be designed to City Standards in a manner to ensure that the road can be turning into a through road to the adjacent lands. The design of this cul-de-sac and future changes are subject to approval by the Chief City Engineer or his/her designate.
  - c. The site shall not be developed except in accordance with a detailed site plan and detailed building elevation plans, prepared by the developer and subject to the approval of the Development Officer. These plans will indicate the location, design and exterior finish of all buildings, the location and treatment of parking areas, driveways, landscaped areas and other site features, and the approved site plan and building elevation plans must be attached to any application for a building permit for the development.
  - d. An Engineered Storm Drainage Submission be submitted for the full building out of the development with the Building Permit for "Phase One" (as indicated on the tentative plan provided) of the development. "Phase One" shall comprise the full inclusive build out of the proposed underground infrastructure and street construction necessary to support "Phase one" of the development.
  - e. Detailed engineering drawings and design brief (including plan and profile) of all proposed infrastructure (water, sanitary, storm and street) and connections to

existing infrastructure must be submitted by the owner/developer's engineering consultant for review and acceptance by the City.

- f. A final engineered water and sewer analysis (domestic demands, fire flows, peak flows, etc.) and servicing proposal will need to be submitted to the City by the owner/developer's engineering consultant for review and acceptance by the City in order to determine/confirm the impact this development will have on the existing municipal water and sewer infrastructure. Prior to any proposed development beyond Phase 2 (as indicated on the tentative plan provided), a flow monitoring program would need to be completed by the City in order to re-evaluate the existing downstream sewer capacities. The developer/owner's engineering consultant will need to submit the subsequent Phase(s), including sewer demands for evaluation and acceptance by the City prior to proceeding.

## **DECISION HISTORY**

In 2008, Common Council approved a rezoning of the subject site (as part of a broader application for lands on both sides of Heather Way) to One and Two Family Residential (R-2) Zone. An application to Common Council in 2011 was made to rezone an adjacent site (across Heather Way) to facilitate a manufactured home development. Common Council denied that application, leaving the zoning on the property as R-2.

## **ANALYSIS**

### **Proposal**

The applicant is proposing to rezone the subject parcel from Two-Unit Residential (R2) to Mid-rise Residential (RM) to facilitate the construct a series of multi-residential buildings over time and accessed from a new public street. The initial concept proposes 11 buildings, which would each contain 24 dwelling units. The applicant is persuing potential affordable housing funding through the Province and given the location near New Brunswick Community College (NBCC), is hoping to help fill the need for future student housing (along with typical market needs).

The applicant has indicated that future phases (beyond Phases 1 and 2) of the development may be subject to change (potentially to other forms like Townhouses) depending uptake of these units. The review of this application has be based on full build out as apartment buildings and represents the upper limit of likely development on the site based on the submitted proposal.

### **Site and Neighbourhood**

The subject site is located in the eastern portion of the City just above the intersection of Grandview Avenue and Heather Way. This parcel is one of a few remaining parcels in this area of the city which have not yet developed. The site is served by transit and is in close proximity to NBCC.

The surrounding development is a mixture of vacant lands and low density residential development along Boyaner Crescent and Hedley Streets. Adjacent multi-residential

development, also zoned RM, is located further to the north along Heather Way. Adjacent lands across Heather Way are also currently undeveloped – representing future development opportunities.

## Municipal Plan and Rezoning

### Municipal Plan

The subject site is designated Stable Residential in the Municipal Plan. This designation applies to existing neighbourhoods, which have the potential to accommodate additional development at a scale and density that are consistent with the surrounding area. These neighbourhoods may also not be fully built-out, offering other opportunities for additional development. Policies LU-86 through LU-88 support intensification of Stable Residential areas. Policy LU-88 provides criteria to consider for proposed developments in the Stable Residential areas. The applicant has provided their own evaluation of policy LU-88 with the application materials (Submission 3). The staff review of this application against policy LU-88 is below:

Policy LU-88 Staff evaluation	
Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:	
a) The proposed land use is desirable and contributes positively to the neighbourhood;	This neighbourhood still has sites, which provide opportunity for strategic densification in an area with existing municipal services. This positively contributes to the neighbourhood by better utilizing an under used piece of road infrastructure through increased development. The applicant will is also seeking to provide affordable housing (through Provincial grants) and cater to housing for students given the proximity to NBCC.
b) The proposal is compatible with surrounding land uses;	The RM Zone is utilized throughout the neighbourhood as new development has occurred. The Zone allows for the integration of other Residential uses, particularly low-density residential development. The types of development allowed in this zone (multi-residential, townhouse, low density forms) fit in well with existing development and work to complete this neighbourhood.
c) The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community and	The proposal is located in an area where all municipal services are readily available; however, modeling has noted that there are downstream sewer capacity limitations. Only phases 1 and 2 can proceed until upgrades



protective services can readily and adequately be provided;	are made. Proposed conditions facilitate phases 1 and 2 and provide a way forward on future phases.
d) Site design features that address such matters as safe access, buffering, and landscaping, site grading and stormwater management are incorporated;	A landscaped buffer between the low density residential area on Boyaner Crescent has been proposed. Stormwater management will be required in accordance with the Drainage By-law. Site grading will be addressed at the permitting stage.
e) A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and	The applicant has provided photographic examples to some building projects as reference to design/materials, to be used for this project. The applicant also referenced projects they have done on Noel Avenue (Submission 2) as other examples – all examples show high quality finishes and designs.
f) The proposal is on a property identified as a Corridor on the City structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.	The site is not located along a Corridor, but does not detract from intensifying Primary Centres, Local Centres or Intensification Areas as this is a logical extension and attempt to complete an established (but incomplete) neighbourhood and provide housing to support nearby educational sites (NBCC). Heather Way was designed to act as a collector for the neighbourhood and has more than sufficient capacity to handle the proposal.

### Urban Design Principles

Policy UD-9 provides guidance for new developments, which are in various designations of the plan. This policy provides broad design policy for all parts of the City; such as incorporating natural features and topography, providing landscaping to buffer adjacent sites, and encouraging active pedestrian-oriented uses to help animate the public realm.

The applicant will be providing a linear amenity space around the site connected to a central park space with benches, which will help provide passive recreation opportunities and meet the amenity space requirements of the Zoning By-law. Building layout (based on the concept plan) provide generous front yard spaces for landscaping and all buildings will be oriented to either Heather Way or the future Public Street. The applicant has undertaken similar development along the extension of Noel Drive and provided photos of examples of how the buildings will be designed – which will use high quality materials and design to include private amenity space for future residents. This, combined with zoning regulations of the RM zone will work to provide a high quality public realm and building design.

For sites in Stable Areas, such as this (Stable Residential), policy UD-9 (a) (i) states that “new development will designed to respect and reinforce the physical character of the neighbourhood as set out in Policy UD-10”.

Policy UD-10 gives eight criteria to consider when reviewing redevelopment applications in the Stable Areas:

Ensure that new development and redevelopment in Stable Areas is designed to respect and reinforce the physical character and uses of the surrounding neighbourhood, having regard for:	
a) The local pattern of lots, streets and blocks	The proposed lot pattern of this street is consistent with other cul-de-sacs in the area. It should be noted that this street will be designed to be able to be connected to future development on adjacent lands and so may become a through street in time.
b) The size and configuration of lots;	The size and configuration of lots is consistent with other multi-residential lots in the adjacent area.
c) Nearby building types;	Heather Way has a variety of different types of multi-residential development – the proposed 3 storey buildings will integrate well with this mixture.
d) Height, scale and massing of nearby buildings;	Most residential development in the surrounding area is at least 2 stories; the proposed 3 storey multi-residential development will integrate well. The building lots are situated significantly far away from adjacent low density residential development; therefore limiting the impacts of massing to those homes.
e) The setback of buildings from the street;	Setbacks of the buildings will be consistent with those of the RM Zone.
f) The pattern of rear and side yard setbacks;	The concept plan shows that generally the rear and side yards are landscaped or provide parking – this is consistent with multi-residential development and should limit impacts to other buildings as the development proceeds.
g) Sensitive integration with and enhancement of adjacent heritage properties; and	There are no nearby registered heritage properties.

h) Building materials which contribute to the successful integration of the development into its context.	Based on the examples provided by the applicant; the building materials and design will be of a high quality to positively enhance the neighbourhood context. A condition has also been added to facilitate review of the building design at the permitting phase.
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### Rezoning

The proposed rezoning with this application would take the site to the Mid-Rise Residential (RM) Zone. This zone allows a mixture of residential uses from One-unit, Two-unit to townhouses and multi-residential dwellings. The zone allows for development that is a minimum of two stories and no greater than 14 metres if side yards increase beyond the minimum (otherwise 11 metres is the maximum height).

The RM zone occurs throughout this neighbourhood along Hickey Road and Heather Way, where medium density type developments (apartments, row and townhouses) have been built. These sites are along major roadways and edges of the community to provide direct access onto the major road and position medium density development along the major transit routes. This project will fulfill this planning concept by locating density along a cul-de-sac adjacent to transit stops along Heather Way. The cul-de-sac will be a distance that is easily walkable allowing future residents access to transit stops that access NBCC, shopping and other transit interchanges. The cul-de-sac will be designed in a manner to ensure that should adjacent future development lands are built out, that the road connection can be made to enhance community connectivity. A traffic impact study was not required given that Heather Way is a major arterial road with sufficient capacity to handle this proposed development.

### Municipal Services

As part of the review of this application, The City has used models that were created to help facilitate the analysis of development proposals in relation to sewer and water capacity. The applicant has worked with the City to provide necessary data to run models of this area. The applicant is aware that capacity is only available for Phases 1 and 2, and there are proposed conditions to limit build out to those phases. The City will undertake future monitoring to analysis modeling data for later phases, and will work with the applicant on timing of future municipal upgrades and build out of later phases.

This process is part of steps taken by Growth and Community Development Services to enhance Customer Service to applicants on proposed developments. This allows the City to work with applicants to understand downstream capacity issues and together on timing of future build out of large development proposals.

### Variances

A review of the proposal has not shown any variances would be required at this stage. During the review of future permit applications, the Development Officer will process any variances as required.

**Future Subdivision**

A public street is proposed which requires a future subdivision to create this right-of-way. This will cause the need for Land for Public Purposes. Given the subject site is not located along any identified future public trails, it is likely that cash in lieu of land versus land would be pursued. The proposed park space provided by the applicant will be a private amenity space provided to residents of the development. Assent to the public road will occur at the subdivision stage.

**Conclusion**

Staff support this proposal as it achieves the intent of the Municipal Development Plan. This proposal provides an opportunity to introduce elements of a complete community for the surrounding neighbourhood and represents a highest and best use of Municipal infrastructure. The site is in proximity to all services to allow people to live, work and play.

**ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives considered.

**ENGAGEMENT****Proponent**

The applicants were encouraged to conduct their own public engagement of nearby residents, as part of an initial pre-application. The applicant has reached out to landowners along Boyaner Crescent via letters and provided information on the development.

**Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on June 5, 2019. The public hearing for the rezoning was advertised on the City's website on June 17, 2019.

**SIGNATURES AND CONTACT****Prepared and reviewed by:**

Kenneth Melanson, BA, RPP, MCIP  
Manager, Community Planning

**Approved:**

Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Kenneth Melanson  
**Phone:** (506) 721-8694  
**E-mail:** [Ken.Melanson@saintjohn.ca](mailto:Ken.Melanson@saintjohn.ca)  
**Project:** 19-84

## **APPENDIX**

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

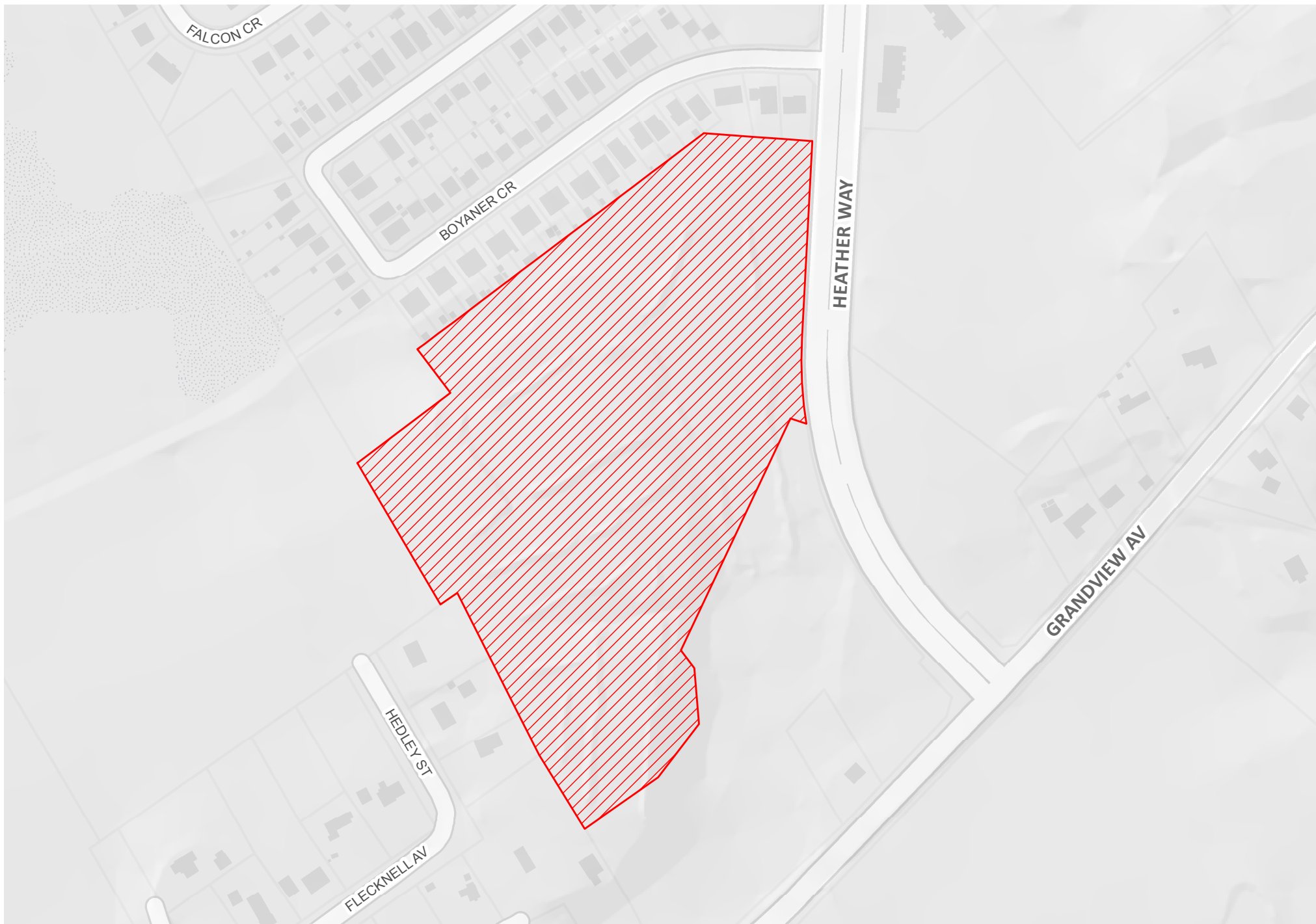
Map 5: **Site Photography**

Submission 1: **Site and phasing plan**

Submission 2: **Applicant examples of exterior design/finishes**

Submission 3: **Staff photos of Noel Drive as examples of exterior design/finishes**

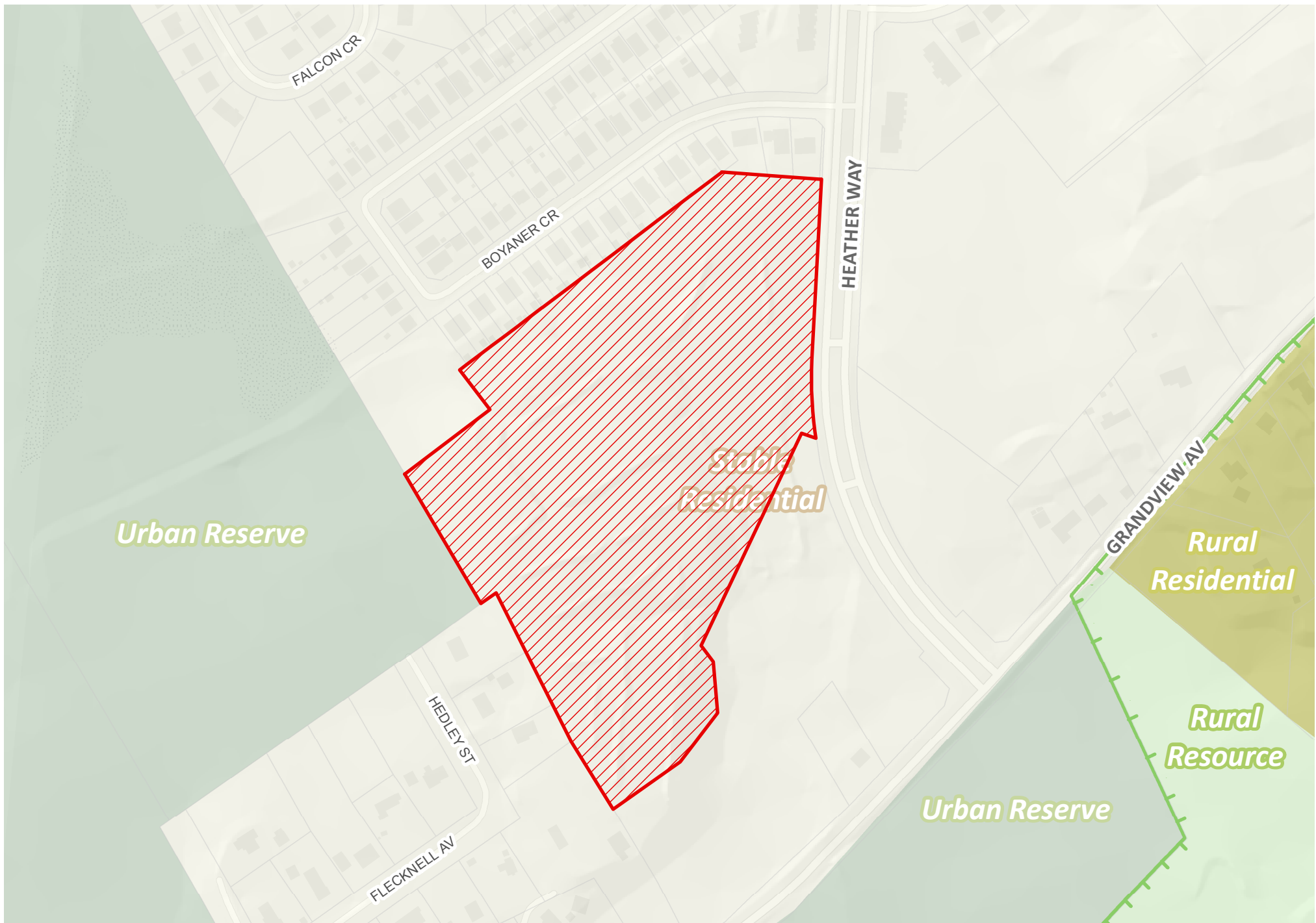
Submission 4: **Applicant Planning Analysis**



# Map 1 - Site Location

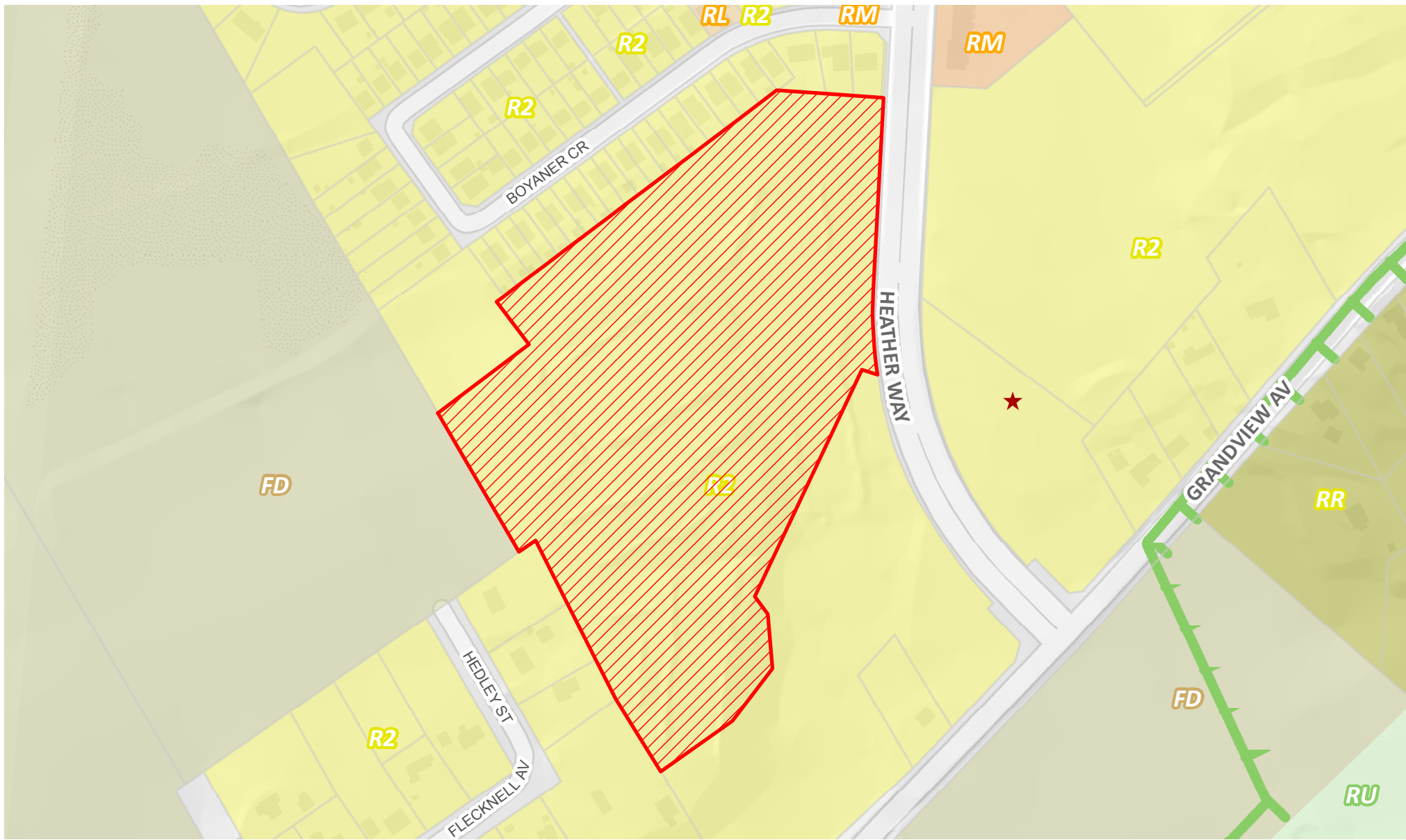
Dunnett's Landscaping Ltd. - 0 Heather Way





**Map 2 - Future Land Use**  
Dunnett's Landscaping Ltd. - 0 Heather Way





(FD) Future Development (RR) Rural Residential  
 (R2) Two-Unit Residential  
 (RL) Low-Rise Residential  
 (RM) Mid-Rise Residential  
 (RU) Rural

★ Section 59 Conditions

# Map 3 - Zoning

Dunnett's Landscaping Ltd. - 0 Heather Way







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Map 4 - Aerial Photography

Dunnett's Landscaping Ltd. - 0 Heather Way

136

The City of Saint John  
Date: June-06-19

0 75 m







View of Heather Way (looking towards Boyaner Cres)



Site seen from Heather Way



Site - looking toward Grandview Ave



Site - looking toward Boyaner Cres dwellings



Site Plan  
**Dunnett's  
Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County, NB



**DOO - MORE**  
SURVEYS &  
ENGINEERING LTD.  
Drawn: 190060VA

Date:  
April 25, 2019







Site Context Plan  
**Dunnett's  
Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County, NB



**DOWN - MORE**  
SURVEYS &  
ENGINEERING LTD.

Dwg: 190060VA  
Date: April 29, 2019



**Phasing:**

**Phase 1:**

1 - 24 unit building  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 2:**

3 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 3:**

3 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 4:**

4 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units



Phasing Plan  
**Dunnett's**  
**Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County NB



**DOWN - MORE**  
**SURVEYS &**  
**ENGINEERING LTD.**

Drawn: 190060VA





**Submission 2 – Applicant examples of exterior design/finishes**







**Submission 3 – Examples of architectural style/materials for future buildings – Noel Avenue (photos taken by staff)**





May 2, 2019

Kenneth Melanson, BA, RPP, MCIP  
Manager of Community Planning  
Growth & Community Development Services – City of Saint John

VIA E-Mail: [ken.melanson@saintjohn.ca](mailto:ken.melanson@saintjohn.ca)

**Re: Planning Review**

This proposed development is located adjacent to Heather Way in east Saint John. The development will involve the construction of a new street accessed from Heather Way, and eleven building lots. Each lot will contain a twenty-four unit, three story apartment building and associated site features. Photos of a similar project completed in another part of the City are included with this package.

A site plan has been included which shows the layout of the new street and lots. It also shows the site relative to the surrounding land uses. The surrounding neighbourhood is a wide range of residential uses ranging from single family homes to high rise apartments. This development is a medium density development, and is consistent with existing uses in the area. Figure 1 below shows a current zoning map of the area and we can see that uses in the area range from R1 to RH.

We are working with Saint John Water to fully understand the availability of water and sanitary services to support this development. Preliminary discussions indicate adequate water and sewer capacity. Detailed design will address this in greater detail.

Saint John Transit currently services this area and has indicated a willingness to add a bus stop at the intersection of the new street and Heather Way as development progresses.





*Figure 1: Current Zoning Map*

Stormwater management will be part of the detailed design for each site. Each site will be designed in such a way that stormwater is stored on the site reducing peak flows to pre-development levels.

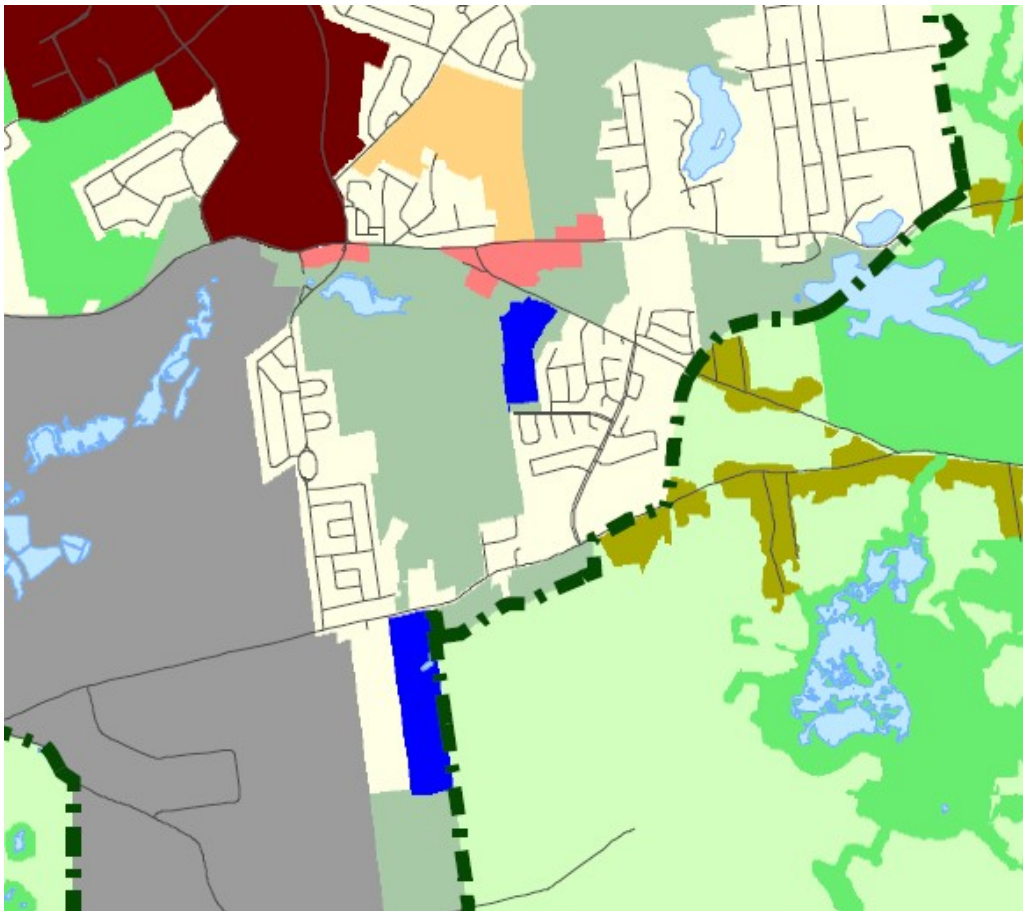
A berm topped with a vegetated hedge will be installed between this development and the adjacent development to the north. This will provide buffering and screening between the existing single family homes and the new multi-family development.

This development is located off Heather Way which is a major arterial street in the City. Existing services exist in this area and this development can be considered as infill for this existing area.

The buildings will be constructed of a high quality exterior facade. Photos of a similar project are included with this package.

### **Municipal Plan**

This area is designated as Stable Residential and is located within the Primary Development Area in the municipal plan. See figure 2.



*Figure 2: Municipal Plan*





The Municipal Plan contains three policy statements related to this type of development:

*Policy LU-86: Create the Stable Residential designation on the Future Land Use map (Schedule B). Within the Stable Residential designation, housing of almost every form and density may be found and both the existing neighbourhood context and compatibility with the Municipal Plan goals will determine suitability of new proposals. Other compatible uses that may be found in the Stable Residential designation include convenience stores, home occupations, parks, and community facilities which are permitted in the designation without amendment to the Municipal Plan.*

*Policy LU-87: Intend that the areas designated Stable Residential will evolve over time from a land use and built-form perspective but that new and redeveloped land uses are to reinforce the predominant community character and make a positive contribution to the neighbourhood.*

*Policy LU-88: Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:*

- a. The proposed land use is desirable and contributes positively to the neighbourhood;*
- b. The proposal is compatible with surrounding land uses;*
- c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided;*
- d. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated;*
- e. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and*
- f. The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.*

This development is consistent with the existing uses in the area, meets the context of the municipal plan and fits into plan policy LU-88. The proposed development is consistent with existing uses and zoning in the area and will provide a positive benefit to this part of the City.

**From:** [onestop](#)  
**To:** [Melanson, Ken](#)  
**Cc:** [Burgess, Aimee](#)  
**Subject:** FW: PID No. 55208300 - Rezoning Application 0 Heather Way  
**Date:** June 17, 2019 12:47:28 PM

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Paula Hawkins  
One Stop Development Shop  
Permitting & Inspection Services  
10<sup>th</sup> floor – City Hall  
Saint John, NB E2L 4L1  
(506)658-2911  
[paula.hawkins@saintjohn.ca](mailto:paula.hawkins@saintjohn.ca)  
[onestop@saintjohn.ca](mailto:onestop@saintjohn.ca)

---

**From:** Megan Craig [mailto:[Newyrsbaby@hotmail.com](mailto:Newyrsbaby@hotmail.com)]  
**Sent:** June-17-19 12:41 PM  
**To:** onestop  
**Subject:** PID No. 55208300 - Rezoning Application 0 Heather Way

Good Afternoon,

I am writing regarding the proposed Rezoning Application for 0 Heatherway PID # 55208300.

As a resident of Boyaner Crescent for the last 6 years, (my husband's parents lived in the home since it was built in 1977, we bought the home in August 2013). I am greatly concerned about this proposal for the following reasons:

1. Any dig/build comes with it the concerns of water run off. The properties on Boyaner Crescent that will be affected are on a slope and some already have water issues. As an insurance broker I know all too well about clients who never had water issues, that now have issues due to new constructions.
2. The resale values in our neighborhood will definitely not benefit from this build.
3. Currently the homes on my side of Boyaner Crescent have the benefit of privacy in our back yards, I have to assume that 11 buildings that are 3 storeys high will affect that privacy.
4. The increased traffic on Heatherway with only one exit will affect everyone



in my neighborhood, especially in the winter when only one lane is plowed each way on Heatherway. If all of these units are occupied, there is a potential of hundreds more vehicles commuting daily.

Along with my concerns, I have the following questions:

1. How far away from my property line will these units and parking areas be?
2. Will these buildings be subsidized or market value rentals?
3. What is the timing for the build, the first letter indicated there would be 8 buildings, when it was proposed to council they showed 11 buildings.
4. Is there any chance there will be more then or less then 11 buildings?
5. Currently there are some trees along our property lines, will more trees be planted to give us added privacy and security?
6. I assume that it would be a requirement for there to be fire hydrants installed for these buildings, is that correct?
7. If this proposal is approved and we have water issues, what responsibility do the builders have? Is there a time limit for this?

I would honestly be surprised if the owners were able to have enough interest in this area to occupy all of these units. I feel like 11 buildings in this area is excessive.

**Megan & Steve Craig**  
**256 Boyaner Crescent**  
**Saint John, NB**  
**E2J 4C7**

**From:** [onestop](#)  
**To:** [Melanson, Ken](#)  
**Cc:** [Burgess, Aimee](#)  
**Subject:** FW: Rezoning Application - 0 Heather Way  
**Date:** June 17, 2019 8:44:53 AM

---

Paula Hawkins  
One Stop Development Shop  
Permitting & Inspection Services  
10<sup>th</sup> floor – City Hall  
Saint John, NB E2L 4L1  
(506)658-2911  
[paula.hawkins@saintjohn.ca](mailto:paula.hawkins@saintjohn.ca)  
[onestop@saintjohn.ca](mailto:onestop@saintjohn.ca)

**From:** Spiros Nicoles [mailto:[spiros.nicoles@gmail.com](mailto:spiros.nicoles@gmail.com)]  
**Sent:** June-16-19 2:43 PM  
**To:** onestop  
**Subject:** Rezoning Application - 0 Heather Way

To whom it may concern:

I am writing in regards to the rezoning application (PID No. 55208300), which is requesting to have 11 apartment complexes built off of Heatherway.

I personally do not agree to this proposal. I believe having over 200 plus tenants in one area, with the only entrance/exit to the area being on Heatherway will cause a lot of traffic and congestion, especially during school season. Traffic already gets backed up during school season especially since NBCC is within this area, and this will only make matters extremely worst.

I also believe that building these complexes in this area takes away from our residential environment. There are a lot of homes in and off of Heatherway and we all take pride of our home and property. Having apartment buildings built in a "housing" style area, will create a revolving door of tenants, and we really do not know what type of people will be living there. These tenants will not own property or homes in the area and therefore can bring or attract unwanted individuals who have little care for other people's properties. This issue exist in other parts of the city, including East Saint John, where apartment complexes mixed with home neighborhoods have brought unwanted problems to the home owners.

Previously, someone wanted to build a trailer park in this area (I'm not sure if this is the same builder). The neighborhood spoke against the trailer park and that plan was put to rest, and now you are suggesting a switch to apartment buildings. Going from trailer park to apartment buildings does not fix our neighborhood concerns, nor does it respect the concerns we had. This proposal creates the same problems and/or concerns we previously had . The only thing that is happening here is that you are changing the style, but ignoring all of our concerns from before.

What is even more concerning is that only people on Boyaner Cres received letters in regards to this proposal, No one else close to this area off of Heatherway received letters or were asked for their input on this matter, like they were last time when the trailer park was proposed.

Everyone in the area, from Boyaner and Wyatt Crescent, for example will be impacted by this and everyone should be notified and asked for an opinion.

If you want to build actual houses/homes, to keep the same style of neighborhood we have had since the Heatherway area was first developed decades ago, then by all means go ahead, but creating complexes that congest our area, and allow the potential for revolving door tenants, without anyone knowing what type of individuals will be living there, well there is no need for this. We want to keep the same style development in this area as we always had, meaning no apartment complexes or trailer parks.

Also, the proposed two rows of trees between the new property and Boyaner Cres, in theory may be great, but does not separate the two areas or create privacy.

I hope you consider my suggestion before making a final decision.

Thank you for your time.

Spiros Nicoles

Jill Good  
23 Falcon Crescent  
Saint John, NB  
E2J 0C5  
[Jillianguood14@gmail.com](mailto:Jillianguood14@gmail.com)

June 17, 2019

Planning Advisory Committee,

Having grown up and lived in the area my entire life there was no other choice when it came time for my husband and I to purchase our home 10 years ago, at 23 Falcon Crescent, which is in close proximity to this proposed development.

We are **in favour** of the proposed development as outlined in the report at 0 Heather Way, and are happy to see the area developed. We ask that the owner consider the following:

- 1) We would ask that the Planning Advisory Committee notes that while the subject site is currently surrounded by undeveloped lands that represent future development opportunities, it is important to note that it is also in very close proximity is a large subdivision and high school. All of which are serviced by municipal sewer and water infrastructure. Please ensure that the proper drawings and studies are conducted **prior to construction of Phase 1** to guarantee that there are no impact to existing homeowners in the area.
- 2) My grandmother lives at 20 Jimegal lane highlighted on the map below:



The previous owner cleared the land of most of the trees. We ask that the new owner consider leaving the trees that remain at the back of the subject site along Hedley Street & Jimegal Lane properties (shown with a green line) and provide the same treed buffer and berm that is proposed for along Boyaner Crescent in 2 a of the recommendations outlined in the report.

- 3) We would like the owner to know that there is currently neighbourhood interest in revitalizing the existing playground on Boyaner Crescent which is only 285 meters from the subject site. While the report indicates that they looking to attract students that attend NBCC given the close proximity, we feel that long term tenants are what will ensure success and allow for the full build out of the proposed development. To attract long term, quality tenants investments into recreational amenities such as the Boyaner Crescent playground are important to attracting families and growing the City of Saint John.

Residents from Falcon Crescent and Boyaner Crescent have met with Parks & Recreation staff and are in preliminary discussions on revitalizing the playground area and its equipment. Given the proposed developments very close proximity to the existing Boyaner Crescent Playground and that the residents of the new development would greatly benefit from the use of the neighbouring playground, we ask that the owner consider directly investing into the Boyaner Crescent Playground. We would love to work with the new owner on making the area an even more attractive place for families to live and grow.

Thank you so much for investing in this area and consider my letter.



Jill Good

June 18/2019

Dear Planning Advisory Committee,

Regarding the proposed rezoning of 0 Heatherway. We are not in favour of the rezoning of this area for the following reasons. I live at 10 Jimegal Lane, and my mother lives at 20 Jimegal Lane which is directly adjacent to the land in the proposal. We have lived in this area for approximately 35 years.

- I feel that my current property value would be negatively impacted by the construction of multiple 3 story apartment buildings within sight of my home. Both my home and my mother's home will have a full view of the back of these buildings which are at a higher elevation than ours and therefore will stand out on the skyline which currently is a forest view.
- The developers plan to rent apartments to students from NBCC is also concerning to us. This does not seem to be a solid business plan on their part to rely on possible student rental income to sustain and upkeep properties of this type and we are concerned that they will fall into disrepair over a shorter period of time.
- The rental to students means that there will be a constant change of residents in the area that may have no vested interest in contributing to the community at large.
- We are also concerned that the construction may affect the water supply in the area of homes that are on wells and springs.

In closing if this proposal were to be approved, we ask that the developer maintains the tree line at the back of the property adjacent to Flecknell Ave, Hedley St, and Jimegal Lane and also installs and maintains the same landscaped buffer proposed for the property adjacent to Boyaner Crescent.

Sincerely;

David and Patricia Flecknell  
10 Jimegal Lane,  
Saint John, NB

Mavis Flecknell  
20 Jimegal Lane,  
Saint John, NB





# 0 Heather Way

Presentation to Common Council

July 8, 2019



**Growth & Community Planning Team**  
Growth & Community Development Services

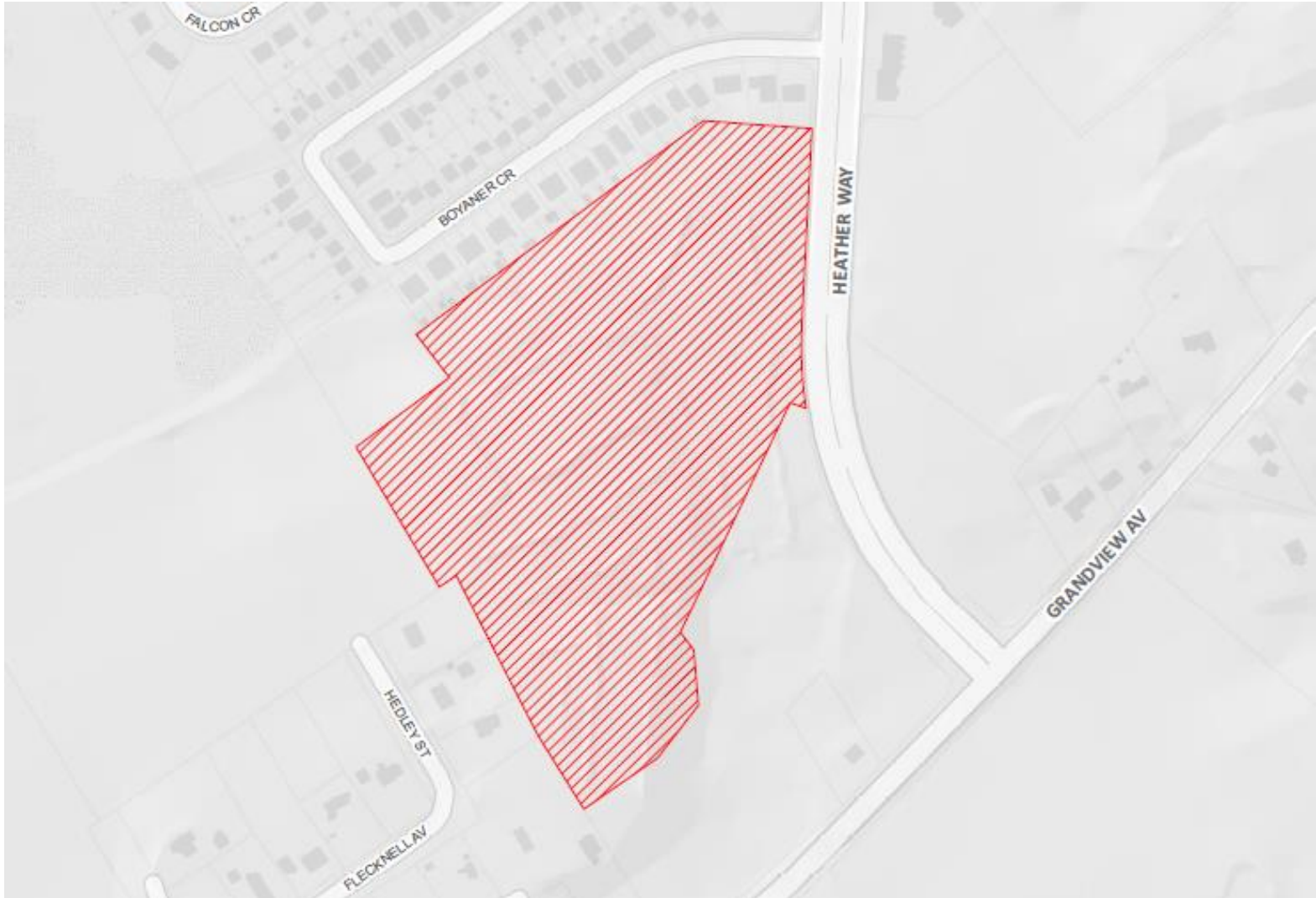


# Proposal

- Rezoning from Two-Unit Residential (R2) to Mid-Rise Residential (RM).
- Proposal to facilitate new multi-unit residential development with new public street (11 buildings).
- Seeking to provide future affordable housing and cater to student housing needs (NBCC), in addition to market housing.



# Site Location





# Site Aerial



# Site Photos





# Site Photos





# Site Photos



# Site Photos





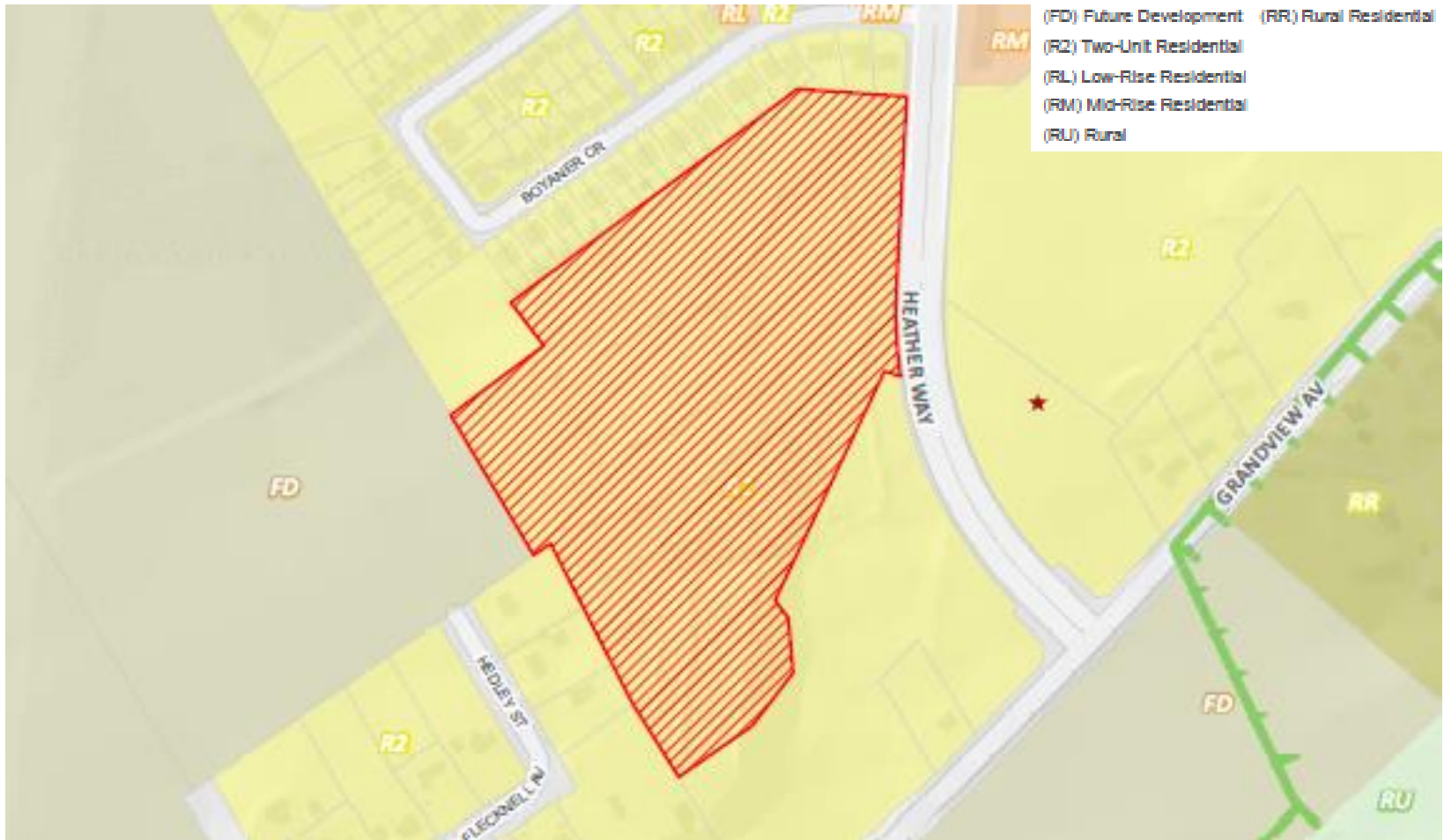
# Site Plan



# Future Land Use



# Zoning



## Section 59 Conditions proposed for:

- Landscaped berm to act as buffer along properties of Boyaner Crescent.
- Cul-de-sac – future connectivity to underdeveloped lands.
- Site plans, details – for BP review.
- Phase 1 & 2 limits on development – future development will require monitoring, upgrades.
- Storm water management plan.



# Public Engagement

- 2 calls/letters of support.
- 3 letters of objection to proposal.

## **Applicant lead engagement**

- Letter circulation to residents of Boyaner Crescent with details of proposal.

# Public Engagement

## Key concerns expressed

- Privacy – buffer proposed. Additional buffer requested (Hedly Street).
- Property values – not a planning consideration.
- Traffic – Heather Way drastically underutilized from traffic concern. Can more than handle traffic generated.
- Drainage issues – drainage will have to be contained to the site (stormwater management plan).

# Staff Recommendation

Staff recommend that the Planning Advisory Committee:

1. Recommend Common Council rezone the subject parcel.
2. Recommend Common Council impose the proposed Section 59 conditions as contained in the staff report.



# Public Engagement

- Letter to land owners – June 6, 2019
  - 3 objections/1 letter of support/1 phone call of support.
- Website ad (Public Hearing) – June 17, 2019.
- PAC Meeting – June 18, 2019
  - Applicant presentation.
  - 1 member of the public spoke against proposal (also provided letter in package).
- PAC added condition for landscaped buffer (new condition) along Hedly Street.



# PAC Recommendation

PAC recommend Common Council:

1. Rezone the site.
2. Adopt the amended Section 59 conditions for the site.



LOCATION	CIVIC ADDRESS: <u>Heather Way</u>		PID #:	55208300
STAFF USE	HERITAGE AREA: Y / <u>N</u> INTENSIFICATION AREA: Y / <u>N</u> FLOOD RISK AREA: Y / <u>N</u> APPROVED GRADING PLAN: Y / <u>N</u>			
	APPLICATION #:	<u>19-0084</u>	DATE RECEIVED:	<u>May 9/19</u>
	<u>Planning App</u>		RECEIVED BY:	<u>Taula</u>
APPLICANT INFORMATION	APPLICANT		EMAIL	PHONE
	Don-More Surveys & Engineering Ltd. On Behalf of Dunnett's Landscaping Ltd. at@dmse.ca 506.636.2136			
	MAILING ADDRESS		POSTAL CODE	
	4-60 Maple Avenue, Sussex, NB E4E 2N5			
	CONTRACTOR		EMAIL	PHONE
	MAILING ADDRESS		POSTAL CODE	
OWNER		EMAIL	PHONE	
Dunnett's Landscaping Ltd. dunnettslandscaping@gmail.com		(333-1275)		
MAILING ADDRESS		POSTAL CODE		
101 Cedarwood Dr. Saint John, NB E2K 5P5				
PRESENT USE: Vacant Land		PROPOSED USE: New development		
CHECK ALL THAT APPLY	BUILDING		PLANNING	INFRASTRUCTURE
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS		<input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> POOL <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SIGN <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> VARIANCE <input checked="" type="checkbox"/> PLANNING LETTER <input checked="" type="checkbox"/> PAC APPLICATION <input checked="" type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER
HERITAGE				
<input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> OTHER				
DESCRIPTION OF WORK	Re-zoning to RM zone to support 3 story apartment buildings. See attached site plan and details.			
	<div style="display: flex; justify-content: space-between;"> <span>Fee pd by <u>Dunnett's Landscaping</u></span> <span><u>\$2500 Fee</u></span> </div>			

☒ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

**General Collection Statement**

This information is being collected in order for the City of Saint John to deliver an existing program service; the collection is limited to that which is necessary to deliver the program service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building  
 8th Floor - 15 Market Square  
 Saint John, NB E2L 1E8  
[commonclerk@saintjohn.ca](mailto:commonclerk@saintjohn.ca)  
 (506) 658-2862



I hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

By submitting a complete permit application, the applicant grants permission to City inspectors to enter the land, building or premises at all reasonable times for the purposes of conducting inspection(s) associated with the permit.



5/9/2019

Customer Copy

City of Saint John  
ONE STOP DEVELOPMENT SHOP  
15 Market Sq 10th Floor  
506-658-2911  
onestop@saintjohn.ca

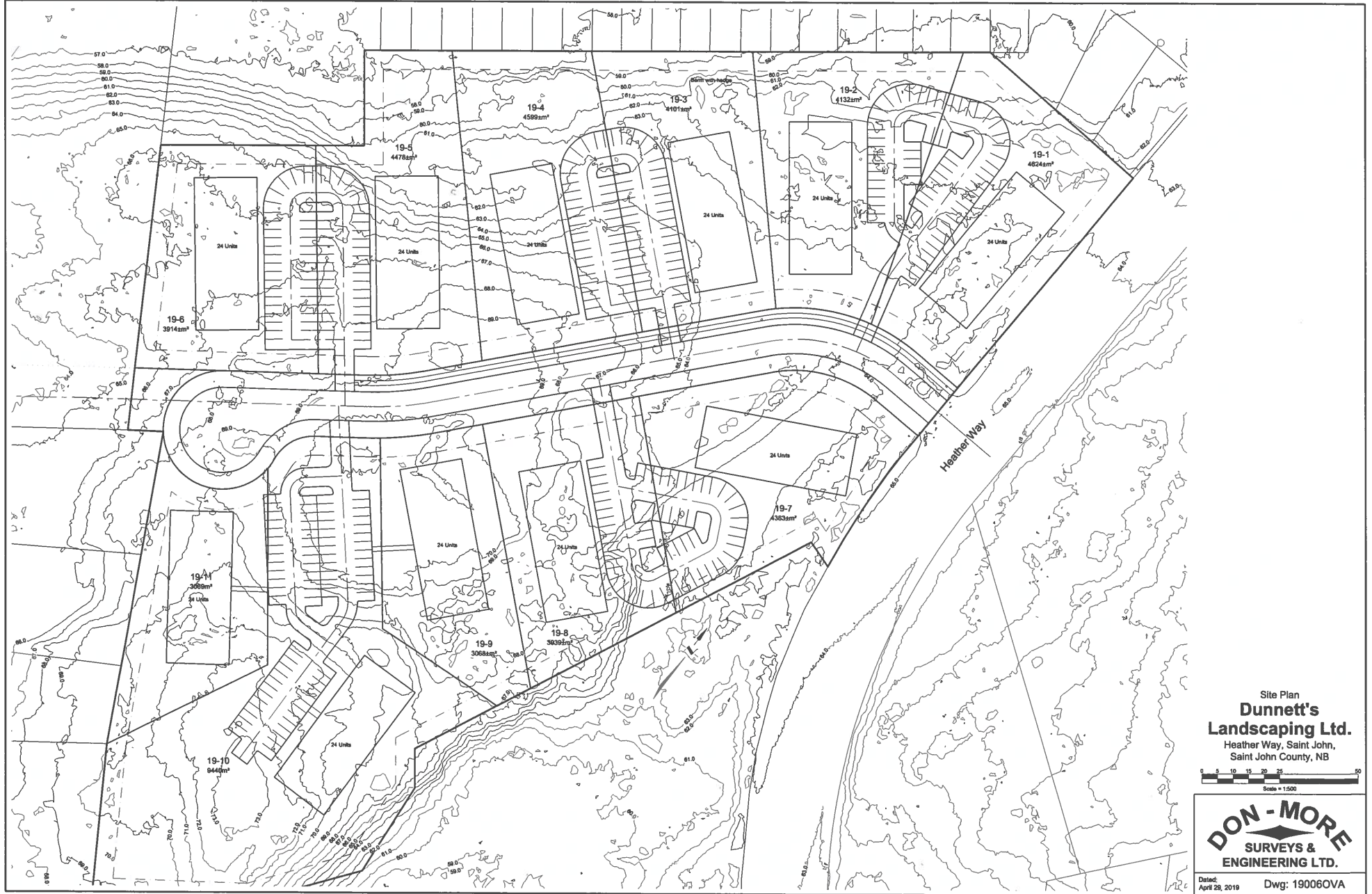
Term ID: 001

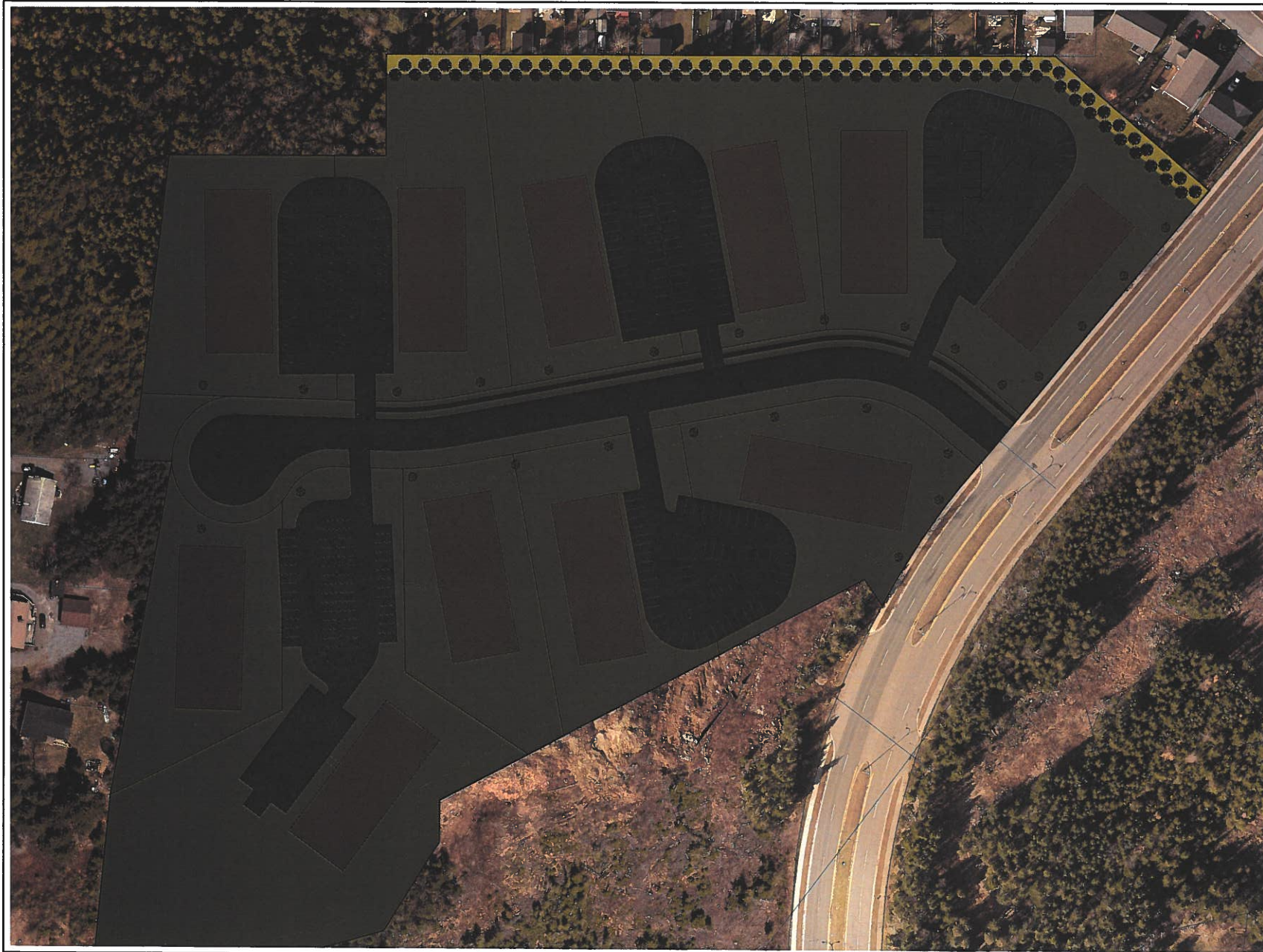
## Sale - Approved

Date	05/09/19	Time 14:39:13
Method of Payment	Visa	
Entry Method	Manual	
Customer Name	Dunnits Landscaping	
Account #	XXXXXXXXXXXX8024	
Order ID	PA190084	
Order Description:	0 Heatherway ZONE	
Approval Code	465895	
Amount	\$2,500.00	

Thank you for your business!

Customer Copy





Site Plan  
**Dunnett's  
Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County, NB



**DON - MORE**  
SURVEYS &  
ENGINEERING LTD.

Dated:  
April 28, 2019 Dwg: 19006OVA





Site Context Plan  
**Dunnett's**  
**Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County, NB



**DON - MORE**  
SURVEYS &  
ENGINEERING LTD.

Dated:  
April 28, 2019 Dwg: 190060VA





## Phasing:

**Phase 1:**  
1 - 24 unit building  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 2:**  
3 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 3:**  
3 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units

**Phase 4:**  
4 - 24 unit buildings  
12 - 1 bedroom units  
12 - 2 bedroom units

Phasing Plan  
**Dunnett's**  
**Landscaping Ltd.**  
Heather Way, Saint John,  
Saint John County, NB



**DON - MORE**  
SURVEYS &  
ENGINEERING LTD.

Dated:  
April 29, 2019 Dwg: 19006OVA







May 2, 2019

Kenneth Melanson, BA, RPP, MCIP  
Manager of Community Planning  
Growth & Community Development Services – City of Saint John

VIA E-Mail: [ken.melanson@saintjohn.ca](mailto:ken.melanson@saintjohn.ca)

**Re: Planning Review**

This proposed development is located adjacent to Heather Way in east Saint John. The development will involve the construction of a new street accessed from Heather Way, and eleven building lots. Each lot will contain a twenty-four unit, three story apartment building and associated site features. Photos of a similar project completed in another part of the City are included with this package.

A site plan has been included which shows the layout of the new street and lots. It also shows the site relative to the surrounding land uses. The surrounding neighbourhood is a wide range of residential uses ranging from single family homes to high rise apartments. This development is a medium density development, and is consistent with existing uses in the area. Figure 1 below shows a current zoning map of the area and we can see that uses in the area range from R1 to RH.

We are working with Saint John Water to fully understand the availability of water and sanitary services to support this development. Preliminary discussions indicate adequate water and sewer capacity. Detailed design will address this in greater detail.

Saint John Transit currently services this area and has indicated a willingness to add a bus stop at the intersection of the new street and Heater Way as development progresses.

60 Maple Avenue, Suite 4,  
Sussex, NB E4E 2N5

T 506.433.4427  
F 506.433.6868

[www.dmse.ca](http://www.dmse.ca)  
[info@dmse.ca](mailto:info@dmse.ca)



*Figure 1: Current Zoning Map*

Stormwater management will be part of the detailed design for each site. Each site will be designed in such a way that stormwater is stored on the site reducing peak flows to pre-development levels.

A berm topped with a vegetated hedge will be installed between this development and the adjacent development to the north. This will provide buffering and screening between the existing single family homes and the new multi-family development.



This development is located off Heather Way which is a major arterial street in the City. Existing services exist in this area and this development can be considered as infill for this existing area.

The buildings will be constructed of a high quality exterior facade. Photos of a similar project are included with this package.

### **Municipal Plan**

This area is designated as Stable Residential and is located within the Primary Development Area in the municipal plan. See figure 2.



*Figure 2: Municipal Plan*

The Municipal Plan contains three policy statements related to this type of development:

*Policy LU-86: Create the Stable Residential designation on the Future Land Use map (Schedule B). Within the Stable Residential designation, housing of almost every form and density may be found and both the existing neighbourhood context and compatibility with the Municipal Plan goals will determine suitability of new proposals. Other compatible uses that may be found in the Stable Residential designation include convenience stores, home occupations, parks, and community facilities which are permitted in the designation without amendment to the Municipal Plan.*

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- b. The proposal is compatible with surrounding land uses;*
- c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided;*
- d. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated;*
- e. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and*
- f. The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.*

This development is consistent with the existing uses in the area, meets the context of the municipal plan and fits into plan policy LU-88. The proposed development is consistent with existing uses and zoning in the area and will provide a positive benefit to this part of the City.

**PROPOSED ZONING BY-LAW  
AMENDMENT**

**RE: 0 HEATHER WAY**

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday, July 8, 2019 at 6:30 p.m.**, by:

Rezoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300, from **Two-Unit Residential (R2)** to **Mid-Rise Residential (RM)**, as illustrated below.

**PROJET DE MODIFICATION DE  
L'ARRÊTÉ DE ZONAGE**

**OBJET: 0, VOIE HEATHER**

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention d'étudier la modification suivante à l'Arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le **lundi, 8 juillet 2019 à 18 h 30** :

Rezonage d'une parcelle de terrain d'une superficie d'environ 55,603 mètres carrés, située au 0 Voie Heather, et portant le NID 55208300, de **zone résidentielle bifamiliale (R2)** à **zone résidentielle – Immeubles d'habitation de hauteur moyenne (RM)** comme le montre la carte ci-dessous.



**REASON FOR CHANGE:**

To construct a number of multi-residential buildings in phases, with access off a new public street.

**RAISON DE LA MODIFICATION:**

Construire un certain nombre d'immeubles multirésidentiels en plusieurs phases, avec accès par une nouvelle rue publique.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Written objections to the amendment may be sent to the undersigned at City Hall.

Veillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Common Clerk  
658-2862

Jonathan Taylor, Greffier communal  
658-2862



**BY-LAW NUMBER C.P. 111-  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

**ARRÊTÉ N° C.P. 111-  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 55,603 square metres, located at 0 Heather Way, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Mid-Rise Residential (RM)

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 55,603 mètres carrés, située à 0 Voie Heather et portant le NID 55208300, de zone résidentielle bifamiliale (R2) zone résidentielle – Immeubles d'habitation de hauteur moyenne (RM)

- all as shown on the plan attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \* 2019, avec les signatures suivantes :

\_\_\_\_\_  
Mayor/Maire

\_\_\_\_\_  
Common Clerk/Greffier communal

First Reading -  
Second Reading -  
Third Reading -

Première lecture -  
Deuxième lecture -  
Troisième lecture -

# PLANNING ADVISORY COMMITTEE



The City of Saint John

June 20, 2019

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning Application  
646-648 Westmorland Road**

On May 20, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its June 18, 2019 meeting.

Mr. Brandon Bates of Toss Solutions, representing St. Mary's & St. Bartholomew's Church, appeared before the Committee and was in agreement with the Staff recommendation. Mr. Bates provided details on the history of the former rectory building and how it was purchased back by the Church and would be used to support the East Side Food Bank.

Mr. Harold McInnis with the East Side Food Bank and Rev. Greg McMullen (Rector) of Saint Mary's and Saint Bartholomew's Church also provided details on the need for the East Side Food Bank to relocate from its current location and desire by the church to expand community based programs.

Committee members questioned the presenters on how clients of Food Bank travelled to the facility. The Committee also had questions on dealing with waste and composting. The presenter group explained that most users of the food bank drive and some use transit. Rev. McMullen also detailed conversations with Saint John Transit about potential relocation of transit to stop in front of the church to help support the food bank and expanded community programs. He advised Committee these talks are still ongoing. The presenters advised that currently there is no composting available for commercial pick up.

No members of the public appeared before the Committee to support or object to the proposal.

Upon considering the Staff report, comments from the applicant and letters of opposition, the Committee voted in support of the Staff recommendation

**RECOMMENDATION:**

1. That Common Council rezone a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road also identified as PID No. 55161897 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN).
2. That Common Council rescind the Section 39 conditions imposed on the August 19, 2002 rezoning of the property located at 646-648 Westmorland Road also identified as PID No. 00303545.
3. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcel of land having an area of approximately 19,352 square metres, located at 646-648 Westmorland Road also identified as PID No. 00303545:
  - a. The use of the site is limited to senior citizens' apartment development, parking area, and access for the adjacent place of worship and food bank.
  - b. The developer must pave all new parking areas, loading areas, manoeuvring areas, and driveways with asphalt and enclose them with cast-in-place concrete curbs to protect landscaped areas and facilitate proper drainage.
  - c. Adequate site drainage facilities (including catch basins) must be provided by the developer in accordance with a detailed drainage plan, prepared by the developer and subject to the approval of the Chief City Engineer or his designate.
  - d. All utilities, including power and telephone, must be provided underground.
  - e. The portion of the rezoned area abutting the lots fronting on Longview Court must consist of a landscaped planting strip with a minimum width of 3 metres (10 feet), and shall include a continuous row of deciduous and/or coniferous trees and a continuous board-on-board fence with a minimum height of 1.5 metres (5 feet).

- f. All other disturbed areas of the site not occupied by buildings, driveways, walkways, parking, or loading areas must be landscaped by the developer.
- g. The site shall not be developed except in accordance with a detailed site plan and building elevation plans, prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, including those listed above. The approved site plan must be attached to the application for building permit for the development.
- h. All site improvements shown on the approved site and drainage plans must be completed within one year of building permit approval.

Respectfully submitted,



Eric Falkjar  
Chair

Attachments



The City of Saint John

**Date:** June 14, 2019

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Tuesday, June 18, 2019**

**SUBJECT**

**Applicant:** St. Mary's & St. Bartholomew's Church

**Owner:** Corporation of the Anglican Parish of Cold Brook – St. Mary

**Location:** 646-648 Westmorland Road

**PID:** 00303545 and 55161897

**Plan Designation:** Stable Residential

**Existing Zoning:** Two-Unit Residential (R2)

**Proposed Zoning:** **Neighbourhood Community Facility (CFN)**

**Application Type:** Rezoning & Section 59 Amendment

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law and Section 59 (previously Section 39) Amendments. Common Council will consider the Committee recommendation at a public hearing on **Monday, July 8, 2019**. Committee may impose conditions.

**SUMMARY**

The applicant is seeking a rezoning of the property located at 648 Westmorland Road from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN). This will accommodate the operation of the East Side Food Bank, with plans for future expansion. In addition, the applicant is requesting an amendment to an existing condition on the neighbouring site (PID 00303545) where existing conditions restrict the use to a seniors' residence. This amendment is being requested to allow the use of the aforementioned site as an access and parking area for 648 Westmorland Road.

**RECOMMENDATION**

1. That Common Council rezone a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road also identified as PID No. 55161897 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN).
2. That Common Council rescind the Section 39 conditions imposed on the August 19, 2002 rezoning of the property located at 646-648 Westmorland Road also identified as PID No. 00303545.
3. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcel of land having an area of approximately 19,352 square metres, located at 646-648 Westmorland Road also identified as PID No. 00303545:
  - a. The use of the site is limited to senior citizens' apartment development, parking area, and access for the adjacent place of worship and food bank.
  - b. The developer must pave all new parking areas, loading areas, manoeuvring areas, and driveways with asphalt and enclose them with cast-in-place concrete curbs to protect landscaped areas and facilitate proper drainage.
  - c. Adequate site drainage facilities (including catch basins) must be provided by the developer in accordance with a detailed drainage plan, prepared by the developer and subject to the approval of the Chief City Engineer or his designate.
  - d. All utilities, including power and telephone, must be provided underground.
  - e. The portion of the rezoned area abutting the lots fronting on Longview Court must consist of a landscaped planting strip with a minimum width of 3 metres (10 feet), and shall include a continuous row of deciduous and/or coniferous trees and a continuous board-on-board fence with a minimum height of 1.5 metres (5 feet).



- f. All other disturbed areas of the site not occupied by buildings, driveways, walkways, parking, or loading areas must be landscaped by the developer.
- g. The site shall not be developed except in accordance with a detailed site plan and building elevation plans, prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, landscaped areas and other site features, including those listed above. The approved site plan must be attached to the application for building permit for the development.
- h. All site improvements shown on the approved site and drainage plans must be completed within one year of building permit approval.

### **DECISION HISTORY**

On April 22, 2003, Common Council rezoned this parcel (PID 55161897) from "IL-1" Neighbourhood Institutional to "R-2" One and Two Family Residential in order to recognize the long-existing residential use of the former church rectory, which was no longer being used in conjunction with the nearby church.

On August 19, 2002, Common Council rezoned PID 00303545 (the property to the east) from "IL-1" Neighbourhood Institutional to "RM-1" Three Storey Multiple Residential in order to permit a senior citizens' apartment development. The rezoning was subject to a number of Section 39 (now Section 59) conditions dealing with site development requirements including paving, curbing, site drainage, underground utilities, landscaping, and site plan approval. The Planning Advisory Committee had recommended the proposed rezoning, including the Section 39 conditions, at its July 30, 2002 meeting. At the same time the Committee granted several variances from the requirements of the Zoning By-law and Subdivision By-law in order to permit the creation of separate lots for the former rectory, the seniors' apartment development site and the adjacent St. Mary & St. Bartholomew Anglican Church (646 Westmorland Road), and to permit an addition to the rear of the rectory.

### **ANALYSIS**

#### **Proposal**

The applicant is proposing to rezone 648 Westmorland Road from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN). The proposal would allow for the use of the property as a food bank and expansion to the building. An amendment to the Section 59 conditions on the adjacent site (PID 00303545) that restrict the use to solely a seniors' residence is also being sought to allow access and parking for the Place of Worship and proposed Food Bank.

As the use of this property is restricted through the existing Section 39 conditions to a senior citizens' apartment development an amendment to this condition, in addition to a future seniors residence is required to allow for access and parking for the food bank site and church.

### **Site and Neighbourhood**

The subject site is a 1,000 square meter lot located in the east of Saint John. The area is characterized by other Two-Unit Residential & Mid-Rise Residential developments as well as City owned community facilities on adjacent lots. The site is located in the Forest Hills community, and is located within a Stable Residential area.

The site currently has a dwelling owned by the Anglican Church and was previously used as a parish rectory structure. There are plans to expand the building to accommodate the needs of the proposed tenants, as well as future planned uses permitted by the by-law. These future uses include community cooking classes, a clothing depot, a small laundry facility, reading programs in collaboration with the library, among others.

Both lots (PID 00303545 and 55161897) are owned by the Corporation of the Anglican Parish of Cold Brook - Saint Mary, as well as the adjacent lot where the Saint Mary's and St. Bartholomew's Church and corresponding parking lot operate. This parking lot extends onto PID 00303545. Though the zoning of the lot does not permit the exclusive use of the land as a parking lot or access road, as the applicant plans to develop PID 00303545, and therefore Staff does not believe this to be detrimental to the surrounding community, as the parking would be secondary to the Place of Worship use.

### **Municipal Plan**

The Municipal Plan, through its policies, supports the applicant's rezoning application and the Section 59 amendment. Policies CF-40 and LU-126 support the reuse of religious facilities for other community uses and collaboration between social agencies. The site is in close proximity to one of the City's district recreational hubs, adding to the social benefits of the area.

The rezoning would allow the church to provide other secondary uses in accordance with a Place of Worship, including cooking classes, a clothing depot, a laundry facility, reading programs, among other community outreach services, therefore, meeting the intent of the Policies CF-40 and LU-126 of the Plan.

### **Rezoning and Section 59 Amendment**

The site containing the former rectory, while it fronts on Westmorland Road, has driveway access through the adjacent parcel (PID 00303545) which is also where parking for the proposed food bank will be provided. As these parcels and the adjacent parcel containing the place of worship are all under same ownership (Anglican Church), no issues with the parking and access arrangement are anticipated.

The use of this adjacent parcel is subject to conditions imposed by Common Council in 2002 in conjunction with a rezoning application for the site to permit a seniors' housing development. These conditions outline various standards related to site development standards and also restrict the use of the parcel to the proposed seniors' housing development. Staff recommend the conditions be amended to provide for the parking and access to the church and food bank as additional uses of the site.

### **Conclusion**

Approval of the Rezoning of the site to allow for the relocated and expanded food bank is recommended on the basis that the rezoning will be beneficial to the surrounding community, and fits within the surrounding community context. This is an ideal location for the non-profit operation as it is a cost effective and an accessible area. The amending of the Section 59 condition on the adjacent site is also recommended to accommodate the operations of the Place of Worship and Food Bank while allowing for the development of the seniors facility in the future.

### **ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives were considered.


### **ENGAGEMENT**

#### **Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on June 7, 2019. The Public Hearing for the rezoning was advertised on the City's website beginning on June 17<sup>th</sup>, 2019.

### **SIGNATURES AND CONTACT**

#### **Prepared:**

A handwritten signature in black ink, appearing to be 'Corey Cooper', with a stylized flourish extending to the right.

Corey Cooper, MPlan  
Planner

**Reviewed:**



Kenneth Melanson, BA, RPP, MCIP  
Manager, Community Planning

**Approved:**



Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Cooper, Corey  
**Phone:** (506) 632-6846  
**E-mail:** [corey.cooper@saintjohn.ca](mailto:corey.cooper@saintjohn.ca)  
**Project:** 19-0085

## **APPENDIX**

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

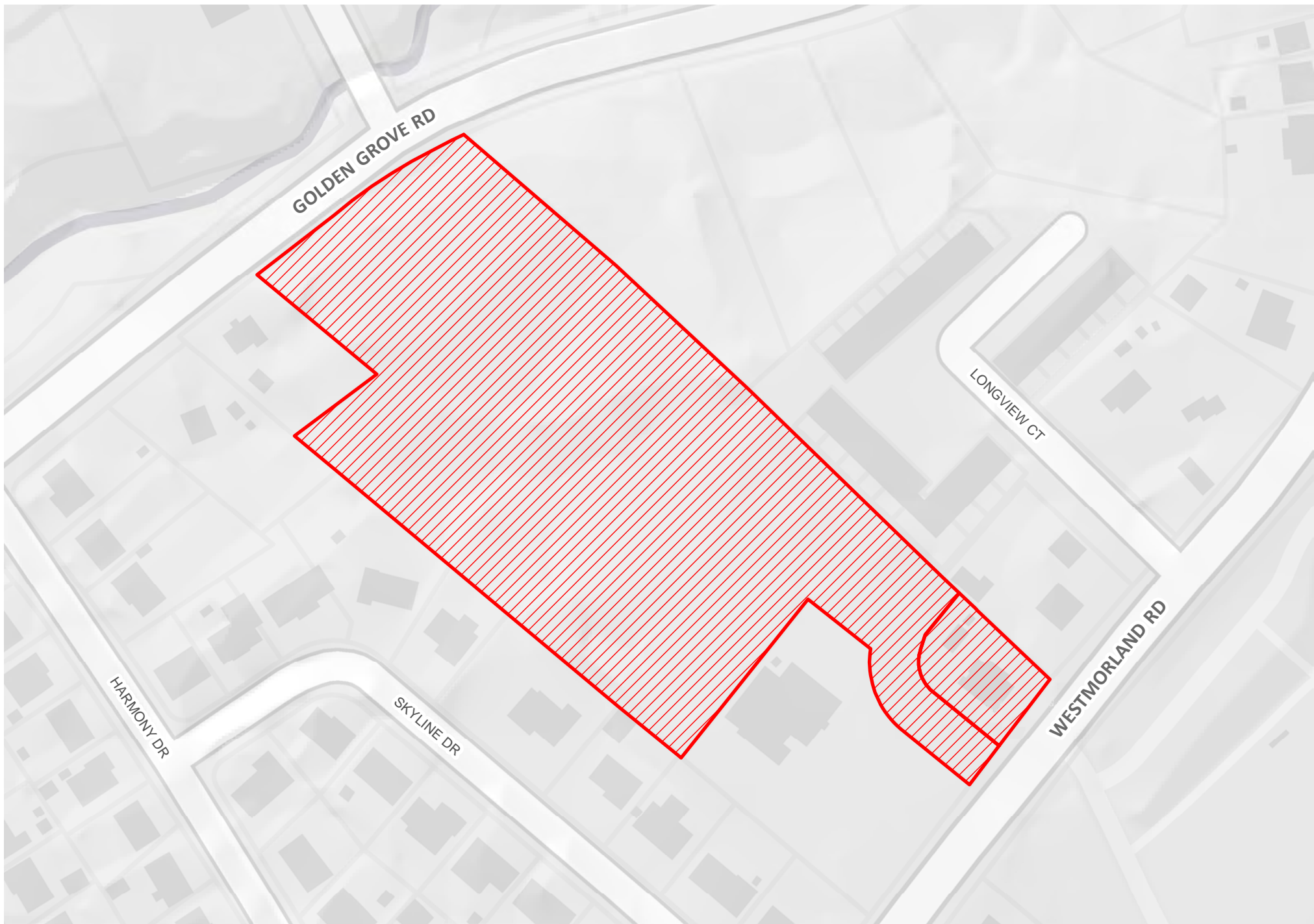
Map 5: **Site Photography**

Submission 1: **Site Plan**

Submission 2: **Floor Plan**

Submission 3: **Rendering**





# Map 1 - Site Location

Corporation of the Anglican Parish of Coldbrook - St. Mary - 646-648 Westmorland Road

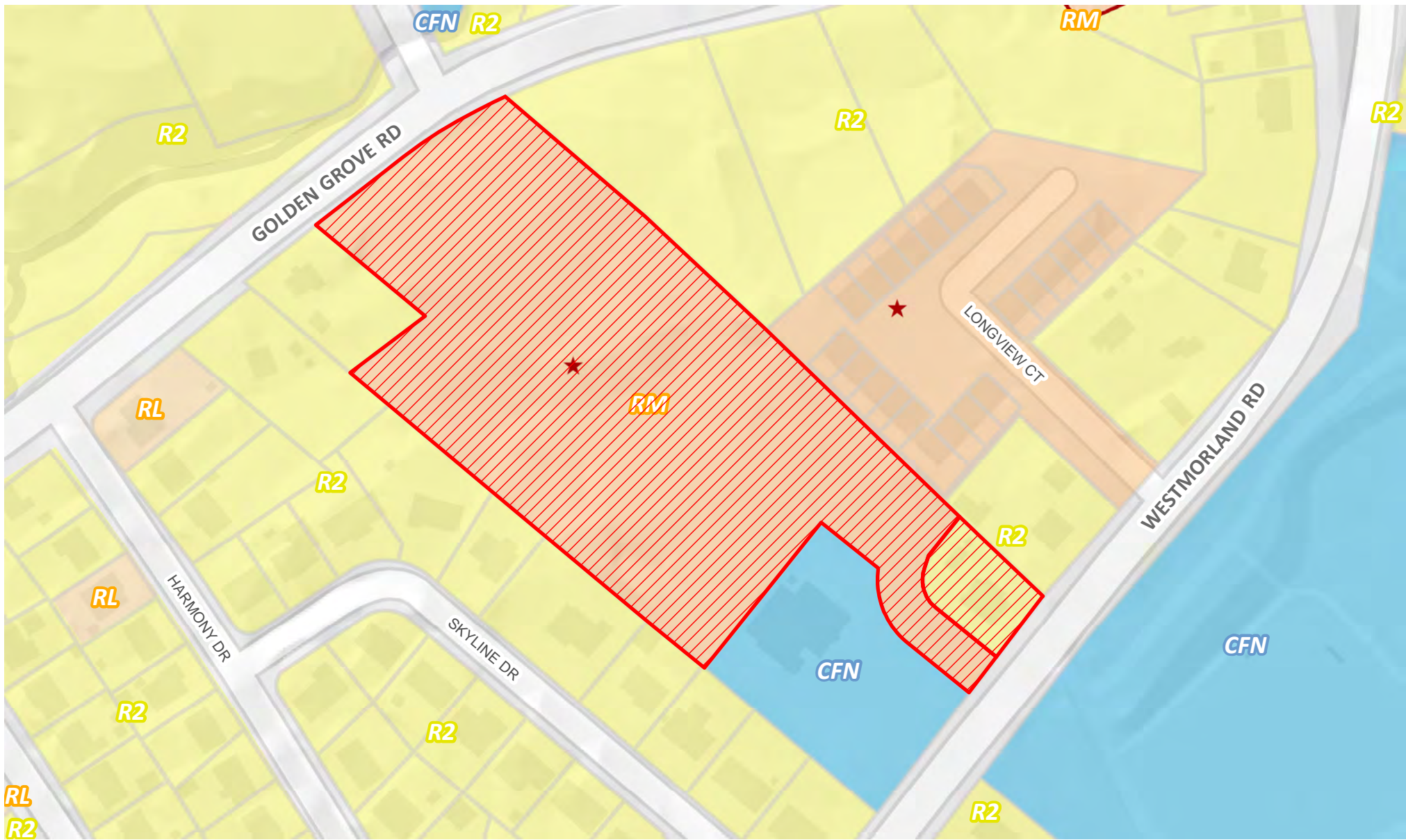




## Map 2 - Future Land Use

Corporation of the Anglican Parish of Coldbrook - St. Mary - 646-648 Westmorland Road





- (CFN) Neighbourhood Community Facility
- (R2) Two-Unit Residential
- (RL) Low-Rise Residential
- (RM) Mid-Rise Residential

★ Section 59 Conditions

## Map 3 - Zoning

Corporation of the Anglican Parish of Coldbrook - St. Mary - 646-648 Westmorland Road







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Map 4 - Aerial Photography

Corporation of the Anglican Parish of Coldbrook - St. Mary - 646-648 Westmorland Road

200

The City of Saint John  
Date: June-05-19

0 25 m















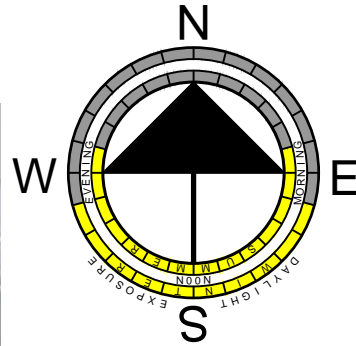
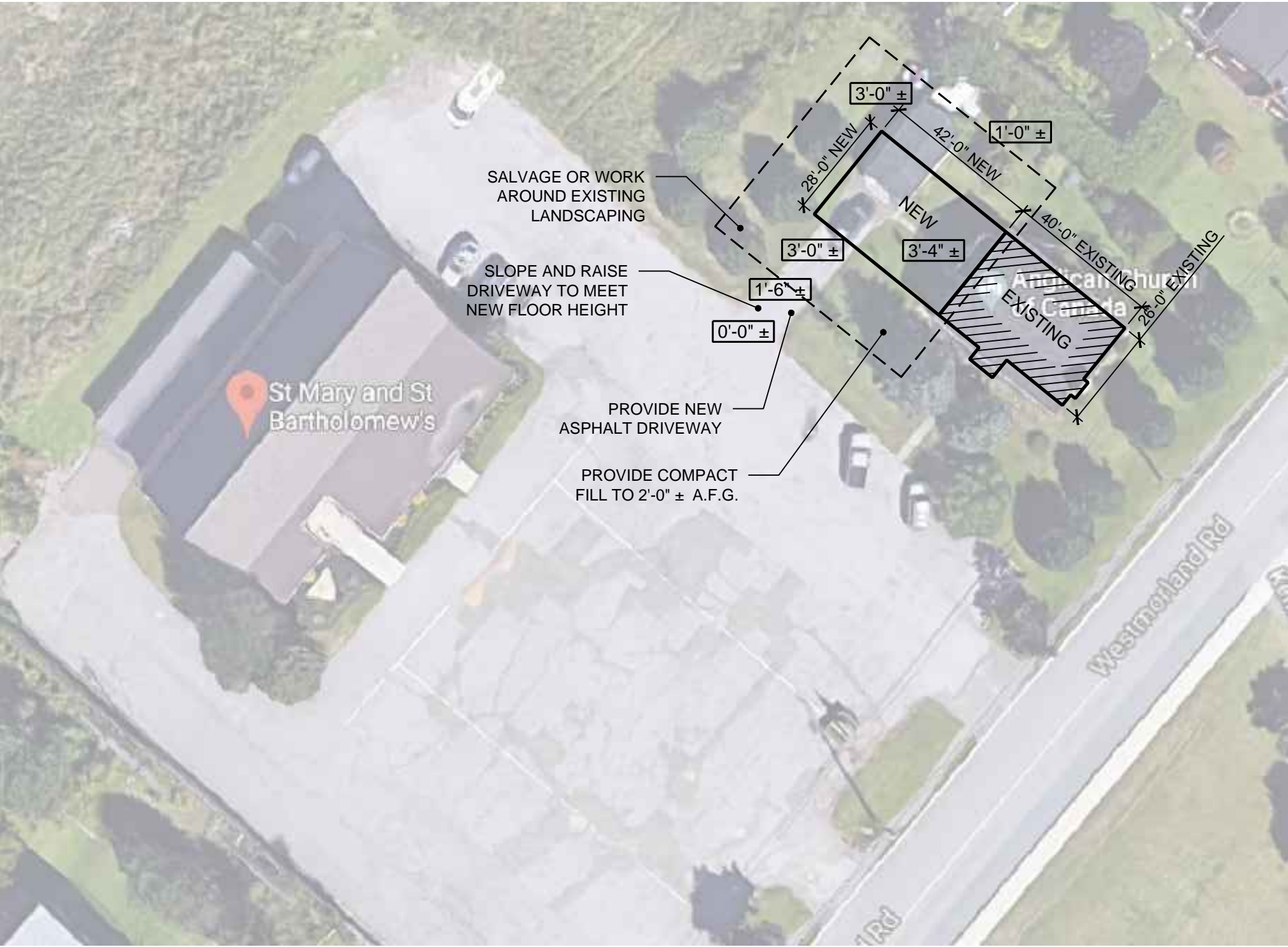


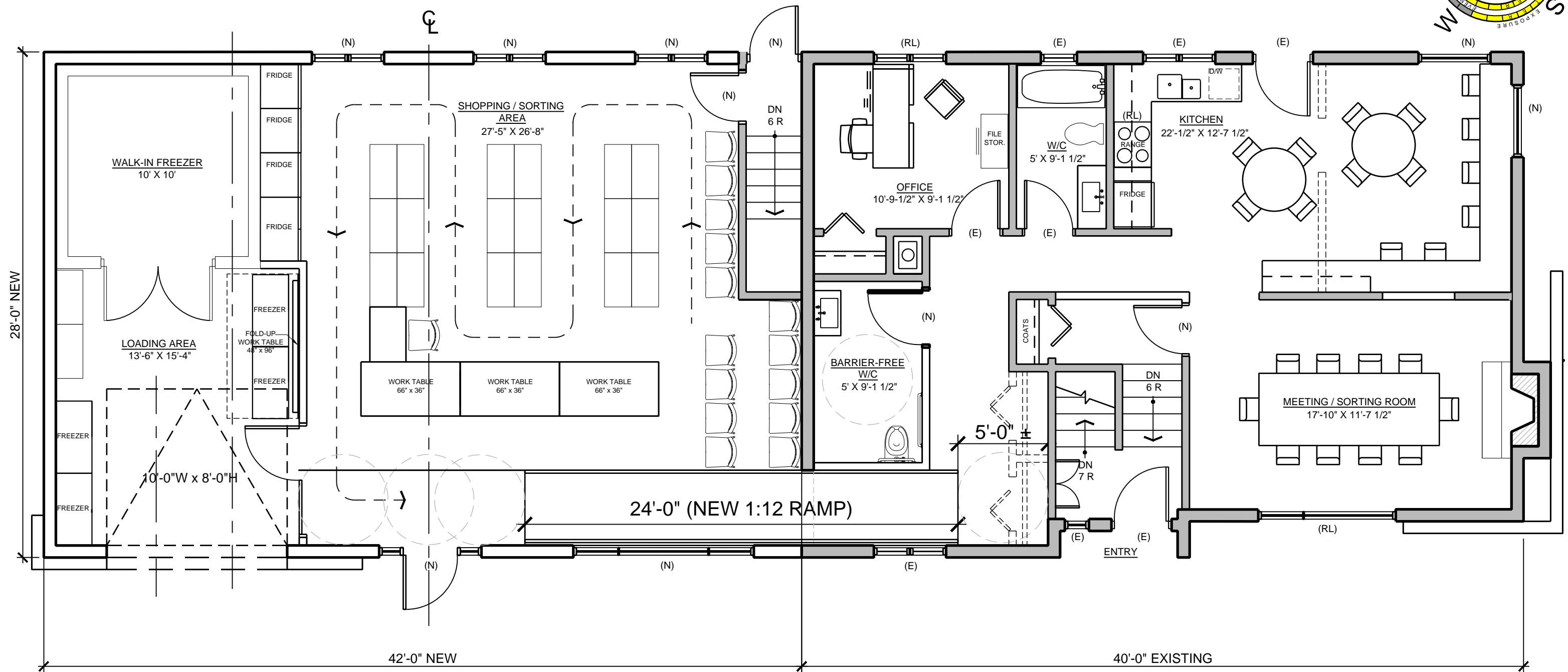
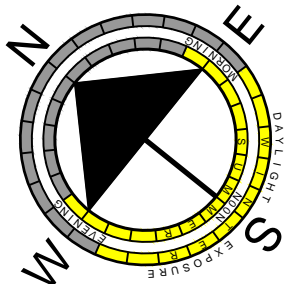




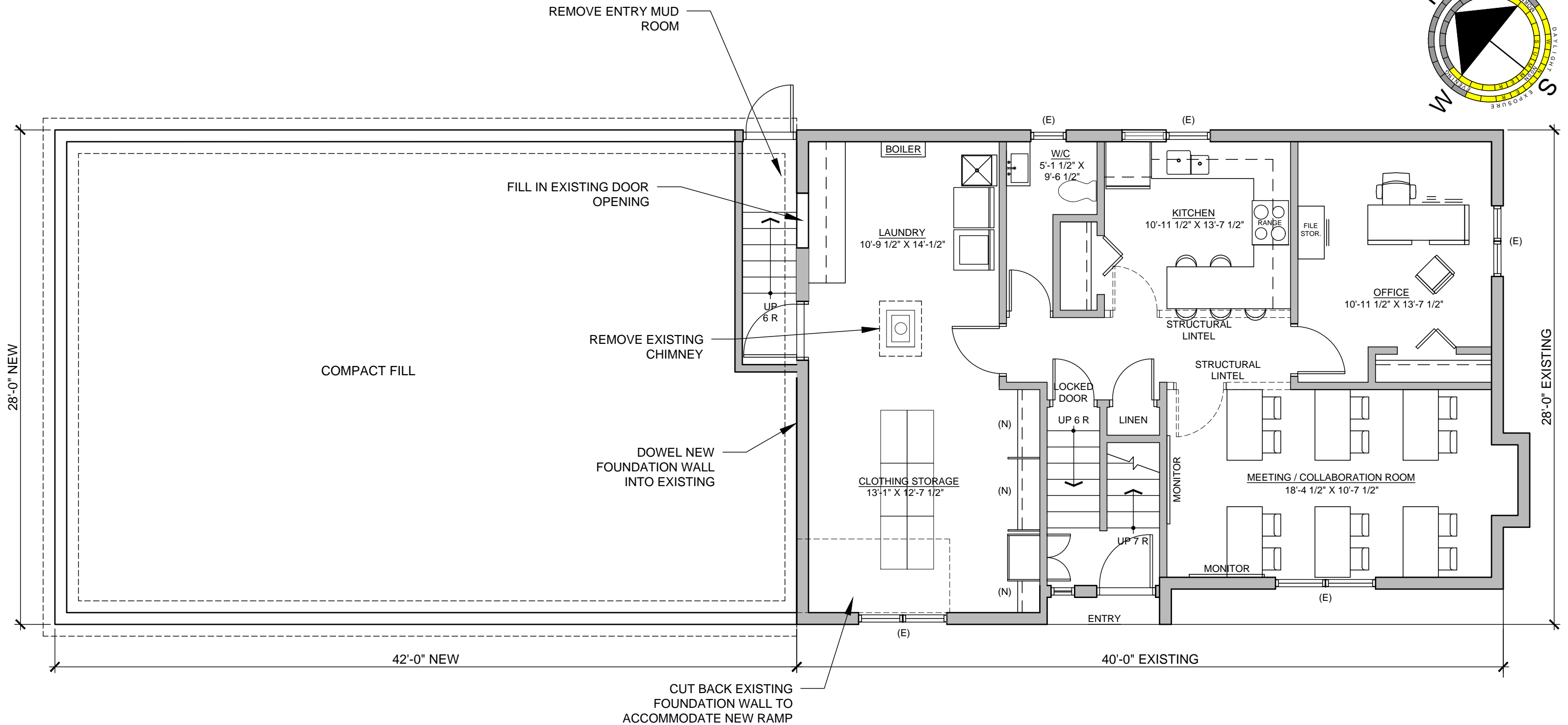
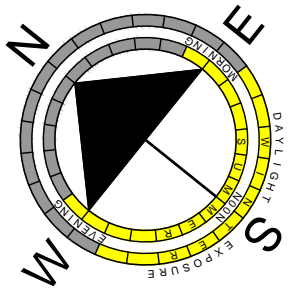
SITE PLAN LEGEND

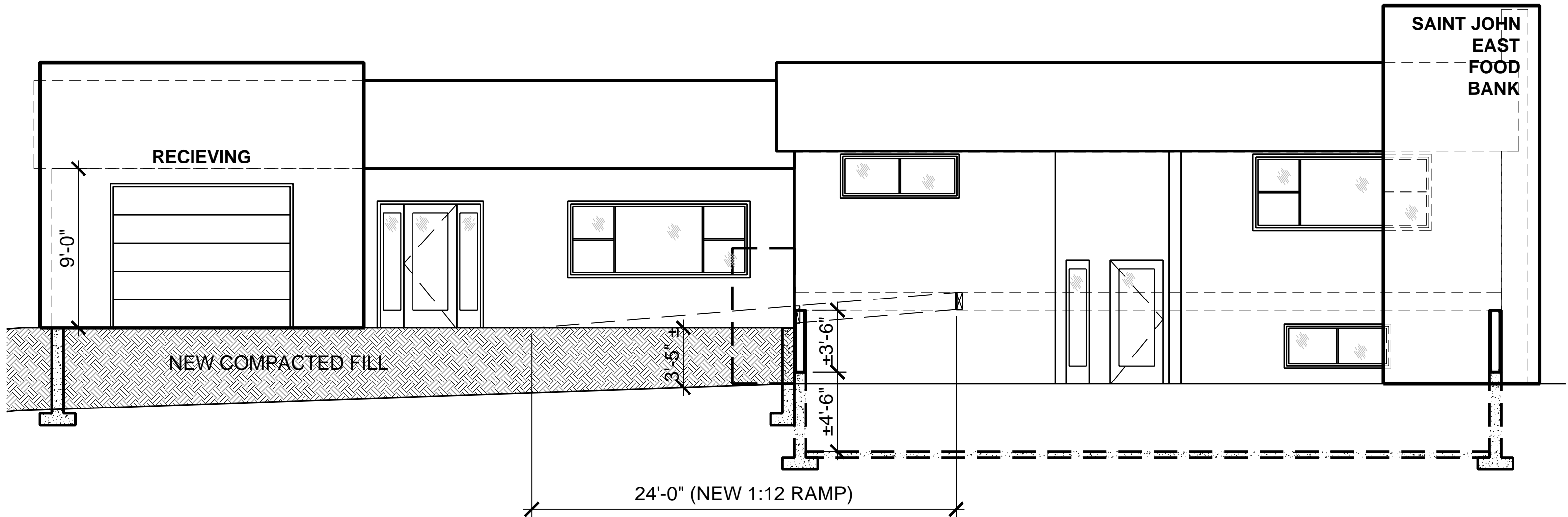
	C.B.	CATCH BASINS
	M.H.	MAN HOLE
	F.H.	FIRE HYDRANT
	L.S.	LIGHT STANDARD
	U.P.	UTILITY POLE
	B.H.	BORE HOLE LOCATIONS
		DATUM POINT / BENCH MARK
	25.3	NEW GRADE ELEVATION
	25.3	EXISTING GRADE ELEVATION
		PROPERTY LINE
	ST	STORM LINE
	W	WATER LINE
	S	SANITARY LINE
	F	FIRE PROTECTION WATER LINE
	P	POWER LINE
	GAS	GAS LINE
	<	FLOW DIRECTION (DRAINAGE)
	X	FENCE
		LIMITS OF EASEMENTS AND SETBACK
		LIMITS OF CONTRACT / DISTURBANCE
		CULVERT
		EXISTING ROAD / WALKWAY
		NEW ROAD / WALKWAY
		EXISTING ROAD / OBJECT TO BE REMOVED











To whom this may concern:

I am sorry to inform you that me and my family is not in favor of converting the said residential house into a food bank. This may change the peaceful surroundings that we have right now and security of my family as well.

Thank you.

Truly yours,  
Bella Buban  
Toni Belle Buban  
Karlo Antonio Buban

## LONGVIEW PARK HOMEOWNERS INC

Planning Advisory Committee  
City of Saint John, Growth & Development Services

June 17, 2019

Dear Sir/Madam:

In response to the letter from the Community Planning and Development regarding the Rezoning-648 Westmorland Road the homeowners of Longview Court have a question and concerns.

**How much green space is planned along the proposed parking space and the Longview Court property?**

There is a concern that the extended parking lot will provide the public with open access to the Longview Court Property. Also, there will be a significant increase in walking traffic from the Golden Grove Road neighborhoods through the area behind our property. **We request that the church erect and maintain a metal chain link fence the full length of the property boarder.**

A food bank will generate large amounts of food waste/garbage that will be a draw for rats and other rodents. This has become an issue for homeowners in other areas of the east end of Saint John. **We suggest the garbage area be at street side of building to be as far away as possible from residential homes.**

The Longview Court community is home to a number of seniors and young families. We understand the need for a Food Bank in the East Saint John area but are concerned about the impact this plan will have on our safety and well-being.

We appreciate your consideration of our concerns and hope to have a satisfactory resolve.

Sincerely,

**Lloyd Teakles, President**  
**Longview Court Homeowners Inc.**  
[Lloyd.teakles@gmail.com](mailto:Lloyd.teakles@gmail.com)  
**1-506-633-8512**



# 646-648 Westmorland Road

Presentation to Common Council

July 8<sup>th</sup>, 2019



**Growth & Community Planning Team**  
Growth & Community Development Services

211



SAINT JOHN



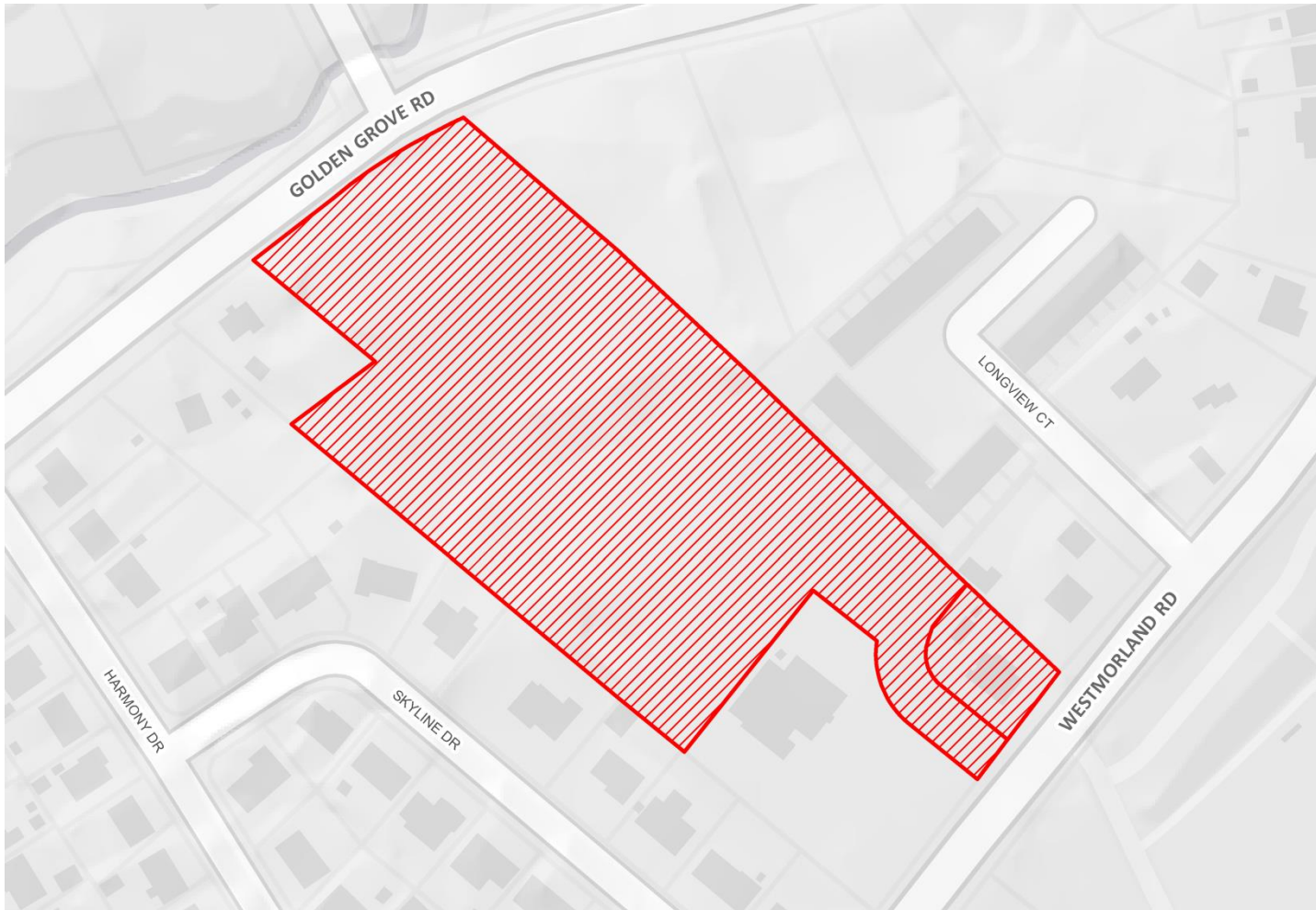
# Proposal

## Rezoning Application

- The applicant is seeking a rezoning of the property located at 648 Westmorland Road from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN).
- Amendment to an existing condition on the neighbouring site (PID: 00303545/646-648 Westmorland Road) where existing conditions restrict the use to a seniors residence.

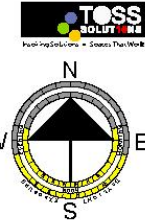
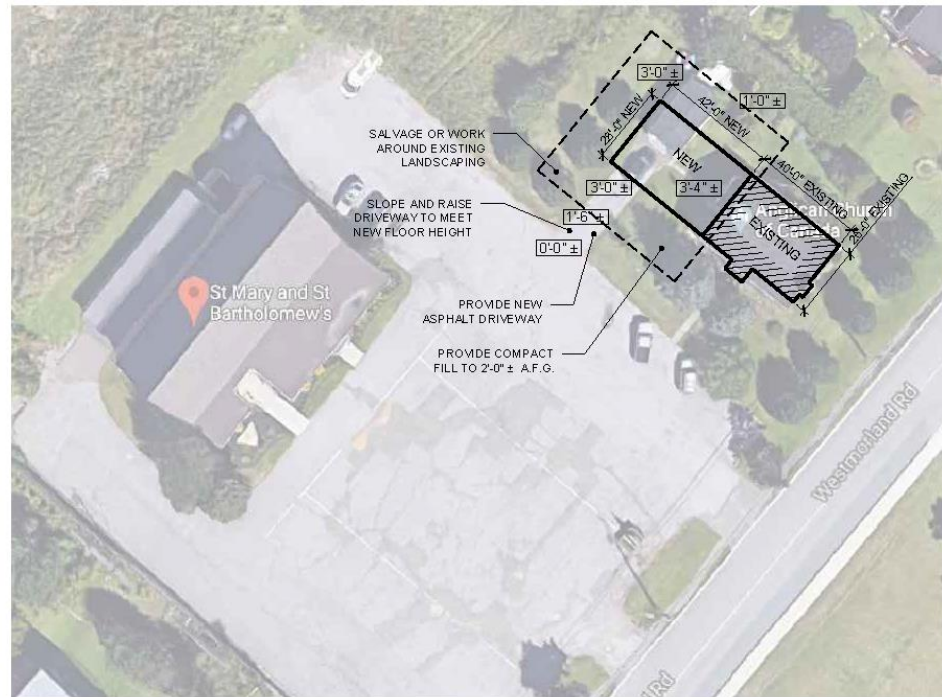


# Site Location



# Site Plan

SITE PLAN LEGEND	
	C.B. CATCH BASINS
	M.H. MAN HOLE
	F.H. FIRE HYDRANT
	L.S. LIGHT STANDARD
	U.P. UTILITY POLE
	B.H. BORE HOLE LOCATIONS
	DATUM POINT / BENCH MARK
	NEW GRADE ELEVATION
	EXISTING GRADE ELEVATION
	PROPERTY LINE
	ST. STORM LINE
	W. WATER LINE
	S. SANITARY LINE
	F. FIRE PROTECTION WATER LINE
	P. POWER LINE
	GAS LINE
	FLOW DIRECTION (DRAINAGE)
	FENCE
	LIMITS OF EASEMENTS AND SETBACK
	LIMITS OF CONTRACT / DISTURBANCE
	CULVERT
	EXISTING ROAD / WALKWAY
	NEW ROAD / WALKWAY
	EXISTING ROAD / OBJECT TO BE REMOVED



**SITE PLAN**  
CONCEPT PHASE

SAINT MARY & SAINT BARTHOLOMEW'S  
ANGELICAN CHURCH OF CANADA  
SAINT JOHN, NEW BRUNSWICK

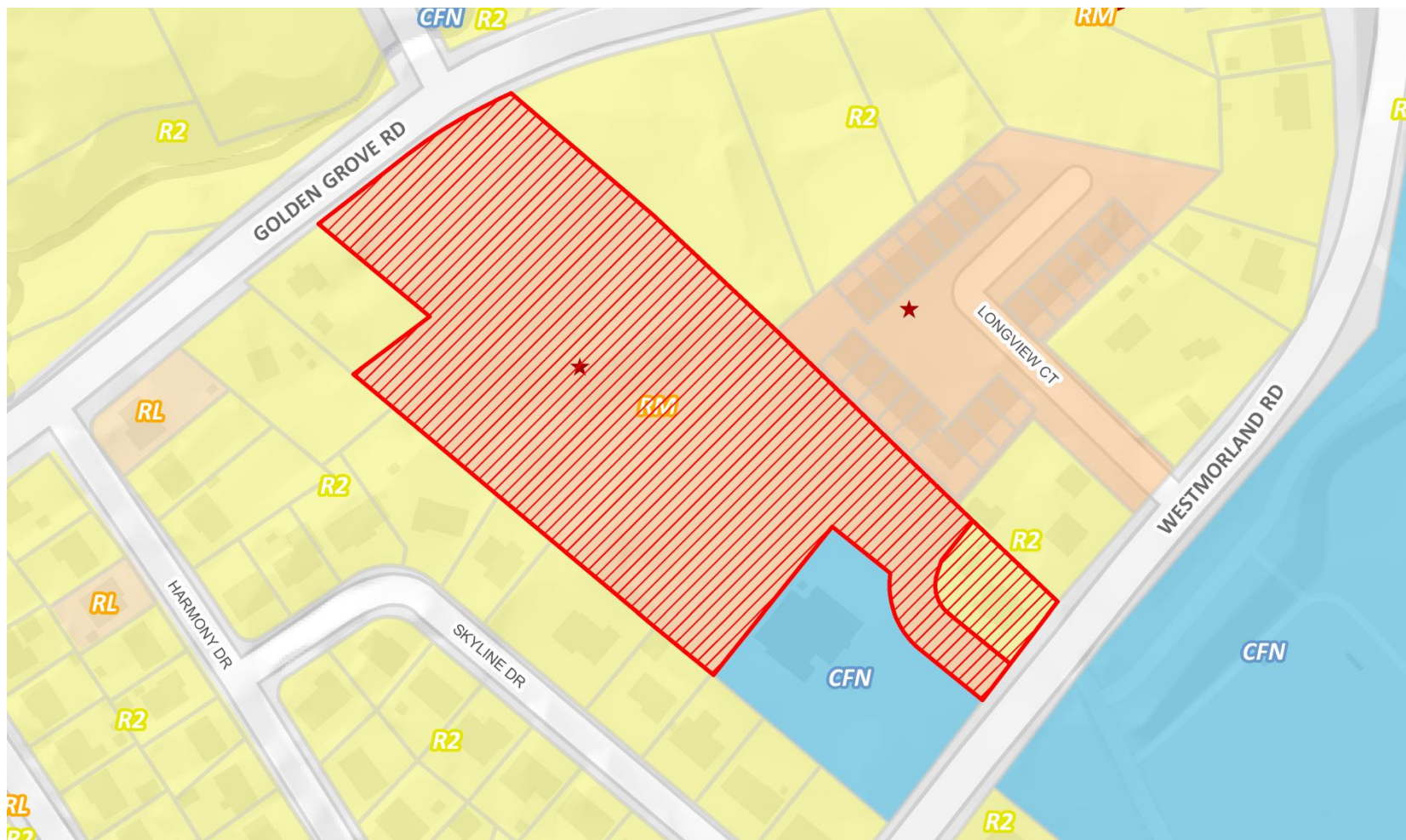
scale: NTS  
project: 18-47 (509)  
approved: S. BATES  
SK 1 REV. 0  
March 7, 2019

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# Site Zoning



# Site Aerial





# Site Photos



**View from Church Lot**

# Site Photos



**View from Church Lot**

# Future Land Use



# Municipal Plan

- Policies CF-40 and LU-126 support the reuse of religious facilities for other community uses and collaboration between social agencies.



- The rezoning would allow the church to provide other secondary uses in accordance with a Place of Worship, including cooking classes, a clothing depot, a laundry facility, reading programs, among other community outreach services meeting the intent of the Policies CF-40 and LU-126 of the Plan.



# Public Engagement

- Our office has received **1 letter in opposition** and **1 letter of inquiry** to the Rezoning and Section 59 amendment application.
- The Public Hearing for the rezoning was advertised on the City's website beginning on June 17<sup>th</sup>, 2019.



# Staff Recommendation

- Rezone 648 Westmorland Road from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN)
- Rescind the Section 39 conditions imposed on the August 19<sup>th</sup>, 2002 rezoning of the property located at 646-648 Westmorland Road
- Impose pursuant to the provisions of Section 59 of the Community Planning Act for 646-648 Westmorland Road, the conditions outlined in the PAC report

# Public Engagement

- Letters to land owners – June 6<sup>th</sup>, 2019
  - 1 letter of opposition / 1 letter of inquiry
- Website ad (Public Hearing) – June 17<sup>th</sup>, 2019
- PAC Meeting – June 18<sup>th</sup>, 2019
  - Applicant presentation
  - No members of public in attendance



# PAC Recommendation

- PAC recommends:
  - Rezoning of 648 Westmorland from Two Unit Residential (R2) to Neighbourhood Community Facility (CFN),
  - Amend Section 59 conditions for 646-648 Westmorland.

19-85

## City of Saint John Planning & Development Approvals Application

(aussi disponible en français)

### Type of Application

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Municipal Plan Amendment           | <input type="checkbox"/> Subdivision                 | <input type="checkbox"/> Similar / Compatible Use     |
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Variance                    | <input type="checkbox"/> Temporary Use                |
| <input type="checkbox"/> Amendment to Section 39 Conditions | <input type="checkbox"/> Conditional Use             | <input type="checkbox"/> Change / Re-establishment of |
| <input type="checkbox"/> Zoning Confirmation Letter         | <input type="checkbox"/> Letter for Liquor Licensing | Non-Conforming Use                                    |

### Contact Information

Name of Applicant SANT MARY'S AND ST. BARTHELEMEW'S CHURCH

Mailing Address of Applicant (with Postal Code) 646 WESTINGLAND ROAD,  
SANT JOHN, NB, E2J 2H4.

Home Telephone Number \_\_\_\_\_ Work Telephone Number 506 646 1347

Fax Number \_\_\_\_\_ E-mail ANGELS2@NBNET.NB.CA

Name of Property Owner (if different from applicant) the COOPERATION of the ANGLICAN PARISH  
of COLD BROOK - SAINT MARY

Mailing Address (with Postal Code) SAME AS ABOVE.

### Property Information

Location 648 WESTINGLAND ROAD #5561897 ; also #00303545 \*

Civic # \_\_\_\_\_ Street \_\_\_\_\_ PID \_\_\_\_\_

Existing Use of Property RESIDENTIAL Proposed Use of Property FOOD BANK

Existing Plan Designation of Property \_\_\_\_\_ Proposed Plan Designation of Property \_\_\_\_\_

Existing Zoning of Property R2 Proposed Zoning of Property CFN

### Description of Application

Describe what you propose to do (attach additional pages if necessary).

TO REPURPOSE PROPERTY AT 648 WESTINGLAND TO ACCOMMODATE  
EAST SIDE FOOD BANK. \* RE: PID #00303545; TO AMEND EXISTING  
CONDITION, RESTRICTING USE (2002) AS SENIORS RESIDENCE, TO  
ALLOW USE AS ACCESS AND PARKING FOR PID #5561897

NOTE: If the applicant is NOT the owner, the Owner's signature or authorization (in writing) to submit this application is required.

Signature of Applicant [Signature] Signature of Owner [Signature]

Date MAY 01, 2019 Date MAY 01, 2019

### For Office Use Only

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

Development Officer

### Information Accompanying Application:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Letter of Intent | <input type="checkbox"/> Tentative Subdivision Plan | <input type="checkbox"/> Floor Plans   |
| <input type="checkbox"/> Site Plan        | <input type="checkbox"/> Building Elevations        | <input type="checkbox"/> Sign Drawings |
| <input type="checkbox"/> Fee _____        | <input type="checkbox"/> Other _____                |  |



P.O. Box 1971 Saint John, NB Canada E2L 4L1 www.saintjohn.ca C.P. 1971 Saint John. N-B. Canada E2L 4L1



SAINT JOHN



## City of Saint John Planning & Development Fees

### Type of Service

<input type="checkbox"/> Zoning By-law Amendment / Rezoning with Municipal Plan Amendment	\$3,500
<input checked="" type="checkbox"/> Zoning By-law Amendment / Rezoning	\$2,500
<input type="checkbox"/> Amendment to Section 39 Conditions	\$2,500
<input type="checkbox"/> Variance, Conditional Use, Similar / Compatible Use, Temporary Use, Change / Re-establishment of Non-Conforming Use	\$250
<input type="checkbox"/> Zoning Confirmation Letter, Letter for Liquor Licensing	\$100
<input type="checkbox"/> Development Officer of Exemption / Approval	\$10
<input type="checkbox"/> Subdivision:	
<input type="checkbox"/> Serviced	\$250, plus \$50 per lot
<input type="checkbox"/> Unserviced	\$1,200, plus \$100 per lot
Copies of By-laws:	
Subdivision	\$15
Zoning	\$30
Municipal Plan (Electronic Format)	\$30
Municipal Plan (Hard Copy)	\$75

## Droits du Service de l'urbanisme et du développement de The City of Saint John

### Type de service

<input type="checkbox"/> Modification de l'arrêté de zonage / rezonage avec modification de plan municipal	3 500 \$
<input type="checkbox"/> Modification de l'arrêté de zonage / rezonage	2 500 \$
<input type="checkbox"/> Modification de conditions régies par l'article 39	2 500 \$
<input type="checkbox"/> Dérogation, Usage conditionnel, Usage comparable / compatible, Usage temporaire, Remplacement / rétablissement d'un usage non-conforme	250 \$
<input type="checkbox"/> Lettre de confirmation de zonage, Lettre pour permis d'alcool	100 \$
<input type="checkbox"/> Exemption ou approbation de l'agent d'aménagement	10 \$
<input type="checkbox"/> Lotissement:	
Avec services	250 \$, plus 50 \$ pour chaque terrain
Sans services	1 200 \$, plus 100 \$ pour chaque terrain
<input type="checkbox"/> Copies des arrêtés :	
Lotissement	15 \$
Zonage	30 \$
Plan municipal (format électronique)	30 \$
Plan municipal (papier)	75 \$



## SITE PLAN LEGEND

	C.B. CATCH BASINS
	M.H. MAN HOLE
	F.H. FIRE HYDRANT
	L.S. LIGHT STANDARD
	U.P. UTILITY POLE
	B.H. BORE HOLE LOCATIONS
	DATUM POINT / BENCH MARK
	25.3 NEW GRADE ELEVATION
	25.3 EXISTING GRADE ELEVATION
	PROPERTY LINE
	ST STORM LINE
	W WATER LINE
	S SANITARY LINE
	F FIRE PROTECTION WATER LINE
	P POWER LINE
	GAS GAS LINE
	< FLOW DIRECTION (DRAINAGE)
	- X - X - FENCE
	LIMITS OF EASEMENTS AND SETBACK
	LIMITS OF CONTRACT / DISTURBANCE
	CULVERT
	EXISTING ROAD / WALKWAY
	NEW ROAD / WALKWAY
	EXISTING ROAD / OBJECT TO BE REMOVED



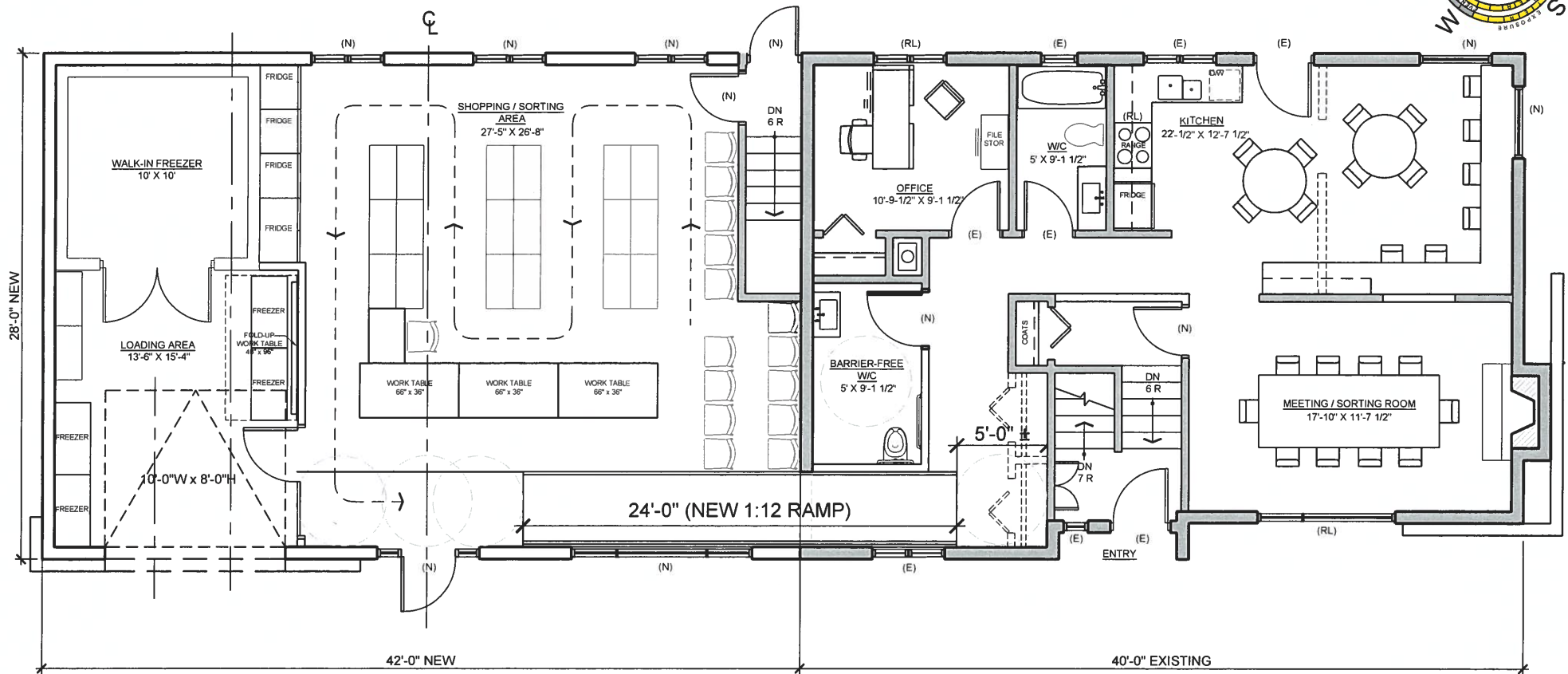
## SITE PLAN CONCEPT PHASE

SAINT MARY & SAINT BARTHOLOMEW'S  
ANGELICAN CHURCH OF CANADA  
SAINT JOHN, NEW BRUNSWICK

scale: NTS  
project: 18-47 (506)  
approved: B. BATES

SK 1 REV. 0  
March 7, 2019

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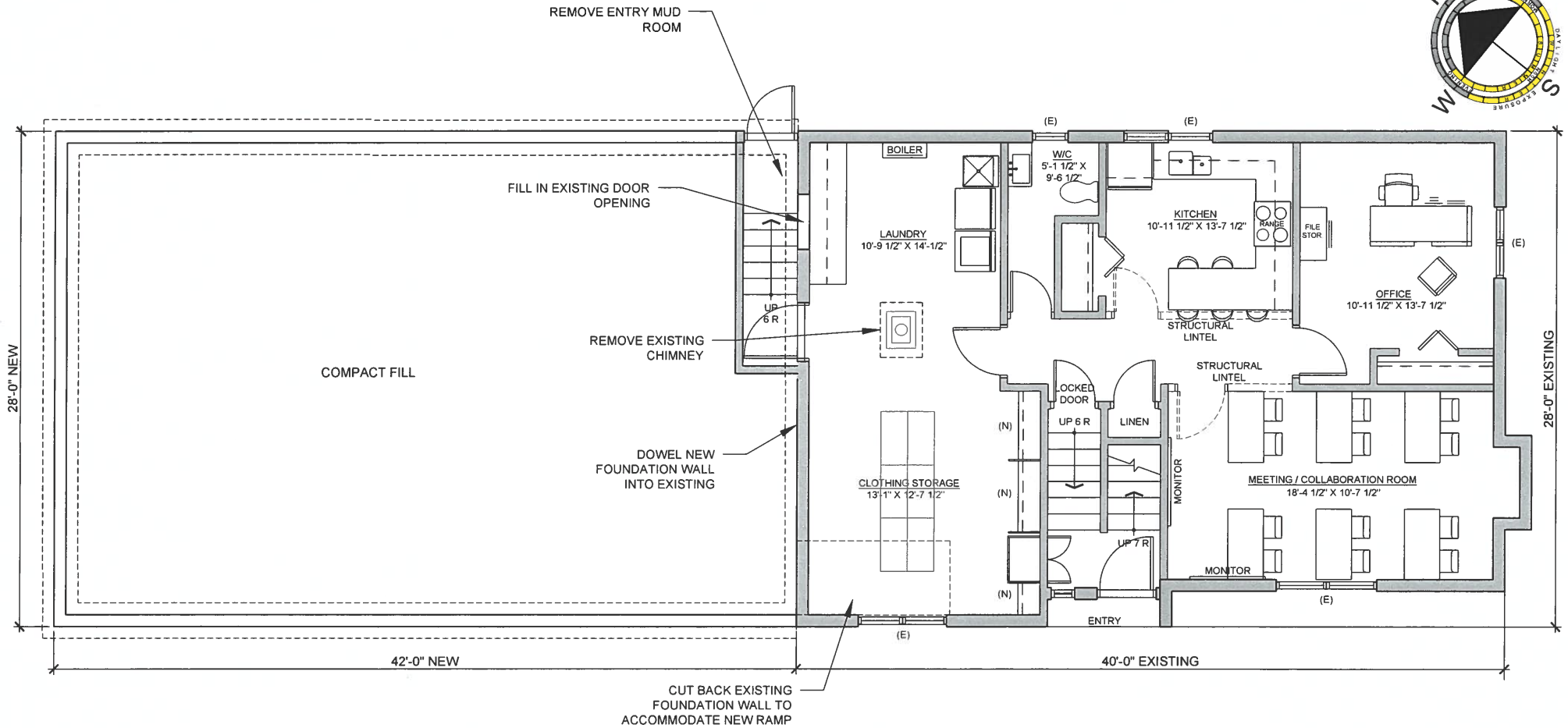
**GROUND FLOOR PLAN**  
CONCEPT PHASE

SAINT MARY & SAINT BARTHOLOMEW'S  
ANGLICAN CHURCH OF CANADA  
SAINT JOHN, NEW BRUNSWICK

scale: 3/16" = 1'-0"  
project: 18-47 (506)  
approved: B. BATES

**SK 2** REV. 1  
May 14, 2019

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**BASEMENT PLAN**  
CONCEPT PHASE

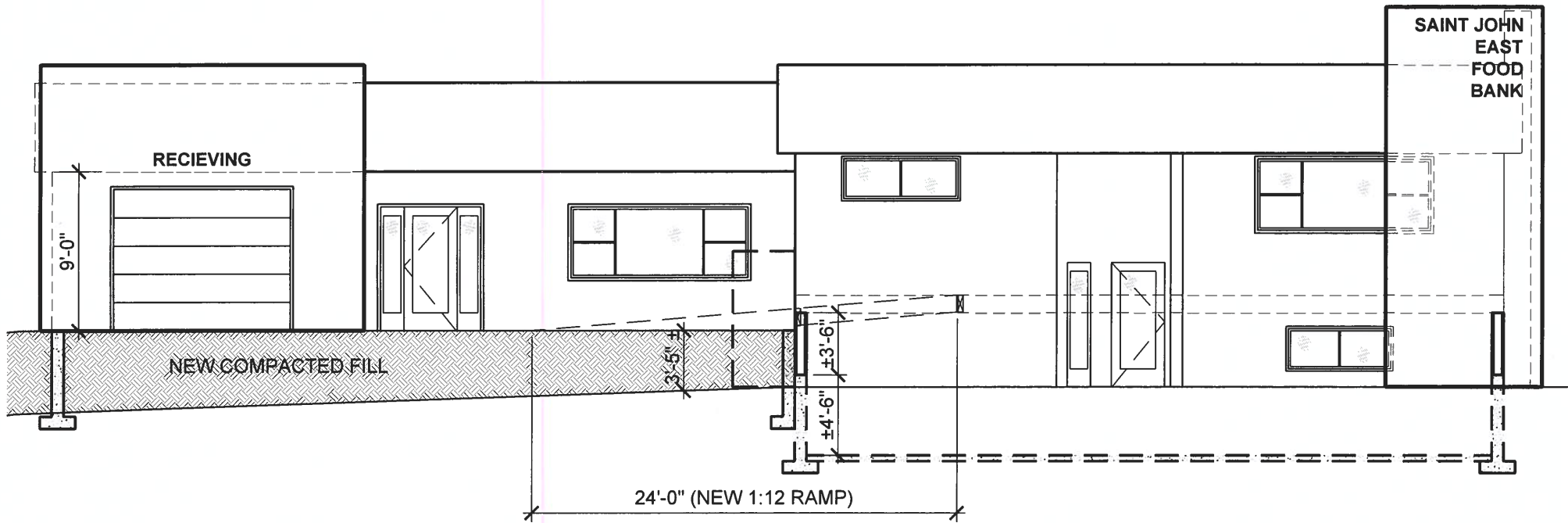
SAINT MARY & SAINT BARTHOLOMEW'S  
ANGLICAN CHURCH OF CANADA  
SAINT JOHN, NEW BRUNSWICK

scale: NTS  
project: 18-47 (506)  
approved: B. BATES

**SK 3** REV. 1  
June 4, 2019

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**BUILDING ELEVATION**  
CONCEPT PHASE

SAINT MARY & SAINT BARTHOLOMEW'S  
ANGELICAN CHURCH OF CANADA  
SAINT JOHN, NEW BRUNSWICK

scale: NTS  
project: 18-47 (506)  
approved: B. BATES

**SK 4** REV. 0  
March 7, 2019

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## PROPOSED ZONING BY-LAW AND SECTION 59 AMENDMENT RE: 648 WESTMORLAND ROAD

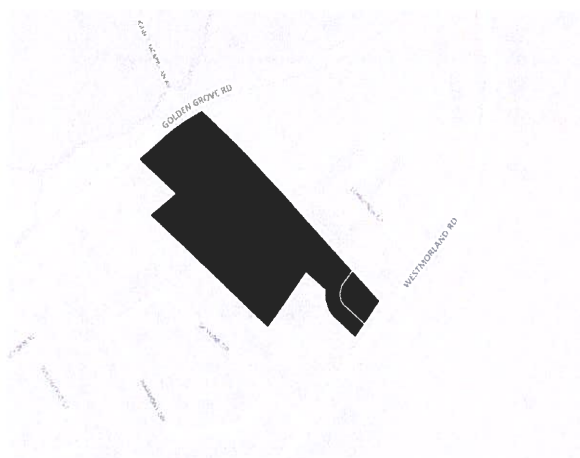
17-Jun-2019

### PROPOSED ZONING BY-LAW AND SECTION 59 AMENDMENT

#### RE: 648 WESTMORLAND ROAD

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday, July 8, 2019 at 6:30 p.m.**, by:

1. Rezoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID No. 55161897, from **Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN)**, as illustrated below.
2. Amending the Section 59 (formerly 39) conditions imposed on the August 19, 2002 rezoning of the property located at 646-648 Westmorland Road, also identified as PID No. 00303545 to permit a revised proposal.



#### REASON FOR CHANGE:

To expand a building to accommodate a food bank, and to amend conditions on adjacent site that restricts use to solely a seniors' residence, to allow for access and parking for the place of worship and food bank.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted. Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk  
658-2862

**BY-LAW NUMBER C.P. 111-  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

**1** Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1,000 square metres, located at 648 Westmorland Road, also identified as PID No. 55208300 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN)

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

---

Mayor/Maire

---

Common Clerk/Greffier communal

First Reading -  
Second Reading -  
Third Reading -

**ARRÊTÉ N° C.P. 111-  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

**1** La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 1,000 mètres carrés, située à 648 chemin Westmorland et portant le NID 55161897, de zone résidentielle bifamiliale (R2) à zone d'installations communautaires de quartier (CFN)

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \* 2019, avec les signatures suivantes :

Première lecture -  
Deuxième lecture -  
Troisième lecture -

**A BYLAW RESPECTING THE CODE OF  
CONDUCT FOR ELECTED MEMBERS OF  
THE CITY OF SAINT JOHN**

**BYLAW NUMBER LG-5**

**RECITALS**

WHEREAS the *Local Governance Act*, authorizes and requires local governments to establish a *Code of Conduct Bylaw*; and

AND WHEREAS as stipulated in *New Brunswick Regulation 2018-64*, the *Code of Conduct Bylaw* must include the following mandatory provisions:

- (a) the **values** to which Members of Council are expected to adhere;
- (b) the **behaviour** by the Members of Council toward other Members of Council, officers, employees and residents of the local government, including provisions respecting bullying, discrimination and harassment by Members of Council,
- (c) the **use of local government property, resources and services** by Members of Council; and
- (d) the **use of communication tools and social media** by Members of Council; and

AND WHEREAS a *Code of Conduct* ensures that Members of Council share

**ARRÊTÉ RELATIF AU CODE DE  
DÉONTOLOGIE POUR LES MEMBRES  
ÉLUS DE THE CITY OF SAINT JOHN**

**ARRÊTÉ NUMÉRO LG-5**

**PRÉAMBULE**

ATTENDU QUE, la *Loi sur la gouvernance locale* autorise et exige que les gouvernements locaux prennent un *Arrêté relatif au code de déontologie*;

ET ATTENDU QUE, comme le stipule le *Règlement du Nouveau-Brunswick 2018-64*, l'*Arrêté relatif au code de déontologie* doit inclure les dispositions impératives suivantes :

- a) les **valeurs** auxquelles sont tenus d'adhérer les membres du conseil;
- b) le **comportement** des membres du conseil à l'endroit aussi bien des autres membres que des fonctionnaires, des employés et des résidents du gouvernement local, notamment en ce qui a trait à l'intimidation, à la discrimination et au harcèlement;
- c) l'**utilisation** que peuvent faire les membres du conseil **des biens, des ressources et des services** du gouvernement local;
- d) l'**utilisation** que peuvent faire les membres du conseil **des moyens de communication et des médias sociaux**;

ET ATTENDU QUE, un code de déontologie assure que les membres du conseil partagent une base et une

a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the <i>Local Governance Act</i> ; and	compréhension communes de ce qui est considéré une conduite acceptable qui va au-delà des dispositions législatives qui gouvernent la conduite des membres du conseil, conformément à la <i>Loi sur la gouvernance locale</i> ;
AND WHEREAS as Members of Council, we recognize that our actions have an impact on the lives of all residents and property owners in the community; and	ET ATTENDU QUE, en tant que membre du conseil, nous reconnaissons que nos actions ont un impact sur la vie de tous les résidents et propriétaires dans la communauté;
AND WHEREAS the establishment of a <i>Code of Conduct Bylaw</i> is consistent with the principles of transparent and accountable government;	ET ATTENDU QUE, l'instauration d'un <i>Arrêté relatif au code de déontologie</i> est en harmonie avec les principes d'un gouvernement transparent et responsable;
NOW THEREFORE the Common Council of the City of Saint John adopts certain rules in the form of a <i>Code of Conduct Bylaw</i> that further underscores the requirement that elected officials be independent, impartial, and duly responsible in serving their constituents.	À CES CAUSES, le conseil communal de The City of Saint John adopte certaines règles sous la forme d'un <i>Arrêté relatif au code de déontologie</i> qui confirme le besoin que les représentants élus soient indépendants, impartiaux et pleinement responsables alors qu'ils servent leurs électeurs.
<b>APPLICATION</b>	<b>APPLICATION</b>
1. This <i>Code of Conduct Bylaw</i> applies to all Members of Common Council, including the Mayor and Deputy Mayor.	1. Le présent <i>Arrêté relatif au code de déontologie</i> s'applique à tous les membres du conseil communal, incluant le maire et le maire suppléant.
<b>VALUES OF MEMBERS OF COUNCIL</b>	<b>VALEURS DES MEMBRES DU CONSEIL</b>
2. The values of Members of Council include:	2. Les valeurs des membres du conseil incluent :
(a) <b>Honesty</b> Members of Council shall be truthful and open in their roles as Council	a) <b>Honnêteté</b> Les membres du conseil sont sincères et transparents dans leur rôle comme

Members and as members of the City they serve. membres du conseil et comme membres de la municipalité qu'ils servent.

**(b) Respect**

Members of Council shall treat every person, including other Members of Council, City employees and the public with dignity and respect.

**b) Respect**

Les membres du conseil traitent toute personne, incluant les autres membres du conseil, les employés de la municipalité et le public avec dignité et respect.

**(c) Transparency and Accountability**

Members of Council shall endeavor to conduct and convey Council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

**c) Transparence et imputabilité**

Les membres du conseil doivent s'efforcer de mener les affaires du conseil et toutes leurs fonctions d'une manière ouverte et transparente, sauf ces discussions qui peuvent être tenues de manière confidentielle à huis clos, afin que les parties prenantes puissent comprendre le processus suivi et les motifs utilisés pour prendre une décision et les raisons pour agir d'une certaine façon.

**(d) Confidentiality**

Members of Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position that is not in the public domain.

**d) Confidentialité**

Les membres du conseil s'abstiennent de divulguer ou de diffuser toute information confidentielle acquise dans le cadre de leurs fonctions sauf lorsque requis par la loi ou autorisé par le conseil d'agir de la sorte. Les membres ne devraient pas tirer parti ou tirer personnellement profit de l'information qui n'est pas du domaine public qui est obtenue dans le cours ou du fait de leurs tâches officielles ou de leur poste.

**(e) Leadership and the Public Interest**

Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the City. Members of Council are expected to perform their duties in a manner that will bear close

**e) Leadership et intérêt public**

Les membres du conseil servent leurs électeurs d'une manière consciencieuse et avec diligence et agissent dans l'intérêt supérieur de la municipalité. On s'attend à ce que les membres du conseil s'acquittent de



public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

**(f) Responsibility**

Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of New Brunswick, including the *Local Governance Act*. This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Members of Council. Each Member of Council is individually responsible for preventing potential and actual conflicts of interest.

leurs tâches d'une manière qui puisse soutenir un examen rigoureux du public et ne donnent pas lieu à des avantages personnels réels ou perçus, des actes répréhensibles ou un comportement contraire à l'éthique.

**f) Responsabilité**

Les membres du conseil agissent d'une manière responsable et conformément aux lois du Parlement du Canada et de la Législature du Nouveau-Brunswick, dont la *Loi sur la gouvernance locale*. Cette obligation inclut la divulgation de conflits d'intérêts actuels ou potentiels, qu'ils soient financiers ou autrement liés à leurs responsabilités comme membres du conseil. Chaque membre du conseil est responsable individuellement de prévenir les conflits d'intérêts potentiels et actuels.

**BEHAVIOUR OF MEMBERS OF COUNCIL**

**COMPORTEMENT DES MEMBRES DU CONSEIL**

3.1 Members of Council shall conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed.

3.1 Les membres du conseil se comportent de manière professionnelle, avec dignité, et font tout en leur possible pour participer avec diligence aux réunions du conseil, aux comités du conseil et autres instances auxquels ils sont nommés.

3.2 Members of Council shall perform their official duties in accordance with the following general principles:

3.2 Les membres du conseil s'acquittent de leurs fonctions officielles conformément aux principes généraux suivants :

(a) Be honest and open with Council Members, local government staff, and the general public;

a) En étant honnêtes et ouverts avec les membres du conseil, le personnel du gouvernement local et le grand public;

- |  |   |
|--|---|
| (b) Make decisions that are in the best interest of the City as a whole;   | b) En prenant des décisions dans l'intérêt supérieur de la municipalité en général;   |
| (c) Make decisions based on careful and objective consideration and review of the facts;   | c) En prenant des décisions fondées sur un examen attentif et objectif des faits;   |
| (d) Ensure that objectivity, impartiality and transparency are emphasized in decision-making;  | d) En assurant que l'objectivité, l'impartialité et la transparence sont mises en valeur lors du processus décisionnel;   |
| (e) Be accountable for the decisions made by the Council;  | e) En étant responsables des décisions prises par le conseil;   |
| (f) Demonstrate a high level of integrity and professionalism when representing the local government and in dealing with members of the broader community; | f) En démontrant un haut niveau d'intégrité et de professionnalisme lorsqu'ils représentent le gouvernement local et lorsqu'ils font affaire avec les membres de la communauté en général;    |
| (g) Ensure that all duties are performed in compliance with federal and provincial laws, as well as bylaws, policies and procedures adopted by the City.   | g) En s'assurant que toutes les tâches sont accomplies en respectant les lois fédérales et provinciales, ainsi que les arrêtés, les politiques et les procédures adoptés par la municipalité. |

3.3 Members of Council shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.

3.3 En tout temps, les membres du conseil servent et sont considérés comme servant leurs électeurs d'une manière consciencieuse et avec diligence.

3.4 Members of Council shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct.

3.4 Lors d'échanges entre eux, les membres du conseil se comportent d'une manière qui maintient la confiance du public dans la fonction pour laquelle ils ont été élus, ils sont ouverts et honnêtes, se concentrent sur les enjeux plutôt que les personnalités, ils évitent un

comportement agressif, offensif ou abusif.

3.5 Members of Council shall treat members of the public, other Council Members, local government staff or individuals providing services on a casual or contractual basis with dignity, understanding and respect.

3.5 Les membres du conseil traitent les citoyens, les autres membres du conseil, le personnel du gouvernement local ou les individus qui offrent des services sur une base occasionnelle ou contractuelle avec dignité, en faisant preuve de compréhension et avec respect.

3.6 Members of Council shall promote the governance framework to ensure their work environment is free from discrimination, bullying, offensive and/or derogatory language, and harassment and that they are in compliance with the local government's policies and procedures, where applicable.

3.6 Les membres du conseil font la promotion du cadre de gouvernance pour garantir que leur environnement de travail est exempt de discrimination, d'intimidation, de langage offensant ou dégradant et de harcèlement, et qu'ils respectent les politiques et procédures du gouvernement local, le cas échéant.

3.7 Without limiting the generality of the foregoing, Members of Council shall not:

3.7 Sans limiter la portée générale de ce qui précède, les membres du conseil :

(a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or about;

a) Ne font pas de commentaires ou de gestes inappropriés à un individu ou à l'égard de celui-ci, alors qu'on sait ou qu'on devrait savoir qu'un tel comportement est offensant pour la personne visée;

(b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;

b) Ne montrent pas de matériel ou ne transmettent pas de messages qui sont inappropriés, offensants, insultants ou dégradants;

(c) Make threats or engage in any abusive activity or course of conduct toward others, including bullying;

c) Ne font pas de menaces ou ne se livrent pas à aucune activité ou n'adoptent pas une attitude abusive envers les autres, y compris l'intimidation;

(d) Vandalize the personal property

d) Ne vandalisent pas la propriété

- |  |  |
|--|--|
| <p>of others;</p> <p>(e) Commit assault of any kind, including making unwanted physical contact, including touching, patting or pinching;</p> <p>(f) Refuse to converse or interact with anyone based on any ground listed in the <i>Human Rights Act</i>.</p> | <p>d'autrui;</p> <p>e) Ne commettent pas d'agression d'aucun type, incluant les contacts physiques non désirés, comme toucher, caresser ou pincer;</p> <p>f) Ne refusent pas de converser ou d'interagir avec quiconque pour quelconque motif énoncé dans la <i>Loi sur les droits de la personne</i>.</p> |
|--|--|

## **CONFLICTS OF INTEREST**

## **CONFLITS D'INTÉRÊTS**

- |   |  |
|---|--|
| <p>4.1 Members of Council have a statutory duty to comply with the Conflict of Interest provisions set out in Part 8 of the <i>Local Governance Act</i>.</p> <p>4.2 Members of Council are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.</p> <p>4.3 It is the individual responsibility of each Member of Council to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.</p> | <p>4.1 Les membres du conseil ont une obligation légale de se conformer aux dispositions relatives au conflit d'intérêts énoncées dans la partie 8 de la <i>Loi sur la gouvernance locale</i>.</p> <p>4.2 Les membres du conseil doivent être libres de toute influence indue et ne doivent pas agir ou paraître agir de manière à obtenir un bénéfice financier ou tout autre avantage, pour eux, leur famille, leurs amis, leurs associés, une entreprise ou autrement;</p> <p>4.3 Chaque membre du conseil est personnellement responsable d'obtenir un avis légal indépendant, à ses propres frais, concernant toute situation qui pourrait se solder par un intérêt pécuniaire ou autre type de conflit d'intérêts.</p> |
|---|--|

## **RESPECTING ROLES AND RESPONSIBILITIES**

## **CONCERNANT LES RÔLES ET RESPONSABILITÉS**

- |   |   |
|---|---|
| <p>5.1 Decision-making authority lies with Council, and not any individual Member. No Member shall, unless authorized by Council, attempt to bind the City of Saint John or give direction to employees, agents, contractors,</p> | <p>5.1 Le pouvoir décisionnel revient au conseil et non pas à aucun membre individuellement. À moins d'être autorisé par le conseil, aucun membre ne tente de lier The City of Saint John ou de donner des instructions aux</p> |
|---|---|

consultants or other service providers or prospective vendors to the City.	employés, agents, entrepreneurs, consultants ou autres fournisseurs de services ou fournisseurs potentiels de la municipalité.
5.2 Members of Council shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.	5.2 Les membres du conseil communiquent avec précision les décisions du conseil, même s'ils sont en désaccord avec celles-ci, et ce, afin que le respect du processus décisionnel du conseil soit favorisé.
5.3 Members of Council shall ensure they:	5.3 Les membres du conseil s'assurent :
(a) Focus on their governance role of providing leadership for the community in an open, accountable and transparent manner, establishing strategic direction and providing oversight of the local government;	a) Qu'ils se concentrent sur leur rôle de gouvernance de faire preuve de leadership pour la communauté, d'une manière ouverte, responsable et transparente, en établissant une direction stratégique et en exerçant un rôle de surveillance du gouvernement local;
(b) Respect the role of the local government's staff, which is to provide day-to-day administration of the local government, provide advice and analyses, implement Council decisions, and carry out their responsibilities as required under the <i>Local Governance Act</i> , and any other relevant federal and /or provincial legislation, regulations or bylaws of the local government;	b) Qu'ils respectent le rôle du personnel du gouvernement local qui est de veiller à l'administration quotidienne du gouvernement local, d'offrir des conseils et des analyses, de mettre en œuvre les décisions du conseil et de s'acquitter de leurs responsabilités comme l'exige la <i>Loi sur la gouvernance locale</i> , et toute autre législation fédérale ou provinciale, règlement ou arrêté du gouvernement local;
(c) Respect the role of Council as a whole being the decision-making body for the local government. Only Council as a whole and no single Member including the Mayor has the authority to direct staff,	c) Qu'ils respectent le rôle du conseil dans son ensemble comme l'organe décisionnel du gouvernement local. Seulement le conseil dans son ensemble et aucun membre individuellement,



approve budgets, policy, committee processes and other matters, unless specifically authorized by Council.

incluant le maire, n'a l'autorité de donner des directives au personnel, d'approuver le budget, une politique, des processus d'un comité et d'autres affaires, à moins d'être spécifiquement autorisé par le conseil.

(d) Council as a whole has the authority to approve budgets, and policy statements, including structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council.

d) Le conseil dans son ensemble a l'autorité d'approuver le budget et des énoncés de politique, incluant les structures et les procédures associées aux comités. Seul le conseil peut déléguer l'autorité d'agir en son nom, y compris par le biais d'un comité.

## GIFTS AND BENEFITS

## CADEAUX ET AVANTAGES

6.1 In accordance with subsections 96 (a), and (b) of the *Local Governance Act*, a Member of Council shall not:

6.1 Conformément aux paragraphes 96 a) et b) de la *Loi sur la gouvernance locale*, un membre du conseil :

(a) accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by him / her in the carrying out of his / her functions as a Member of Council; or

a) N'accepte aucun honoraire, cadeau, don en argent, ou tout autre avantage qui pourrait raisonnablement être considéré comme pouvant influencer sur toute décision qu'il ou qu'elle prend comme membre du conseil dans l'exercice de ses fonctions; ou

(b) for his or her personal gain, or for the personal gain of a family associate, make use of his or her position or of any information that is obtained in his or her position and is not available to the public.

b) N'utilise pas son poste ou toute information obtenue dans le cadre de son poste qui n'est pas mise à la disposition du public, pour son avantage personnel ou pour celui d'un membre de sa proche famille.

6.2 Members of Council are not

6.2 Les membres du conseil ne sont pas

precluded from accepting:

empêchés d'accepter :

(a) Compensation or benefit authorized by Council;

a) Une rémunération ou un avantage autorisé par le conseil;

(b) Rewards, gifts or benefits not connected with the performance or duties of office;

b) Des récompenses, cadeaux ou avantages qui ne sont pas liés à la performance ou à leurs fonctions;

(c) Services provided without compensation by persons volunteering their time;

c) Les services fournis sans rémunération par des personnes qui donnent de leur temps;

(d) Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards and commissions;

d) De la nourriture, de l'hébergement, du transport ou du divertissement offert par d'autres niveaux de gouvernement ou par d'autres gouvernements locaux, conseils d'administration et commissions;

(e) Reasonable quantities of food and beverages consumed at banquets, receptions, ceremonies and similar events;

e) Des quantités raisonnables de nourriture et de boissons consommées lors de banquets, réceptions, cérémonies et autres événements similaires;

(f) Token gifts such as souvenirs and commemorative gifts that are given in recognition of service for attending an event;

f) Des cadeaux symboliques comme des souvenirs et des cadeaux commémoratifs qui sont donnés en guise de remerciement pour avoir participé à un événement;

(g) Gifts received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

g) Des cadeaux reçus dans le cadre normal et raisonnable du protocole ou d'une obligation sociale liée à leurs fonctions;

**USE OF LOCAL GOVERNMENT PROPERTY, RESOURCES AND SERVICES BY MEMBERS OF COUNCIL**

**UTILISATION PAR LES MEMBRES DU CONSEIL DES BIENS, RESSOURCES ET SERVICES DU GOUVERNEMENT LOCAL**

7.1 No Member of Council shall make

7.1 Aucun membre du conseil n'utilise

use of, or permit the use of any City premises (land, facilities, equipment, supplies, etc.), staff or other resources (computers, networks, websites, social media) other than for carrying out the business of the local government.	ou ne permet l'utilisation de toute propriété de la municipalité (terrain, installations, équipement, matériel, etc.), du personnel ou d'autres ressources (ordinateurs, réseaux, sites Web, médias sociaux) à des fins autres que pour mener les affaires du gouvernement local.
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7.2 Members of Council shall avoid waste and extravagance in the provision or use of the City's resources or property belonging to the City.	7.2 Les membres du conseil évitent le gaspillage et les extravagances dans la fourniture ou l'utilisation de ressources de la municipalité ou de biens lui appartenant.
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7.3 No Member of Council shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities. No Member of Council shall undertake campaign-related activities on City property. No Member of Council shall use the services of persons during working hours in which those persons receive any compensation from the City.	7.3 Aucun membre du conseil n'utilise les installations, l'équipement, le matériel, les services ou autres ressources de la municipalité pour toute campagne électorale ou activités reliées à la campagne. Aucun membre du conseil n'entreprend d'activités reliées à une campagne sur une propriété municipale. Aucun membre du conseil n'utilise les services de personnes au cours des heures de travail où ces personnes reçoivent une rémunération de la municipalité.
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**USE OF COMMUNICATION TOOLS AND SOCIAL MEDIA**

**UTILISATION DES OUTILS DE COMMUNICATION ET DES MÉDIAS SOCIAUX**

8.1 Members of Council shall use communication tools, such as newsletters, websites and social media in a responsible and respectful manner.	8.1 Les membres du conseil utilisent les outils de communication, comme les bulletins d'information, les sites Web et les médias sociaux d'une manière responsable et respectueuse.
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8.2 Members of Council must not claim to speak on behalf of Council unless authorized to do so.	8.2 Les membres du conseil ne peuvent prétendre parler au nom du conseil à moins d'en être autorisés.
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8.3 Unless Council directs otherwise, the Mayor is Council's official	8.3 À moins que le conseil décide autrement, le maire est le porte-parole
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spokesperson and in the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

officiel du conseil et en l'absence du maire, cela revient au maire suppléant. Toutes les demandes des médias concernant la position du conseil sur un enjeu sont transmises au porte-parole officiel du conseil.

8.4 A Member of Council who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member of Council personally disagrees with Council's position.

8.4 Un membre du conseil qui est autorisé à agir comme porte-parole officiel du conseil doit s'assurer que ses commentaires reflètent exactement la position officielle et la volonté du conseil dans son ensemble, et ce, même si le membre du conseil est personnellement en désaccord avec la position du conseil.

8.5 Members of Council must keep in mind they are always representative of the City of Saint John, including when engaging in social media activities, and Members of Council are encouraged to identify when views expressed are theirs alone and not official City of Saint John communication.

8.5 Les membres du conseil doivent garder à l'esprit qu'ils sont toujours des représentants de The City of Saint John, y compris lorsqu'ils participent à des activités liées aux médias sociaux, et lorsque des points de vue sont exprimés, les membres du conseil sont encouragés de spécifier que ce sont les leurs et non pas une communication officielle de The City of Saint John.

8.6 Members of Council shall not use communication tools and social media to engage in criticism of other Members of Council, the City staff or the general public.

8.6 Les membres du conseil n'utilisent pas les outils de communication et les médias sociaux pour critiquer d'autres membres du conseil, du personnel de The City ou le grand public.

8.7 Members of Council shall not engage in or encourage bullying, flaming, or shaming of any other social media users. These types of interactions on social media misplace the focus of interaction on attacking individuals rather than engaging in constructive discussion or debate. This manner of communication is inconsistent with the Code of Conduct and unbecoming of the office that

8.7 Les membres du conseil n'intimident pas, n'injurient pas ou n'humilient pas d'autres utilisateurs de médias sociaux ni n'encouragent de telles actions. Ce genre d'interactions dans les médias sociaux déplace l'objectif d'interagir en attaquant des individus plutôt qu'en favorisant une discussion constructive ou un débat constructif. Cette façon de communiquer est incompatible avec le

Members hold.	code de déontologie et entache la dignité des fonctions qu'exercent les membres.
8.8 No Member of Council shall make a statement with the intent to mislead Council or members of the public.	8.8 Aucun membre du conseil ne fait de déclaration avec l'intention de tromper le conseil ou les membres du public.
8.9 No Member of Council shall make a statement when they know the statement is false.	8.9 Aucun membre du conseil ne fait de déclaration lorsqu'il sait que celle-ci est fausse.

## **CONDUCT AT MEETINGS**

## **COMPORTEMENT LORS DES RÉUNIONS**

9.1 Members of Council shall conduct themselves in accordance with the provisions set out in the City's <i>Procedural Bylaw</i> , in particular Section 12 Rules of Conduct.	9.1 Les membres du conseil se comportent conformément aux dispositions énoncées dans l' <i>Arrêté sur les procédures</i> de The City, particulièrement l'article 12 Règles de procédures.
9.2 Members of Council may not impugn or malign a debate or decision or otherwise erode the authority of Council. Members of Council have the right to express disagreement with positions put forward by other Members provided such disagreement remains focused on the issue. Once Council has adopted a resolution, Members of Council are expected to support the resolution and the work associated with carrying out this resolution.	9.2 Les membres du conseil ne contestent pas ou ne dénigrent pas un débat ou une décision ou ne mine pas l'autorité du conseil. Les membres du conseil ont le droit d'exprimer leur désaccord avec les positions présentées par d'autres membres à condition que le désaccord demeure concentré sur la question. Une fois que le conseil a adopté une résolution, on s'attend à ce que les membres du conseil appuient la résolution et le travail associé à l'application de cette résolution.

## **HANDLING OF CONFIDENTIAL INFORMATION**

## **TRAITEMENT D'INFORMATIONS CONFIDENTIELLES**

10.1 Members of Council shall refrain from disclosing or releasing any confidential information to any	10.1 Les membres du conseil s'abstiennent de divulguer ou de diffuser toute information
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member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberation obtained through their holding office, in either oral or written form, in accordance with the *Right to Information and Protection of Privacy Act*.

confidentielle à tout membre du public, ou ne divulgue de quelque façon que ce soit toute information confidentielle, incluant de l'information personnelle ou tout élément de délibération obtenu dans le cadre de leurs fonctions, que ce soit verbalement ou par écrit, conformément à la *Loi sur le droit à l'information et la protection de la vie privée*.

10.2 Members of Council shall keep confidential those matters that are discussed in a meeting that is authorized under the *Local Governance Act* to be closed to the public.

10.2 Les membres du conseil gardent confidentielles les questions qui sont traitées dans une réunion qui peut être tenue à huis clos en vertu de la *Loi sur la gouvernance locale*.

10.3 Members of Council shall not use confidential information, including information that they might have knowledge of by virtue of their position that is not in the public domain, including emails or correspondence from other Members of Council, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detrimental to the City, Council, local board or others.

10.3 Les membres du conseil n'utilisent pas d'informations confidentielles, y compris l'information qu'ils pourraient connaître en raison de leur fonction, qui n'est pas du domaine public, y compris les courriels ou la correspondance provenant d'autres membres du conseil, ou de tierces parties, pour un avantage personnel ou privé, ou pour l'avantage d'un membre de leur famille ou de toute personne, société ou cause qui pourrait nuire à la municipalité, une commission locale ou autres.

10.4 The obligations identified in section 10.3 above constitute continuing obligations that apply following service on Council by any Members of Council.

10.4 Les obligations indiquées à la section 10.3 ci-dessus constituent des obligations continues qui sont applicables après qu'un membre du conseil ait servi au conseil.

#### **REMEDIAL ACTION IF CONTRAVENTION OCCURS**

#### **MESURES CORRECTIVES EN CAS D'INFRACTION**

11.1 Should a Member of Council

11.1 Si un membre du conseil enfreint

breach any of the principles outlined in this *Code of Conduct Bylaws*, the possible courses of action that are available to Council include but are not limited to:

- |  |   |
|--|---|
| (a) Reprimand;   | a) Une réprimande;  |
| (b) Expulsion of Member from a meeting of Council or Council committee;  | b) L'expulsion d'un membre d'une réunion du conseil ou d'un comité du conseil;  |
| (c) An apology by the Member of Council to the impacted individual(s), Council and or the general public;  | c) La présentation d'excuses par le membre du conseil à l'individu ou aux individus concernés, au conseil ou au grand public;   |
| (d) Removal of the Member from the Council Committee and/or bodies;  | d) Le retrait du membre du comité du conseil ou d'une instance du conseil;  |
| (e) The Offences and Penalties contained in the <i>Local Governance Act</i> that apply to Members of Council who violate the Disclosure of Conflict of Interest provisions of the <i>Act</i> ; | e) Les infractions et peines prévues dans la <i>Loi sur la gouvernance locale</i> qui s'appliquent aux membres du conseil qui contreviennent aux dispositions de divulgation de conflit d'intérêts de la <i>Loi</i> ; |
| (f) Other penalties and sanctions contained in relevant federal or provincial legislation.   | f) Les autres peines et sanctions prévues dans la législation fédérale ou provinciale applicable.   |

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this bylaw the \_\_\_\_ day \_\_\_\_\_, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \_\_\_\_\_ 2019, avec les signatures suivantes :

---

Mayor/Maire

---

Common Clerk /Greffier communal

First Reading - June 17, 2019

Second Reading - June 17, 2019

Third Reading -

Première lecture - le 17 juin 2019

Deuxième lecture - le 17 juin 2019

Troisième lecture -

<p align="center"><b>PROPOSED MUNICIPAL PLAN AMENDMENT</b></p> <p align="center"><b>RE: POLICIES RELATED TO GREEN ENERGY DEVELOPMENT</b></p>	<p align="center"><b>PROJET DE MODIFICATION DU PLAN MUNICIPAL</b></p> <p align="center"><b>OBJET : POLITIQUES RELATIVES AU DÉVELOPPEMENT DES ÉNERGIES VERTES</b></p>
<p>Public Notice is hereby given that the Common Council of The City of Saint John intends to consider an amendment to the Municipal Development Plan which would include amendments to the Municipal Plan policies including amending Sections 2.4 The Rural Areas, 2.5 Lands Common to the Primary Development Area and The Rural Areas, 7.8 Energy Efficiency and subsections 3.6.1 Rural Resource and 3.7.1 Parks and Natural Areas in addition to other relevant subsections and policies in order to facilitate Green Energy Developments.</p> <p>A public presentation of the proposed amendment will take place at a regular meeting of Common Council on <b>Monday, July 8, 2019</b> in the Ludlow Room, 8<sup>th</sup> floor of City Hall.</p>	<p>Le public est avisé que le conseil communal de The City of Saint John a l'intention d'examiner une modification à son Plan municipal, y compris aux politiques du Plan municipal, et notamment aux sections 2.4 Secteurs ruraux, 2.5 Terrains communs au principal secteur de développement et aux secteurs ruraux et 7.8 Efficacité énergétique et aux sous-sections 3.6.1 Secteur de ressources rurales et 3.7.1 Désignations communes d'utilisation des sols, en plus de modifications à d'autres sous-sections et politiques pertinentes, en vue de permettre les aménagements d'énergie verte, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le <b>lundi, 8 juillet 2019 à 18 h 30</b>.</p>
<p><b>REASON FOR CHANGE:</b> To facilitate the ability to construct green energy projects involving wind and solar in limited designations in the Municipal Plan.</p>	<p><b>RAISON DE LA MODIFICATION :</b> Afin de permettre la construction de projets d'énergie verte visant l'énergie éolienne et solaire dans certaines désignations du Plan municipal.</p>
<p>Written objections to the proposed amendment may be made to the Council, in care of the undersigned, by <b>August 7, 2019</b>. Enquiries may be made at the office of the Common Clerk or Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.</p>	<p>Veuillez faire part au conseil par écrit de vos objections au projet de modification au plus tard le <b>7 août 2019</b> à l'attention du soussigné. Pour toute demande de renseignements, veuillez communiquer avec le bureau du greffier communal ou le bureau de service de la croissance et du développement communautaire à l'hôtel de ville au 15, Market Square, Saint John, N.-B., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.</p>
<p>Jonathan Taylor, Common Clerk 658-2862</p>	<p>Jonathan Taylor, Greffière communale 658 2862</p>



LOCATION	CIVIC ADDRESS :	N/A		PID #:	N/A
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N				
	APPLICATION #:	19-0099		DATE RECEIVED:	June 4/19
				RECEIVED BY:	Ken
APPLICANT INFORMATION	APPLICANT		EMAIL	PHONE	
	Develop Saint John		brian.irving@saintjohn.ca	506.658.4418	
	MAILING ADDRESS		POSTAL CODE		
	P.O. Box 1971		SAINT JOHN N.B.		E2L 4L1
	CONTRACTOR		EMAIL	PHONE	
	MAILING ADDRESS		POSTAL CODE		
APPLICANT INFORMATION	OWNER		EMAIL	PHONE	
	MAILING ADDRESS		POSTAL CODE		
	PRESENT USE:		PROPOSED USE:		
CHECK ALL THAT APPLY	BUILDING		PLANNING	INFRASTRUCTURE	HERITAGE
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS	<input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> POOL <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SIGN <input type="checkbox"/> OTHER	<input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER	<input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> DRAINAGE <input type="checkbox"/> WATER & SEWERAGE <input checked="" type="checkbox"/> OTHER	<input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> OTHER
DESCRIPTION OF WORK	Municipal Plan Amendment Submission				

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

**General Collection Statement**

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building  
 8th Floor - 15 Market Square  
 Saint John, NB E2L 1E8  
[commonclerk@saintjohn.ca](mailto:commonclerk@saintjohn.ca)  
 (506) 658-2862



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Brian Irving  
 Applicant Name

Applicant Signature

June 4/19  
 Date

<b>CIVIC ADDRESS</b>		<b>APPLICATION #</b>		<b>FEE PAID</b>	<b>Y</b>	<b>N</b>
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TYPE OF APPLICATION		
<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION
Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.
A Municipal Plan amendment and corresponding zoning framework to accommodate provision for Green Energy applications & possible developments.

ENCUMBRANCES
Describe any easements, restrictive covenants, and other encumbrances affecting the land.
N/A.

AUTHORIZATION
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.
<div style="display: flex; justify-content: space-between;"> <div> <u>Brian Irving</u>  Registered Owner or Authorized Agent </div> <div> _____  Additional Registered Owner </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <u>June 4/19</u>  Date </div> <div> _____  Date </div> </div>
The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.



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	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:
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	MAILING ADDRESS POSTAL CODE P.O. Box 1971 Saint Jchn N.B. E2L 4L1	
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	OWNER EMAIL PHONE	
	MAILING ADDRESS POSTAL CODE	
PRESENT USE: PROPOSED USE:		
CHECK ALL THAT APPLY	BUILDING PLANNING INFRASTRUCTURE HERITAGE <input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> VARIANCE <input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> ADDITION <input type="checkbox"/> POOL <input type="checkbox"/> PAC APPLICATION <input type="checkbox"/> DRAINAGE <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> WATER & SEWERAGE <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> SIGN <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER <input type="checkbox"/> MINIMUM STANDARDS <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> OTHER	
	DESCRIPTION OF WORK Plan Amendment.	

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Brian Irving  
 Applicant Name

[Signature]  
 Applicant Signature

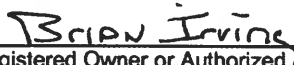
June 4, 2019  
 Date

<b>CIVIC ADDRESS</b>		<b>APPLICATION #</b>		<b>FEE PAID</b>	<b>Y</b>	<b>N</b>
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<div style="display: flex; justify-content: space-between;"> <div>               Registered Owner or Authorized Agent           </div> <div>             Additional Registered Owner           </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div>             June 4/19              Date           </div> <div>             Date           </div> </div>
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DEVELOP SAINT JOHN

## Green Energy Development

Municipal Policy & Regulatory Amendments



March 2019– 19-9084

May 28, 2019

Develop Saint John  
15 Market Square  
PO Box 1971  
Saint John, NB  
E2L 4L1

Attention: Brian Irving

***Re: Green Energy Development – Municipal Policy & Regulatory Amendments***

Dillon Consulting Limited (Dillon) is pleased to provide the following professional planning report to Develop Saint John (Develop SJ) for “Green Energy Development – Municipal Policy & Regulatory Amendments”.

The information presented herein is intended to provide Develop SJ with a jurisdictional review of municipal policies for green energy (wind and solar) developments and a large cross section of available development control tools (zoning provisions). Furthermore, this report provides options and professional planning recommendations, which will be able to assist Develop SJ and the City of Saint John in developing appropriate provisions that avoid negative environmental impacts and encourage future development within the City.

The following technical report is presented in four (4) main components, as follows:

- Policy Framework Review;
- Jurisdictional Best Practice Review;
- Options & Recommendations; and
- Policy and Regulatory Amendments.

If you have any questions regarding the report, please do not hesitate to contact the undersigned at (506) 633-5000 or csimic@dillon.ca.

Sincerely,

**DILLON CONSULTING LIMITED**



Colin Simic, MPI.

Planner

Our file: 19 - 9084

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## Executive Summary

Green Energy development is becoming increasingly desirable, as the energy industry continues to trend toward renewable energy sources. Currently, the City of Saint John does not have policy provisions to allow for this type of development. The current Municipal Plan, PlanSJ is silent on wind or solar development; however, touches upon exploring opportunities for alternative energy development within certain chapters. The Province of New Brunswick is actively promoting and advocating for green energy development at small, medium and large scales and has issued policy papers and amended legislation to this effect. Locally, Saint John Energy is actively pursuing green energy development as an energy source and has recently issued a Request for Proposals for a 20 to 20MW wind farm.

The purpose of this study was to amend the City of Saint John Municipal Plan and Zoning By-law to allow for and apply standards and conditions on wind and solar energy development in the City. Specifically, a jurisdictional best practice review of land use treatments for wind and solar development was completed. The municipalities ranged in size and scale; however, each had land use considerations that would apply to the Saint John context.

The proposed policy and regulatory framework to allow wind and solar energy development in the City of Saint John includes significant amendments to the Municipal Plan. Particularly, this includes amendments to the Land Use chapter to allow for green energy development projects within the Heavy Industrial, Rural Resource, and Parks and Natural Areas future land use designations. These would be subject to environmental approvals and the required federal and provincial approvals process. Green Energy development would be focused on lands outside of the Primary Development Area and focused on areas that are stable, generally inaccessible, and not prime for other types of land use development.

Additionally, standards and conditions are applied to regulate and manage green energy developments in the City, through amendments to the Zoning By-law, including the introduction of a new zone, Green Energy Zone, which applies standards and conditions of development pertaining to setbacks, access, operations, access, screening, and height. The standards also outline a development permit process and site rehabilitation requirements.

This study is intended to be used to inform an upcoming Municipal Plan amendment and Zoning By-law text amendment to facilitate future and anticipated green energy development within the City of Saint John.

## 1.0

# Introduction

Green energy development has been commonly accepted as an important social, environmental, and economic opportunity for communities and an important technology to deploy in the carbon constrained era associated with global climate change. Currently, policy within Saint John's Municipal Plan is silent on green energy, effectively making no allowances for these types of developments within the City's boundaries. Recognizing Saint John's vast land holdings (especially of rural land), it is understandable that there may be demand for renewable (green) energy development of these lands in the near future. Furthermore, wind and solar development represents an important opportunity for both economic and environmental improvement. The implementation of green energy regulations is needed as the City grows into the future.

The Province has advocated for the development of renewable energy sources in *Our Action Plan to be Self-sufficient in New Brunswick (2007)*, through renewable portfolio standards and through investments in such alternative energy sources, such as biomass and tidal, with a renewed emphasis on wind power due to the relative maturity of technologies. In addition to these portfolio developments, the Province has recently amended the *Local Governance Act (2017)* to encourage such developments within municipalities and by local governments. Alongside the Province, there is strong support for the advancement of wind power projects in many communities across Atlantic Canada, as more green energy developments are forming each year.

Although a strong case and community support for green energy exists today, there are still associated issues and concerns being raised by the public with these types of developments. Most of the issues associated with green energy (wind and solar) developments include the following:

- Noise (audible and infrasound);
- Environmental effects to birds and bats;
- Property values;
- Effects on agricultural and forestry practices;
- Visual effects (visual landscape and lighting);
- Setback distances;
- Interference with telecommunications; and
- Shadow flicker, ice throw and other health and safety concerns.

To address these issues, Atlantic Canadian communities have become more interested in researched guidance to develop local zoning standards that are based on best practices to allow for green energy developments that maintain the public's welfare and safety, avoid or mitigate negative environmental effects, avoid nuisance effects, and promote sustainable development objectives.

To address these potential aforementioned issues within the boundaries of the City of Saint John, Develop Saint John (Develop SJ) has retained Dillon Consulting Limited (Dillon) to provide a technical review of the City's Municipal Plan and Zoning By-law, as it relates to land use and development controls associated with green energy developments. The intentions of this report are to provide professional planning policy and regulatory amendments to assist the City of Saint John to safely permit and encourage green energy developments, while creating development certainty for Develop SJ to promote and market development options to energy proponents.

The issue is somewhat pressing, as Saint John Energy, one of the Province's few municipal utilities has released an RFP for a 20MW to 40MW wind farm in the City's Spruce Lake Industrial Park. Although this proposed project is in development stages, the scope of this project is not limited to that project's boundaries.

## 1.1 Methodology

The information presented herein is intended to provide the City with a jurisdictional review of zoning provisions in their planning framework for green energy (wind and solar) developments with a large cross section of available development control tools. Furthermore, this report will provide options and professional planning recommendations, which will be able to assist Develop SJ in guiding the City of Saint John in developing appropriate provisions that avoid negative environmental impacts and allow future alternative energy development within the City's land management framework. The following technical report is presented in four (4) main components, as follows:

- **Policy Framework Review**  
An overview of the City of Saint John's Municipal Plan and Zoning By-law has been undertaken to identify any prohibitive language that would prohibit this type of development and identify designations that would be best suited to adopt green energy provisions.
- **Jurisdictional Best Practice Review**  
A brief jurisdictional best practice review of ten (10) communities in Atlantic Canada has been undertaken to identify local policy and regulatory approaches to green energy developments. In addition, zoning standards will be reviewed and identified to understand the most suitable fit for the City of Saint John.
- **Policy & Regulatory Options & Recommendations:**  
Five (5) of the ten (10) communities will be further reviewed to develop options and recommendations on planning approaches and mechanisms to permit green energy developments within the City of Saint John, all while maintaining the public's welfare and safety and mitigating negative effects to the natural environment.

- **Policy and Regulatory Amendments**

Policy and regulatory amendments to the City's Municipal Plan and Zoning By-law will be developed based on options and recommendations developed and approved by Develop SJ. Specific resolutions and regulatory approaches have been identified, which will allow the City to review and consider permitting green energy development through an existing land designation and existing zone or by the creation of a new zone.

## 2.0

## Policy Framework Review

## 2.1

### Saint John Municipal Plan (2011) Review

The City of Saint John's Municipal Plan (2011) briefly addresses "Energy". More specifically, energy related policies can only be found under Chapter 7: Natural Environment & Energy' of the Municipal Plan, which provides a very small focus on alternative (green) energy development. Energy related policies within the City's Municipal Plan can be found in 'Section 7.8 - Energy Efficiency', which states the following:

7.8

### Energy Efficiency

The City is a recognized leader in municipal energy efficiency. The City has made significant investments to reduce its energy use and has developed and is using alternative energy sources to reduce the City's energy costs and environmental footprint. The City intends to continue to engage in public education and awareness efforts to encourage citizens to implement energy efficiency measures.

**Council shall:**

Policy NE-37	Continue to improve the energy efficiency of municipal service delivery, including facilities, equipment, fleet, street-lights, and procurement through the Municipal Energy Efficiency Program.
Policy NE-38	Explore and encourage the development and use of alternative energy sources, such as solar, wind, geothermal, biomass, and energy recovery.
Policy NE-39	Encourage excellence in energy efficiency in new development and in retrofitting of existing development.
Policy NE-40	Support public education and action on the use of alternative energy sources and energy efficiency measures.
Policy NE-41	Work with relevant agencies to develop and implement an Energy and Greenhouse Gas Emissions Plan for the City.

Figure 1: City of Saint John's Municipal Plan Policy – Energy Efficiency (Section 7.8)



The City has provided its intentions under Section 7.8 to “continue to engage in public education and awareness efforts to encourage citizens to implement energy efficiency measures”. This report is a small step in providing awareness into best practice research on developing green energy (specifically wind and solar) policy and zoning provisions.

Although the City of Saint John has provided encouragement to explore the development and use of alternative (green) energy, the City’s Municipal Plan has provided no direction to where these uses may be permitted under a specific existing or future land designation.

The City is a large municipality which is comprised of over 300 square kilometers of land. Council has identified that urban development is most appropriately located within the boundaries of the Primary Development Area (PDA). The Municipal Plan carefully manages land uses beyond the PDA in the Rural Areas to preserve the environmental features and functions of these lands, protect the rural character of these areas, and facilitate the continued use of these lands for rural resource use, where appropriate and permitted. The City of Saint John’s Municipal Plan identifies that developments of a larger stature associated with land use impacts (smell, noise, visual impact, etc.), such as large facilities (i.e. large scale alternative energy facilities), shall be located outside of the primary development land designations. Lands outside the Primary Development Area are generally described as Rural Areas. These lands are typically described through three sub-categories:

**Rural Resource Areas** are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries and/or forestry uses. New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and the relevant provisions of the Zoning Bylaw.

**Rural Settlement Areas** are the existing, historic communities of Martinon to Ketepec, Lorneville and Treadwell Lake. New, minor, low density residential development that is compatible with a rural lifestyle and with the existing community character will be permitted in these Rural Settlement Areas to support their continued vitality and to maximize existing investments in community infrastructure provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan.

**Rural Industrial Areas** have existing industrial uses, such as Canaport LNG and Coleson Cove Generating Station. New Rural Industrial Areas may be permitted in select circumstances provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan. Residential uses will not be permitted.

Figure 2: Municipal Plan - Rural Area(s) Descriptions

The Rural Resource Area land designation identified within the City's Municipal Plan provides that lands are intended to facilitate resource related activities, where appropriate. They provide examples, such as forestry operations, agriculture, fisheries, and extraction activities, including pits and quarries, but do not mention the use of alternative (green) energy developments or facilities. There is no prohibitive language within this section of the Municipal Plan in which deters alternative (green) energy developments. However, there is no language that clearly allows for this type of use. Furthermore, one of the City's Future Land Use Goals is to limit new developments within the City's Rural Land Designations:

*"Provide for limited new development in the City's Rural Areas, preserving the balance of these lands for the conservation of natural areas, limited residential infill and appropriate resource use."*

(Future Land Use Goals, Municipal Plan, pg. 50)

It is our understanding that alternative (green) energy developments could be considered within Rural Resource land designation, provided that alternative (green) energy developments are identified as "appropriate" for these areas and an amendment is made to the Municipal Plan.

Lands designated Rural Settlement Areas, should not be considered for alternative (green) energy use, as these lands contain greater risks of land use impacts associated with these facilities. Lands designated Rural Industrial within the Municipal Plan currently are no longer existent, as this land designation has been repealed by City Council (2014) and currently provide no direction on where these types of uses would be appropriate. It is not recommended to pursue alternative (green) energy development within this land designation.

In addition to 'Rural Areas', 'Employment Areas' also encourage and allow for larger developments and facilities. Lands designated for employment supply well located, high quality employment lands to accommodate the needs of business and industry. Employment Areas are defined within the City's Municipal Plan as:

**Employment Areas** are comprised of existing Industrial Parks, other existing industrial areas, Business Centres, and two areas of primarily undeveloped lands identified for new industrial and employment uses in Spruce Lake Industrial Park and McAllister Industrial Park. Employment Areas will generally not allow residential uses; these areas are generally single purpose industrial or business park uses, not appropriate in proximity to residential uses. Development will occur at lower densities as these uses generally require more land.

Figure 3: Municipal Plan - Employment Area Description

Industrial areas comprise a large proportion of the employment areas, and are established within the Municipal Plan through two industrial designations: the Light Industrial designation and the Heavy Industrial designation. New industrial land uses are generally not appropriate inside of the Primary Development Area. Many large-scale, industrial facilities (i.e. alternative energy developments or facilities), are best suited to their isolated locations outside of the Primary Development Area and may or may not be serviced with municipal servicing. The following industrial land designations are described as follows through Policy:

<b>Heavy Industrial Areas</b>	
Council shall:	
Policy LU-76	Create the Heavy Industrial land use designation on the Future Land Use map (Schedule B). The Heavy Industrial designation is intended to accommodate industrial operations which may have a significant detrimental effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods. Uses in the Heavy Industrial designation may utilize the City's water and wastewater systems.
2014, C.P. 106-8	
<b>Light Industrial Areas</b>	
Council shall:	
Policy LU-81	Create the Light Industrial land use designation on the Future Land Use map (Schedule B). The Light Industrial designation is intended to accommodate industries which generally do not create nuisances, such as noise, heavy truck traffic, smoke, dust, heat, particulate matter, or highly visible outdoor storage, which extend beyond the property line. Examples of such industries include, but are not limited to, light manufacturing and assembly, warehousing, wholesaling, distribution, research & development activities, equipment or vehicle servicing, sales or rental. Uses in the Light Industrial designation will be connected to the City's water and wastewater systems.

Figure 4: Municipal Plan - Industrial Area(s) Descriptions

Upon review of Employment Areas designated heavy and light industrial, it is recommended that lands designated 'Heavy Industrial', may be able to permit alternative (green) energy developments and/or facilities, provided that an amendment is made within the Municipal Plan.

In addition to Rural and Employment Areas, there are areas that are common to both the Primary Development Area (PDA) and Rural Areas; these include 'Parks and Natural areas'. These lands are intended to form a system of natural areas to help conserve natural ecosystems and include lands designated as park, lands identified as being environmentally sensitive or significant, lands located

adjacent to watercourses and lands within the City's protected watersheds, coastlines, and estuarine areas.

The Parks and Natural Areas states that these areas are

*"...generally not appropriate for any form of development, including resource use".*

(Park and Natural Areas, Municipal Plan, Pg.96)

The intent of this area is to protect and preserve the natural area. Provided that alternative energy developments and/or facilities (wind and solar) are not an environmental threat or risk to these areas within the City, which could be determined through a required Provincial Environment Impact Assessment (EIA), alternative energy uses could be permitted provided that the proponent meets all federal and provincial standards and the City deems the use appropriate for these lands.

### 2.1.1 Saint John Land Designations Best Suited for Green Energy Development

Through our brief review of the City's Municipal Plan (2011), we have identified no prohibitive language, which would prevent green energy developments from occurring within the near future. Furthermore, no specific land use objectives or energy related objectives are affected by the development of alternative (green) energy uses. However, there is indication of limiting use in many areas and lands designated around the City, more specifically resource uses which could include alternative (green) energy.

The City has provided their intentions to explore and encourage the development of alternative (green) energy and at this time has provided no restrictions through municipal planning policies. Provided that alternative energy proposals meet all provincial environmental standards and the City of Saint John deems this use 'appropriate', it is recommended that the following designations are best suited for alternative (green) energy developments and should be considered individually and collectively to permit this type of use:

- Rural Resource Areas;
- Heavy Industrial Areas; and
- Parks And Natural Areas



## 2.2 Saint John Zoning By-law (2014) Review

After reviewing the City's Zoning By-law, we have identified that the By-law is silent on "green or alternative energy", more specifically wind energy. The City's Zoning By-law does speak briefly to "Solar Collectors" under Section 8: General Provisions: Other Standards (8.1: Building and Structure Projections), which permits solar collectors in any yard. From this regulatory provision, we understand that solar energy is permitted on any property at a consumer or residential scale. However, there is no mention of small or large green energy (solar and wind) developments at a commercial scale mentioned within the City's Zoning By-law. Furthermore, there are no definitions in place within the City's Zoning By-law that would provide further direction on defining such developments.

With no prohibitions or direction provided through developed definitions identified within the City's Zoning By-law, a regulatory approach and design standards must be developed to best accommodate the City's needs in protecting the public and natural environment's welfare and encouraging future development.

The following sections of this report will explore best practices on regulatory approaches and design standards from a handful of communities across Atlantic Canada who have implemented policy and zoning provisions to allow for green energy developments (specifically wind and solar).

## 3.0

## Jurisdictional Best Practice Review

Planning is regulated under the *Community Planning Act* (2017) and the *Local Governance Act* (2017) which are administered by the New Brunswick Department of Environment and the New Brunswick Department of Local Government. The *Local Governance Act* provides the legislative framework for municipal powers and responsibilities. It outlines administrative, financial, and operational responsibilities. The *Community Planning Act* establishes the overall planning framework in the province, identifying planning jurisdictions, planning responsibilities and powers, and processes for adoption of planning policy, by-laws and regulations.

Municipal Plan approaches to green energy are limited in New Brunswick. For example, some identify the desirability of renewable (green) energy by making reference to goals around energy efficiency, such as the City of Saint John and the City of Miramichi. Most municipalities that have provided municipal policy for green energy developments and facilities have enabled wind turbines and solar farms in resource, rural, agriculture or conservation type zones and subject to terms and conditions. In addition to communities in New Brunswick, many communities in Nova Scotia have also developed policy and regulatory provisions for green energy and energy efficiency.

There are fairly significant variations among New Brunswick and Nova Scotia municipalities in their policy and regulatory responses to wind and solar energy in terms of the planning mechanisms used. A review of ten (10) municipalities between New Brunswick and Nova Scotia for green energy (specifically wind and solar) policy and zoning regulations was completed (Table 1). Three (3) cities in New Brunswick were reviewed (Fredericton, Moncton and Miramichi), which provided little information on policy and regulatory approaches for allowing green energy development. In fact, of the three reviewed, only the City of Miramichi allowed for as-of-right wind turbines or generators, provided zoning conditions were met within their zoning By-law. Neither the City of Moncton, nor the City of Fredericton provided information on permitting green energy development through their Municipal Plans or Zoning By-laws. Seven (7) municipalities within Nova Scotia were also reviewed. These municipalities provided more in-depth policy and regulatory provisions to allow and permit green energy developments. Municipalities in Nova Scotia provide a variety of regulatory approaches, as some municipalities permitted wind and solar farm developments through:

- As-of-right process;
- Development Agreement process;
- Restricted Overlay (Development Scheme) process;
- Site Plan Approval process; or
- By-law, separate from the municipalities Zoning By-law.

### Develop Saint John

Municipal Policy & Regulatory Amendments  
Municipal Policy & Regulatory  
Amendments Green Energy Development  
March 2019– 19-9084





Below are a number of municipalities within New Brunswick and Nova Scotia that provide a response and approach to permit green energy developments:

REGULATORY APPROACHES FOR GREEN ENERGY DEVELOPMENTS				
Municipality	Wind Turbine			Solar
	Mini/Micro Scale (~ 0 - 25 KW)	Small Scale (~ 0 – 100 KW)	Large Scale (100 KW or greater)	Small to Large Scale
Halifax Regional Municipality, (NS)*	AOR	AOR/RO	AOR/RO	N/A
Annapolis County (NS)	AOR	AOR	AOR	N/A
Town of Truro (NS)*	N/A	N/A	DA	N/A
County of Cumberland (NS)*	AOR/CU	AOR/RO	AOR/RO	AOR
Town of Bridgewater (NS)	AOR	AOR/CU	NP	N/A
East Hants (NS)*	AOR/CU	AOR/CU	SPA	N/A
County of Colchester (NS)*	N/A	BL	BL	N/A
City of Fredericton (NB)	N/A	N/A	N/A	N/A
City of Moncton (NB)	N/A	N/A	N/A	N/A
City of Miramichi (NB)	AOR/CU	AOR/CU	AOR/CU	N/A
Legend	DA – Development Agreement	CU – Conditional Use	BL – By-law	AOR – As of Right
	NP – Not Permitted	SPA – Site Plan Approval	RO- Restricted Overlay	N/A – No Information
	Municipalities of Interest = *			

Table 1: Regulatory Approaches for Green Energy Developments.

To better understand the benefits and challenges of each regulatory approach, municipal policies and associated zoning standards, the following five (5) municipalities (identified by a star in Table 1) were reviewed further to identify options and recommendations for green energy policy and zoning provisions for the City of Saint John:

1. Halifax Regional Municipality (HRM), NS
2. Township of Truro, NS
3. County of Cumberland, NS
4. East Hants, NS
5. County of Colchester, NS

## 4.0

## Options & Recommendations

The following section outlines options available to regulate green (wind and solar) energy developments. In light of the policy framework and jurisdictional review presented in this report, it should be clear that there is no consensus on many aspects of green energy development. Some controversy remains around some impacts of large energy developments (for example the question of a safe distance from wind-turbines for protection against noise impacts, or even the simpler question of how many birds and bats are killed by wind turbines). These controversies will likely continue into the future, at least until more research has been produced around the topic and its impacts, and as wind developments become more familiar, apparent and normalized. It should be recognized that the assertive development of green energy potential is in accord with broader New Brunswick, Atlantic Canadian, national and global concern and commitments regarding environmental protection and particularly global climate change. Renewable (green) energy has been generally accepted as one of the most promising and important energy technologies, the rapid timely growth of which is deemed critical in addressing these significant global and regional challenges.

Communities want to ensure that their interests and their properties are protected. Developers want clarity in what they can and cannot do and they too have an interest in ensuring that communities are protected and satisfied so as to prevent a backlash to this fairly young industry. Local governments need to carefully balance the need to protect the character, health and safety within communities against the desire for flexibility, respecting the strong desire to support alternative renewable energy options, the advantages associated with economic opportunities and from the industry. Each community therefore needs to consider its interests, values and its own unique socio-political circumstances in moving forward on wind energy legislation.

To establish effective and appropriate approaches to municipal policy and regulation of green energy developments within Saint John, this report and especially the planning tools and options presented in this section are meant to frame and inform (with the best information available) past approaches taken by communities that could be adapted by the City.

The following section is broken down into two major categories, which provide options and recommendations for further consideration:

1. Green Energy Municipal Policies (Municipal Plan Implementation)
2. Green Energy Requirements & Standards (Zoning By-law Implementation)



## 4.1

**Green Energy Municipal Policies (Municipal Plan)**

The following describes common municipal policies used by municipalities to address the various impacts associated with larger scaled green energy developments. Some municipalities have provisions to address a major issue directly (e.g. noise by-laws), while others have a framework that addresses several issues simultaneously (e.g. setback distances, accounting for noise, blade throw, ice throw, etc.). Depending on what type of planning policy mechanism is used (e.g., permitted use vs. development agreement) the approaches described below may be more prescriptive (e.g., by-laws) or discretionary (e.g., directions or requirements for inclusion in development application). To provide an in-depth understanding into what type of municipal policies are used by other municipalities, the following sections have been reviewed and provide options and recommendations on municipal policy for alternative (green) energy developments and facilities:

- Municipal Policy Framework
- Application Requirements (Criteria) & Associated Documentation;
- Decommissioning;
- Health & Safety;
- Regulatory Monitoring & Policy Review; and
- Public Consultation & Engagement.

#### 4.1.1 Municipal Policy Framework

After reviewing the City of Saint John's Municipal Plan and Zoning By-law and undertaking a jurisdictional best practice review of municipalities across Atlantic Canada, there are many policy framework approaches that can be developed to allow for alternative (green) energy development. The following Policy Framework options have been reviewed and a recommendation developed:

Municipality	Framework	Description	Model Recommended
Halifax Regional Municipality (HRM), NS	As-of-Right/ Zoning Overlay	Municipal Planning Policy permits renewable energy uses within specific zones under general standards, conditional standards, or both.	✓
Truro, NS	Development Agreement	The process results in a legal agreement of the range of conditions that the developer is required to meet.	
Cumberland, NS	Zoning Overlay	Municipal Planning Policy permits uses within specific zones under general standards, conditional standards, or both.	
East Hants, NS	Site Plan Approval	The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement of property improvements	
Colchester, NS	Separate By-law	A separate By-law permits development and is not associated with legislative planning requirements.	

Table 2: Municipal Plan - Policy framework analysis.

#### RECOMMENDATION

After considering all the different policy frameworks provided by other municipalities, it is recommended that a policy framework, similarly outlined by the Halifax Regional Municipality, NS, be developed to provide policy within **the Rural Resource, Heavy Industrial and Parks and Natural area designations** to allow for green energy development uses. Developing a prescriptive approach will provide an efficient less expensive approach to processing and regulating green energy developments. Furthermore, both Council and the general public will be able to provide feedback on the proposal during the provincially required Environmental Impact Assessment process and throughout the local planning process.

It is recommended that an **As-of-right regulatory approach** be considered by local council and City Staff, which would permit renewable (green) energy uses as-of-right, provided they meet both the general and conditional standards of their appropriate zones. This policy framework was recommended because it would provide the **greatest options for future development, while still protecting the social and environmental welfare of the City of Saint John.**



#### 4.1.2 Application Requirements (Criteria) & Associated Documentation

There is no clear example of a specified or formal application process for larger green energy developments. Each municipality has its own process to ensure that specific documentation and criteria have been met at all levels of government for the project at hand. One of the most comprehensive examples of an application process in Atlantic Canada is in Cumberland County, Nova Scotia. Cumberland's application process requires a tentative site plan showing all buildings, boundaries and natural features, and alterations of site and environment for 1 km in addition to meeting the requirements for the zone where the facility is located. Prior to construction the municipality also requires a final site plan, decommissioning plan, copies of documentation of approvals from Transport Canada and Nav Canada, copies of all environmental assessment documentation required under the Canadian Environmental Assessment Act and any approvals or certificates required under the Nova Scotia Environment Act and regulations. Furthermore, the municipality requires emergency response plans for site safety and adequate emergency service personnel training, and a professional engineer's design and approval of turbine base.

Another example of a comprehensive process is the Town of Truro. This Town requires a scaled plan with height and design configuration, including colour and lighting; location of proposed site and setbacks, topography, location and proximity to roadways and proposed access to site, distance to residential areas and other structures, existing and proposed vegetation, fencing and other security measures; written confirmation that turbine(s) will not affect telecommunications and radar; written confirmation that turbine(s) have been reviewed or will not require approvals from Transport Canada; graphic representation indicating visual impact of wind turbine on surrounding properties and from various vantage points throughout town; non-refundable processing fee plus advertising deposit; and any other information requested.

Municipality	Tentative Site Plan	Visual Impact Modelling Shadow Flicker analysis	Final Site Plan	Manufactures Information Environmental Approvals	Security Measures	Penalty / Enforcement	Transport Canada Approvals	Policy Model Recommended
Halifax Regional Municipality (HRM), NS			✓	✓			✓	
Truro, NS		✓	✓		✓		✓	
Cumberland, NS	✓				✓		✓	
East Hants, NS		✓	✓		✓	✓		✓
Colchester, NS		✓	✓	✓	✓	✓	✓	

Table 3: Municipal Plan - Application policy analysis.

**RECOMMENDATION**

It is recommended that **application and associated documentation policies**, similarly outlined by the Municipality of **East Hants, NS**, be developed to provide local council and City Staff with more control on green energy development and facility requirements. After considering all the different policies provided by other municipalities, it is recommended that policies specific to **visual impact, site plan requirements, security and environmental approvals** should be required by the City of Saint John. Please see **Appendix A** for example schedules developed by the Municipality of East Hants, Nova Scotia.

**4.1.3****Decommissioning**

While it is important to make provisions and plans for decommissioning of turbines before they are erected, municipalities face a significant challenge in enforcing requirements for decommissioning. Regardless of the challenges with enforcement, municipalities that have provisions for renewable energy development often include requirements regarding decommissioning. Municipalities vary in the detail they require from developers for decommissioning of turbine(s); some only require a date by which inactive turbines will be decommissioned. In some cases, the proponent of a green energy development will submit a status report to council within 3 months of a development not producing power which will identify the reason for the shut down and estimated timeframe to return to operational status. If the development is not operational within 1 year or longer, at the discretion of council, decommissioning of the development will commence according to management plan.

<b>Municipality</b>	<b>Policy</b>	<b>Example</b>	<b>Policy Model Recommended</b>
Halifax Regional Municipality (HRM), NS	-	-	
Truro, NS	✓	Policy G-42: i) "decommissioned turbines shall be removed within two years of the cease of operation;"	
Cumberland, NS	✓	Policy 4-57: "Council shall, through the Land Use By-law, establish requirements for the information to be provided and process to be followed for permitting, maintenance, and decommissioning of wind turbines."	
East Hants, NS	-	-	
Colchester, NS	✓	<p>"A copy of the applicant's Decommission Plan, which must identify the following:</p> <ol style="list-style-type: none"> <li>I. any above ground components of the Wind Power Project to be removed from the site along with any site remediation, excluding roads, required to return the site to a natural state;</li> <li>II. confirmation that Decommissioning will commence</li> </ol>	✓

**Develop Saint John**

Municipal Policy & Regulatory Amendments  
Municipal Policy & Regulatory  
Amendments Green Energy Development  
March 2019– 19-9084





Municipality	Policy	Example	Policy Model Recommended
		<p>within one (1) year after the Owner or Operator has surrendered the License or the Owner or Operator's License has been terminated;</p> <p>III. confirmation that Decommissioning will be completed within twelve (12) months after commencement; and</p> <p>IV. a cost estimate for carrying the Decommission Plan through to completion, prepared by an engineer who is licensed to practice in the Province of Nova Scotia or by another professional individual who has been deemed appropriate by the Development Officer to prepare the requisite cost estimate."</p>	

Table 4: Municipal Plan - Decommissioning policy analysis.

#### RECOMMENDATION

Three (3) of the five (5) municipalities of interest provided municipal policy on decommissioning wind turbines. It is recommended that **decommissioning policies**, similarly outlined by the **Municipality of Colchester, NS**, be developed to provide local council and City Staff with more control on decommissioning green energy development and facilities after their business life-span has ended. After considering all the different policies provided by other municipalities, it is recommended that policies specific to a **decommissioning plan** be developed, which outlines **remediation requirements, a time-line to remove all-above ground components, and a cost estimate** to carry out the decommissioning plan, should be required by the City of Saint John.

#### 4.1.4 Health and Safety

When developing municipal policy, health and safety is one of the most influential elements which assist in forming specific planning policies. For example, setbacks are the most common mechanisms used to protect the community against most of the associated issues (noise, visual impact, etc.) with green energy developments. In addition to municipal requirements set out in policy, other information or requirements are required by the Provincial Government for green energy developments, such as large scale wind turbines<sup>1</sup>.

The following health and safety policy-based approaches used by municipalities to protect their community have been identified below in Table 5. Separation distances and setbacks, which are also aligned within health and safety policies have been identified under section 4.3) Green Energy Zoning Standards of this report, due to the quantity of unique conditions and regulatory mechanisms that can be imposed.

Municipality	Ice Throw	Blade Throw	Fire Damage and Risk	Aviation Safety	Shadow Flicker	Height	Management Plan	Noise	Access / Roads	Setback Distances	Meteorological Towers	Telecommunications	Birds/Mammal Safety	Recommended
Halifax Regional Municipality (HRM), NS						✓			✓	✓				
Truro, NS					✓	✓		✓	✓	✓	✓	✓		✓
Cumberland, NS		✓				✓			✓	✓				
East Hants, NS		✓				✓		✓		✓				
Colchester, NS								✓	✓	✓	✓		✓	

Table 5: Municipal Plan - Health and safety policy analysis.

**RECOMMENDATION**

It is recommended that **Health and Safety Policies**, similarly outlined by the **Town of Truro, NS**, be developed to provide residents of Saint John with the greatest welfare. After considering all the different policies provided by the other municipalities of interest, it is recommended that policies specific to an in-depth review **to height, shadow flicker, noise, access, setback distances, and other requirements** be developed by the City of Saint John and required for all small and large scale green energy developments.

**4.1.5****Regulatory Monitoring and Policy Review**

Just as wind technology is changing, Municipal By-laws will also continue to change and adapt in response to technology changes and physical impacts associated with green energy developments. To address this notion, many municipalities have taken it upon themselves to review and regulate green energy developments within a shorter time-frame than the five (5) – year requirement, as stated within the Community Planning Act (2017). Undertaking a review every year or couple of years has allowed these municipalities to understand new pressures with green energy developments or facilities and provide an in-depth review and monitoring approach to their development.



Municipality	Monitoring Policy	Example	Policy Model Recommended
Halifax Regional Municipality (HRM), NS	-	-	
Truro, NS	-	-	
Cumberland, NS	✓	<b>Policy 4-53:</b> "Council may consider amending the Wind Turbine Restricted Overlay to add locations where a local tourism plan concludes that small- and large-scale wind turbines are not compatible with the goals of the tourism plan."	
East Hants, NS	✓	<b>AR39.</b> "Council shall periodically review the policies regulating the use of micro, small-scale and large-scale wind turbines."	✓
Colchester, NS	✓	"A Licence issued under this By-law will be in effect for twenty-five (25) years unless otherwise cancelled or suspended. If a License is not renewed pursuant to this By-law before the License expires, a License shall automatically terminate at the end of the twenty-five (25) year period of the License."	

Table 6: Municipal Plan - Monitoring policy analysis.

**RECOMMENDATION**

Three (3) of the five (5) municipalities of interest provided municipal policy on monitoring wind turbine developments. It is recommended that **monitoring policies**, similarly outlined by the **Municipality of East Hants, NS**, be developed to ensure green energy developments are **reviewed periodically** under no specific timeline but on a case-by-case basis. A Municipal Plan is to be reviewed every five (5) years, as per the Community Planning Act, which will be the longest period of time between each policy and provisional review of green energy facilities.

## 4.1.6

**Public Consultation, Education and Communication**

Community engagement, education, and consultation processes have been an integral part of nearly all of the above mentioned municipalities of interest. Often, the developer is proactive in beginning this engagement process early on, so as to address any concerns directly, rather than dealing with resistance once construction has begun. Organized opposition to wind development is not common, but individuals, who often live near the intended site, tend to have concerns or comments that need to be responded by the developer directly. The policy stage, at which municipalities establish their by-laws and procedures around wind power development, is also an important stage to engage in more specific communications around wind energy.

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By working with the public early during the planning phase of green energy developments and gathering local wind energy champions, project developers can gain a sense of history in the community while completing requirements set out within the Community Planning Act (2017). This is important in certain instances, as some communities may have resentment from previous wind developments within the community or Province. Such historical issues have posed challenges to developers who were not prepared for community opposition. It should also be noted that Provincial EIA projects require public consultation as part of the overall EIA process, including the requirements for First Nation consultation. The Department of Environment should be contacted for further details on these requirements.

#### **RECOMMENDATION**

It is recommended that a **discretionary approach** be developed, which provides a decision-making process that involves local council and the community. It should be noted that other forms of consultation and public engagement will be required by other governmental departments for green energy developments before the proponent may apply to the City of Saint John for a Building and Development Permit.

## **4.2 Green Energy Requirements & Standards (Zoning By-law)**

The following section describes common regulatory approaches and zoning standards used by municipalities to address the various impacts associated with larger scale green energy developments. The following sections have been reviewed to provide options and recommendations on the following elements to provide regulatory provisions for alternative (green) energy developments and facilities:

- Regulatory Approaches
- Zones of Permitted Use
- Separation Distances and Setbacks; and
- Application Requirements/Criteria

### **4.2.1 Regulatory Approaches**

There are a variety of planning mechanisms and tools used by municipalities for regulating green energy developments. Broadly speaking, these range from fairly prescriptive (e.g., permitted or conditional uses) to highly discretionary (e.g., rezoning, development schemes, and development agreements). On the prescriptive side of the development spectrum, applications for permitted uses are simply judged against a standard checklist of regulations. The application process is fairly simple and quick, but there is little flexibility in the evaluation system. At the discretionary end of the spectrum, applications are considered on a case by case basis and their suitability is determined through a consultative decision-making process that involves local council or commission and potentially the community, but it is a longer and more expensive process. The pros and cons of various mechanisms are further described on the following pages (Table 7).



Regulatory Approach	Description	Strengths	Challenges
<b>Permitted Uses (As-of-Right)</b>  <b>Example:</b> Halifax Regional Municipality, NS (Zoning Overlay)	Under typical planning legislation, a Zoning By-law enables local governments to identify uses of land that are permitted within certain zones subject to compliance with a set of prescribed standards. These standards may also be conditional based on the type of use, building or structure. Using this standard planning mechanism, a wind or solar development can be identified as a permitted or conditional use in a zone and therefore be permitted 'as-of-right' when it complies with prescribed standards.	<ul style="list-style-type: none"> <li>• Certainty to developers</li> <li>• Enables development of wind industry.</li> <li>• By using a set of predetermined criteria it ensures that projects will be evaluated against a consistent set of standards</li> <li>• Approvals can be obtained within a relatively short period of time.</li> <li>• Typically a less expensive approval process</li> <li>• Permitted Use standards can be varied, either by Committee or Development Officer through the Zoning By-law</li> </ul>	<ul style="list-style-type: none"> <li>• Generic approach that can exclude areas from development, which on a case by-case basis may be suitable.</li> <li>• Difficult to articulate quantitative regulations (ex: visual impacts are more difficult to manage through zoning standards)</li> <li>• No input from Municipal Council</li> <li>• No public input on application/proposal</li> </ul>
<b>Conditional Uses</b>  <b>Example:</b> Cumberland, NS	Under typical planning legislation, a Zoning By law enables local governments to identify uses of land that are permitted within certain zones subject to compliance with a set of prescribed standards. In addition to this, a use permitted in a zone can also be made subject to terms and conditions as imposed by a Planning Advisory Committee or Commission. These conditions must be related to health, safety, wellbeing and protection of properties within zone or abutting zones.	<ul style="list-style-type: none"> <li>• Establishes locational criteria</li> <li>• Enables flexibility in designing adequate conditions relevant to the site</li> <li>• Provides certainty to developers</li> <li>• Enables development of wind industry.</li> <li>• Approvals can be obtained within a relatively short period of time.</li> <li>• Typically a less expensive approval process</li> </ul>	<ul style="list-style-type: none"> <li>• Need for clear and concise criteria for mutual understanding of the assessment and potential conditions imposed.</li> <li>• Terms and conditions imposed are limited to health, safety and well-being and protection of properties within zone or abutting zones.</li> <li>• No ability to enforce decommissioning requirements</li> </ul>

Regulatory Approach	Description	Strengths	Challenges
<b>Wind Turbine Development By-law)</b>  <b>Example:</b> Colchester, NS	The Municipality of Colchester has developed a 'Wind Turbine Development By-law' that allows wind energy on all lands within the municipality, provided all regulations are met. This By-law does not fall under or abide by the Provincial Planning Regulations, as outlined in the <i>Municipal Government Act</i> (NS). Therefore, all regulations must be met with no option for variance. This By-law is permitted through General-Bylaw development provisions within the MGA (section 172). This process is applicable through section 10 of the <i>Local Governance Act</i> within NB.	<ul style="list-style-type: none"> <li>• Process allows all lands to be considered for development</li> <li>• The onus is more clearly on the developer</li> <li>• Public input, monitoring, and decommission planning is required</li> <li>• Approval process more streamlined</li> <li>• Allows for more detailed requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Less direct control provided to Council</li> <li>• No opportunity to vary conditions or requirements within the By-law.</li> <li>• Could be perceived as a challenge to the development</li> <li>• Not associated with Municipal Policy or Zoning By-law regulations</li> </ul>
<b>Development Scheme (Restricted Overlay Zone)</b>  <b>Example:</b> Cumberland, NS	The Development Scheme is a tool provided within typical planning legislation. A Development Scheme is a tool that carries out or amplifies any project, providing it is not inconsistent with a municipal plan. In this case, a use such as a wind or solar farm could be permitted subject to the statements, drawings and details included in the scheme. Council is the ultimate authority in determining conformance with the scheme. The Municipality of Cumberland has developed a restricted overlay map, which identifies areas that are not permitted for wind or solar energy development.	<ul style="list-style-type: none"> <li>• Development scheme could be used to identify the conditions that can be imposed and the scope of assessment, which provides clarity for the developer.</li> <li>• This process is site specific, and thus, can take into account site specific factors</li> <li>• Public input into the development scheme is required</li> <li>• More direct control provided to Council/Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Creates greater uncertainty for developers as the decision is subject to Council/approval</li> <li>• Development planning staff must have the appropriate skill set to make an informed decision on the development agreement requirements.</li> <li>• Process is a lengthier and at times onerous process, and requires a more significant investment of resources</li> </ul>



Regulatory Approach	Description	Strengths	Challenges
<b>Development Agreement</b>  <b>Example:</b> Truro, NS	Development agreements allow specific development standards to be negotiated in addition to those required by the existing regulatory framework (zoning by-law, subdivision plan etc.). The process results in a legal agreement of the range of conditions that the developer is required to meet. The agreement is registered against the property and runs with the land until it is discharged.	<ul style="list-style-type: none"> <li>• Can be used to supplement permitted uses or conditional uses</li> <li>• The onus is more clearly on the developer to identify and assess impacts</li> <li>• The process is site specific, and thus, can take into account site specific factors such as environmental impacts and development obstacles.</li> </ul>	<ul style="list-style-type: none"> <li>• Presupposes or requires the willingness of the developer to use the agreement.</li> <li>• Development planning staff must have the appropriate skill set to make an informed decision on the development agreement requirements.</li> </ul>
<b>Site Plan Approval</b>  <b>Example:</b> East Hants, NS	The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement of property improvements such as buildings, driveways, parking areas, landscaping, fences, light fixtures, waste collection areas, drains and municipal services. Municipal staff and commenting agencies review the drawings to ensure they comply with development standards, regulations and policies. The site plan approval process promotes functional and attractive development, while minimizing adverse impacts on surrounding land uses. Conditions will be imposed to ensure that development proceeds in accordance with the approved drawings.	<ul style="list-style-type: none"> <li>• Runs with the title of land</li> <li>• Stream-lined process</li> <li>• Places trust into Municipal Staff</li> <li>• Site Specific Controls</li> <li>• Provides more certainty to developers</li> <li>• No Council/PAC during approval process</li> </ul>	<ul style="list-style-type: none"> <li>• No public involvement</li> <li>• No Council Involvement</li> <li>• Less control than Development Agreements</li> <li>• Invested power to Development Officer</li> </ul>

Regulatory Approach	Description	Strengths	Challenges
<b>Rezoning or Integrated Development Zones</b>	<p>Another tool available under typical planning legislation is using a rezoning or the creation of an Integrated Development Zone to enable any given proposal.</p> <p>In either case, when a proposal is made to establish a wind turbine or a wind turbine farm, the zoning by-law could be amended to enable the proposed use. Once the change to the zoning by-law is approved, the development can proceed as a permitted use, however it may be subject to terms and conditions or an agreement as established under planning legislation.</p>	<ul style="list-style-type: none"> <li>• The process is site specific which allows the municipality to use the process to establish locational criteria without having to predetermine the location on the ground.</li> <li>• Provides a process through which the local government can require further study of the potential impacts of wind turbine development</li> <li>• The onus is more clearly on the developer</li> <li>• Provides a process through which the local government can enforce decommissioning and require financial bonds.</li> <li>• Public input into the development is required</li> <li>• More direct control provided to the Council</li> </ul>	<ul style="list-style-type: none"> <li>• Need for clear and concise criteria for assessment</li> <li>• Creates greater uncertainty for developers as the decision is subject to Council or Commission approval</li> <li>• There is greater potential (or perception thereof) that projects will not be treated evenly as agreements are project specific</li> <li>• The process is a lengthier and at times onerous process</li> <li>• Could be perceived as a challenge to the development</li> </ul>

**Table 7: Regulatory Approached taken by Municipalities on Wind Energy Development.**

### RECOMMENDATION

After considering all different regulatory approaches, it is recommended that a **discretionary approach**, which provides local council and community with an opportunity for feedback on a proposal, should be considered by the City of Saint John. Developing a discretionary approach will provide comprehensive approach to processing and regulating green energy developments. It is recommended that a **Rezoning approach be considered by City Council and Staff** to allow for alternative (green) energy uses as-of-right, provided they meet both the general and conditional standards of its appropriate zone. The rezoning approach would require text amendments to the zoning by-law to allow for specific zoning standards and conditions. It is anticipated that the new zoning standards and conditions would be developed in a new zone entirely.



## 4.2.2 Zones for Permitted Use

Table 8 below identifies which lands and which zones green energy developments are permitted:

Municipality	Permitted Zones	Permitted Use Approach Recommended
Halifax Regional Municipality (HRM), NS	HRM has established three overlay zones within the Land Use By-law to regulate wind energy facilities: <ul style="list-style-type: none"> <li>• Urban Wind (UW-1) Zone,</li> <li>• Rural Wind (RW-2) Zone and</li> <li>• Restricted (R) Zone.</li> </ul>	✓
Truro, NS	The Township of Truro has established that wind energy development may be permitted in the following zones: Commercial Zone; Industrial Zone; Community Use Zone; Rural Residential (R8) Zone; Watershed Residential (R9) Zone; or Environmental Management Zone excluding the Floodway (E3) Overlay or the Floodway Fringe (E4) Overlay where the underlying Zone is a Residential Zone other than the Rural Residential (R8) or Watershed Residential (R9) Zone.	
Cumberland, NS	The Municipality of Cumberland has permitted small land large-scale wind turbines in all zones, but shall prohibit small- and large-scale wind turbines on lands covered by the Wind Turbine Restricted Overlay.	
East Hants, NS	The municipality of East Hants has permitted wind energy developments within the Wind Energy (WE) Designation and implementing zone, which is used to regulate wind energy development in the region of East Hants.	
Colchester, NS	The Municipality of Colchester enables wind energy developments in all lands of the municipality, provided that it meets all regulatory provisions of the By-law.	

Table 8: Zoning By-law – Zones for Permitted Use Analysis

#### RECOMMENDATION

It is recommended that the City of Saint John **establish a new zone (Green Energy Zone)**, which can be used to regulate all small and large scale green energy developments. Proponents looking to develop a wind or solar energy development would need to **meet all municipal policies and zoning standards within their identified land designations and zone** in order to obtain a development permit for alternative (green) energy use.

### 4.2.3 Separation Distances and Setbacks

Separation distances are determined by such considerations as noise, blade and ice throw, and proximity to inhabited structures. Separation distances can be defined at the federal, provincial and municipal level. For example, some distances will be defined by federal agencies concerned with aeronautical safety, protection of fish habitat, navigable waters, species at risk, and migratory birds.

A setback describes the distance between a property line and a building. Separation distance would be used to describe the distance required to separate structures in other circumstances (separation based on noise levels, other structures, safety concerns, etc.). Due to the fact that the majority of the literature reviewed and the municipal by-laws surveyed used the term setback to describe both the technical definition and all other separation considerations, this report predominately uses the term setback to describe both mechanisms.

Some municipalities only have setbacks for regulating the placement of turbines in relationship to closest receptors or dwellings while other municipalities have a series of setbacks for dwellings on and off site, roads, property lines, other turbine developments, and special zones. An established setback from a neighbouring dwelling will protect residents within the dwelling from the unwanted impacts of wind turbines (e.g. noise) while an established setback from the property line will protect neighbouring properties in their entirety – thus for example, allowing neighbouring properties full liberty in building new structures anywhere on their site without having to worry about impacts of the wind turbines on any such new structures.

In some cases, the development of setbacks from either dwellings or property lines will greatly affect the ability of proponents to build wind turbines. In Nova Scotia, the County of Pictou changed its draft setback criteria from originally having setbacks for property lines to setbacks for dwellings since the lot sizes in the county were of the size which would severely restrict wind turbine development if based solely on property lines. The change to setbacks for dwellings allowed for greater opportunity for development of wind turbines. Similarly, the Municipality of Cumberland measures setbacks from “an existing building intended for human occupation on a neighbouring property,” not from property lines. This is to avoid problems associated with narrow properties (common in NB); putting the separation where it is needed and not inadvertently restricting development on neighbouring properties through a reverse application of setbacks.

Table 9 below identifies examples of setbacks used by the municipalities of interest for large scale wind turbines and offers a recommended approach for zoning standards set forth by the City of Saint John:



Type of Setback	Description	Examples	Setback Approach Recommended
Setbacks to dwellings on neighbouring property	Setback a minimum distance from any habitable building on an adjacent property.	<ul style="list-style-type: none"> <li>• <b>HRM - Urban Zone (Medium Facilities)</b> - set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.</li> <li>• <b>HRM – Rural Wind Zone (Large Facilities)</b> – set back a minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;</li> <li>• <b>Cumberland</b> – 600 metres or 3 times the height of the turbine, whichever is larger</li> <li>• <b>Colchester</b> - The minimum Setback for the location of a Large Scale Wind Turbine from an existing Dwelling on a neighbouring property is 1,000 metres,</li> <li>• <b>Colchester</b> - an applicant may request a reduction of the 1,000 metres minimum Setback provided by clause 5.2 of this By-law, to a minimum Setback of 700 metres, with written permission from all landowners who own parcels of land that share a common boundary with any parcels of land which form part of the Wind Power Project, in a form approved by the Development Officer from time to time.</li> <li>• <b>Truro</b> – 10 times tower height of wind turbine</li> </ul>	<ul style="list-style-type: none"> <li>• Set back a minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;</li> <li>• Reduction of the 1,000 metres minimum Setback to a minimum Setback of 700 metres, with written permission from all landowners who own parcels of land that share a common boundary with any parcels of land which form part of the Wind Power Project.</li> </ul>
Setbacks to dwellings on site	Setback a minimum distance from any habitable building on the subject property.	<ul style="list-style-type: none"> <li>• <b>Cumberland</b> – 1.25 times the height of the turbine</li> <li>• <b>Truro</b> – 3 times the total height of the wind turbine</li> </ul>	<ul style="list-style-type: none"> <li>• Setback a minimum of 1.25 times the height of the turbine</li> </ul>
Setbacks from property lines	Setback a minimum distance from any adjacent property boundary.	<ul style="list-style-type: none"> <li>• <b>HRM – Urban &amp; Rural Wind Zone</b>- a minimum distance of 1.0 times the tower height from any adjacent property boundary.</li> <li>• <b>Cumberland</b> – 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger.</li> <li>• <b>East Hants</b> - A large scale wind turbine shall be located not less than 4 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining property</li> </ul>	<ul style="list-style-type: none"> <li>• The minimum Setback for a Large Scale Wind Turbine from an External Property Line is one (1.1) times the Wind Turbine Height.</li> </ul>

Type of Setback	Description	Examples	Setback Approach Recommended
		lines; <ul style="list-style-type: none"> <li>• <b>East Hants</b> - setback at minimum 1.5 times the height of the turbine from publicly owned lands if the publicly owned lands are determined to be culturally insignificant.</li> <li>• <b>Colchester</b> - The minimum Setback for a Large Scale Wind Turbine from an External Property Line and public roads is one (1) times the Wind Turbine Height.</li> <li>• <b>Colchester</b> - The minimum Setback for the location of a Small Scale Wind Turbine from an External Property Line is two (2) times the Wind Turbine Height.</li> <li>• <b>Truro</b> – 3 times the total height of wind turbine</li> </ul>	
Setbacks from roads	Setback a minimum distance from public roads/streets	<ul style="list-style-type: none"> <li>• <b>Cumberland</b> – 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger.</li> <li>• <b>Colchester</b> - The minimum Setback for a Large Scale Wind Turbine from an External Property Line and public roads is one (1) times the Wind Turbine Height.</li> </ul>	<ul style="list-style-type: none"> <li>• Setback a minimum of 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger.</li> </ul>
Setbacks for multiple turbines on a site	Setback a minimum distance between turbines	<ul style="list-style-type: none"> <li>• <b>HRM</b> - Urban Zone a minimum distance between turbines equal to the height of the tallest tower.</li> </ul>	<ul style="list-style-type: none"> <li>• Setback a minimum distance between turbines equal to the height of the tallest tower</li> </ul>
Setbacks for multiple wind turbines on multiple properties	Setback a minimum distance between turbines on multiple properties (wind farm)	<ul style="list-style-type: none"> <li>• <b>Cumberland</b> - Four (4) times the height of the proposed wind turbine or four (4) times the height of the wind turbine external to the wind energy project, whichever is larger.</li> <li>• <b>Truro</b> – the minimum separation distances between turbines shall be 5 times the rotary diameter</li> </ul>	<ul style="list-style-type: none"> <li>• Setback a minimum distance of 4 times the height of the proposed wind turbine.</li> </ul>
Setback from Natural Gas pipeline right-of-way	Setback from natural gas pipeline	<ul style="list-style-type: none"> <li>• <b>Cumberland</b> – 85 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Setback a minimum of 85 metres</li> </ul>

Table 9: Zoning By-law - Setbacks and Separation Distance Analysis



#### 4.2.4 Application Process

The application process, whether for a permitted use, rezoning or development agreement, will require proponents to describe certain aspects of the proposed development. The following table (Table 10) lists elements that the City of Saint John may wish to include in the requirements in its application process. The following information was generated by compiling requirements from other application processes from the five (5) identified municipalities of interest.

<u>Content of Development Application</u>	<u>Recommended Requirement</u>
Project definition including installed turbine(s) capacity, targeted long term production levels, scale elevations or photos of turbines showing total height, tower height, rotor diameter and colour;	✓
Site plan showing all buildings, boundaries and natural features and alterations of site;	✓
Turbine manufacturer's specifications and professional engineer's design and approval of turbine base;	✓
Analysis of visual impact including the cumulative impact of other wind turbines and impact of overhead transmission lines, mitigation measures for shadow or reflection of light onto adjacent sensitive land uses;	✓
Analysis of noise impact including a map indicating all lands and sensitive receptors impacted and estimated noise levels at property lines and receptors;	
Impacts to the local road system including required approaches from public roads;	
Study to determine impact and mitigation for identified natural heritage features;	
Copies of completed forms from Transport Canada and Nav Canada for turbines taller than 30 m and 30.5 m respectively;	✓
Evidence of notification to DND and Nav Canada if within a 10 km radius of airfield;	✓
Copies of all documentation required for <i>Canadian Environmental Assessment Act</i> and <i>New Brunswick Environmental Impact Assessment Act</i> if applicable;	✓
Evidence of notification to DND, Nav Canada, Natural Resources Canada or other applicable agencies regarding potential radio, telecommunications, radar and seism acoustic interference if applicable;	✓
Evidence and results of public consultation if conducted;	✓
When placed on agricultural land, evidence of the continued use of prime agricultural land for farm use;	
Emergency response plans for site safety; and	
Decommissioning and reclamation plan.	✓

**Table 10: Zoning By-law - Application Requirement Analysis**

## 5.0

## Proposed Amendments

The following section describes proposed policy and regulatory amendments for the City of Saint John to address the various impacts associated with larger and small scale green energy developments. The following sections have been reviewed to provide recommendations on the following Bylaws for alternative (green) energy developments and facilities:

- Municipal Plan Policy Amendments; and
- Zoning By-law Amendments

## 5.1

### Municipal Plan Amendments

The proposed Municipal Plan amendments are provided below, in *green italics* for additions and ~~red strikethrough~~ for deletions.

#### a. The Rural Areas

Lands outside the Primary Development Area are generally described as Rural Areas and are not provided with municipal water and wastewater services. The Rural Areas will support limited growth and development which will be carefully controlled through Municipal Plan policy in order to encourage most development to take place within the Primary Development Area. Rural Areas include three sub-categories described as Rural Resource Areas.

**Rural Resource Areas** are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries, ~~and/or~~ forestry uses, *and alternative energy development, such as wind and solar.* New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and the relevant provisions of the Zoning Bylaw.

#### b. Lands Common to the Primary Development Area and the Rural Areas

**Park and Natural Areas** are currently in a primarily natural state or would benefit from re-naturalization and are not appropriate locations for development. Park and Natural Areas include wooded lands, lake shores, rivers, coastlines, and important geology and habitat. Through specific policies in Chapters 3 and 7, such as the provision of wildlife corridors, protection of environmentally sensitive/ significant areas, and guidelines for watersheds, riparian, coastal and



estuarine areas, the lands are intended to form a system of natural areas to conserve ecosystems.

*Due to the large provision of Park and Natural Areas in largely inaccessible areas of the city, Green Energy Developments, as defined within the City's Zoning By-law, are appropriate, subject to required provincial and federal approvals.*

### **Rural Resource**

The majority of lands within the City's Rural Areas are located in the Rural Resource Area designation. These lands are intended to facilitate resource related activities, where appropriate, such as forestry operations, *wind and solar energy development*, agriculture, fisheries, and extraction activities, including pits and quarries. Limited residential and other land uses may be contemplated.

#### **Policy LU-95**

Create the Rural Resource Area designation on the Future Land Use map (Schedule B). Council intends that land within the Rural Resource Area designation shall generally remain in their natural state, or subject to regulation and required approvals, be used for appropriate resource uses, including forestry operations, *wind and solar energy development*, agriculture uses, including livestock operations and the fishery, and extraction activities, including pits and quarries.

### **Parks and Natural Areas**

#### **Policy LU-110**

Create the Park and Natural Areas designation on the Future Land Use map (Schedule B). Council intends that the Park and Natural Areas designation will permit a range of conservation and appropriate recreational land uses permitted in the City's major regional and community parks, environmentally sensitive or significant areas, lands that are located adjacent to watercourses, lands adjacent to the City's coast lines, estuarine areas, significant archaeological and geological sites, historic sites, designated heritage places and cemeteries. Council may permit commercial recreation uses in the Park and Natural Area designation subject to appropriate standards in the Zoning Bylaw. *Council may permit wind and solar energy development in the Park and Natural Areas designation outside of the Primary Development Area, subject to federal and provincial environmental approvals and conditions and standards in the Zoning Bylaw.*

## 5.2 Zoning By-law Amendments

The proposed Zoning By-law amendments are provided below, in *green italics* for additions and ~~red strikethrough~~ for deletions.

### 5.2.1 Amended or New Definitions

The following is a list of definitions that will need to be created or amended to support regulatory provisions for the proposed Green Energy Zone:

*“Blade Clearance” means the distance from grade to the bottom of the rotor’s arc.*

*“Green Energy Development” means a project that accommodates renewable resource-related activities, such as a wind energy development or solar energy development.*

*“Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.*

*“Micro Scale Wind Turbine (MWT)” means a Wind Turbine providing on-site power to a home or business, with a power generation capacity of 10 kilowatts or less.*

*“Nacelle” means a component of a wind turbine that houses its generating components including, but not limited to, the gearbox, generator, drive train, and brake assembly.*

**“Other Zone”** means any zone denoted in this By-law as: Park (P), Environmental Protection (EP), Integrated Development (ID), Future Development (FD), Rural (RU), *Green Energy (GE)*, or a Special Zone.

*“Rotor’s Arc” means the circumferential path traveled by the wind turbine’s blade.*

*“Solar Energy Development” means a project in which one or more solar collector(s) will be installed.*

*“Solar Collector” means a single device that collects and/or concentrates solar radiation from the Sun. These devices are primarily used for active solar heating and allow for the heating of water for personal use. Without restricting the generality of this definition, a solar collector may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.*

*“Solar Collector System” means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector systems may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.*



**“Temporary Test Facility”** means temporary measurement towers or instruments for the assessment of potential wind energy resource.

**“Turbine Height”** means the measurement of a wind turbine from grade to the highest point of the rotor’s arc.

**“Large Scale Wind Turbine (LWT)”** means a Wind Turbine providing power to the local Utility grid, with a minimum power generation capacity of 100 kilowatts, and a maximum height of 200 metres.

**“Small Scale Wind Turbine (SWT)”** means a Wind Turbine providing on-site power to a home or business, with a power generation capacity between 11 and 99 kilowatts, inclusive, and a maximum height of 125 metres, which may also be used for net metering.

**“Wind Energy Development”** means a project in which one or more wind turbine(s) will be installed.

**“Wind Farm”** means a number of wind turbines that are spaced over a large area and are connected to the local utility grid.

**“Wind Test Tower”** means a temporary tower and mechanical device used to measure wind dynamics for potential wind turbine locations.

**“Wind Turbine”** means a mechanical structure designed to convert wind into electrical power.

**“Wind Turbine Separation Distance”** means the horizontal distance measured from the closest external face of the base of the wind turbine tower to any specified feature or object.

### 5.2.2 Other Zone Description

On page 204 of the City’s Zoning By-law, Table 14-1 shall identify the following permitted uses under the general list of uses allowed in the Other Zones:

Use	Zone Permitted
Wind Energy Developments	Green Energy
Solar Energy Developments	Green Energy

### 5.2.3 Green Energy Zone (Context, Permitted Uses, Conditions of Use, & Zone Standards)

The City of Saint John is to amend their existing Zoning By-law to create Section 14.10, which provides context and direction on permitted uses, conditions and zoning standards for the newly proposed Green Energy (GE) Zone. The following Zoning By-law amendments have been developed for the City’s consideration:



## 14.10 Green Energy Zone

### MUNICIPAL PLAN CONTEXT

The Green Energy (GE) zone accommodates renewable resource-related activities, such as wind and solar energy developments. Green energy operations are not considered permanent uses and these properties are intended to be rezoned back to an appropriate zone once a green energy development is no longer feasible and rehabilitated. The Green Energy (GE) zone is intended for land outside of the Primary Development Area that is designated Rural Resource; Heavy Industrial; or Parks and Natural Areas.



### 14.10(1) PERMITTED USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Wind Energy Developments; and
- Solar Energy Developments; and

The above main uses may also include any of the following as an accessory or secondary use:

- Caretaker Dwelling;
- Office and Storage Buildings; and
- Parking;

### 14.10(2) GENERAL

- a) Nothing in this Bylaw shall exempt developers from obtaining all necessary federal and provincial approvals from agencies, such as, but not limited to, Department of Environment, Department of Energy and Resource Development, Department of National Defense, Transport Canada, NAV Canada, and Saint John Energy.
- b) An accessory or secondary use permitted in subsection 14.10(1) shall be subject to the following:
  - i. The building shall have a minimum ground floor area of 65 square metres;
  - ii. The building shall be placed on a lot so that its length is parallel to the street; and



- iii. If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.
- c) Wind Turbines exceeding 6 metres (20 feet) shall not be mounted on or attached to any other structure.

### 14.10(3) ZONE STANDARDS: SETBACKS

Green Energy Developments, as permitted under section 14.10(1), shall have the minimum separation distances, as outlined below:

- a) Subject to paragraph 14.10(8)(b), the minimum distances stipulated herein shall be maintained between any Green Energy Development upon land with respect to which a development permit has been issued:

From	Minimum Separation Distance		
	Solar Collector System	Small Wind Turbine (SWT)	Large Wind Turbine (LWT)
i. Habitable building(s) external to the project (adjacent properties)	100 metres	750 metres	1000 metres
ii. Habitable building(s) internal to the project (on site)	20 Metres	1.25 times the Turbine Height	1.25 times the Turbine Height
iii. Property lines external to the energy project	20 Metres	2 times the Turbine Height	1 times the Turbine Height

- b) Subject to Paragraph 14.10(8), the Applicant is to provide documentation that all setback and separation distance regulations, stipulated by the Provincial and Federal Government, have been satisfied.
- c) If a Wind Energy Development is expanded, the expansion shall not be located any closer to new habitable buildings that were permitted under subsection (a).
- d) There is no limit on the number of Small or Large-Scale Wind Turbines permitted on a site, provided all of the turbines meet setback and separation distance requirements.

### 14.10(4) ZONE STANDARDS: ACCESS

- a) A Green Energy Development shall be protected from unauthorized access by:
  - i. having a security fence, which shall have a minimum height of 1.8 metres and a lockable gate; or

- ii. having any ladder or permanent tower access located no closer to the ground than 3.7 metres; or
- iii. for monopole designs with internal access only, a lockable door.

#### **14.10(5) ZONE STANDARDS: SCREENING**

- a) A buffer(s) shall be in place prior to the start of a Solar Energy Development. On-site material may be used for constructing buffers and berms, provided that the treed and/or landscaped berm is 4 metres in height to visually screen the site and associated activities. If trees do not exist in quantities to adequately screen the visibility of the operation from a public street or adjacent residential properties, the applicant shall construct a treed and landscaped berm 4 metres in height to visually screen the site and associated activities.
- b) The location of buffers, present or proposed, shall be identified on the applicant's site plan(s).

#### **14.10(6) ZONE STANDARDS: HEIGHT**

- a) Notwithstanding other provision herein, a Small-Scale Wind Turbine shall have a maximum Turbine Height of 125 metres.
- b) Notwithstanding other provision herein, a Large-Scale Wind Turbine shall have a maximum Turbine Height of 200 metres.
- c) The minimum ground clearance for a Rotor Blade shall be 7.5 metres.

#### **14.10(7) CONDITIONS OF USE & OPERATION**

A development permit under subsection 14.10(9) is subject to the following terms and conditions:

- a) Appearance
  - i. A Green Energy Development shall have a non-reflective matte finish.
- b) Lettering and Signage
  - i. A Wind Turbine shall not contain any commercial advertising;
  - ii. The Nacelle of a Wind Turbine may display the name or logo of the manufacturer of the Wind Turbine or the name or the logo of the Owner or Operator of the Wind Turbine, which shall not exceed 5% of the total surface area of the wind turbine; and
  - iii. Site signs will be limited to those which identify the Green Energy Development, those which locate access points and those which provide safety and educational information.
- c) Lighting
  - i. A Wind Turbine shall not have artificial lighting, except for lighting that is required by Transport Canada or other Provincial or Federal regulatory authorities.
- d) Temporary Test Tower Facilities
  - i. Temporary Test Tower Facilities may remain erected for a maximum of two (2) years after the issuance of a development permit, after which time any such Temporary Test



Tower Facilities must be dismantled unless an Owner and/or Operator satisfies that the Temporary Test Tower Facilities continue to be necessary.

- e) Outdoor Storage
  - i. Outdoor storage shall be considered an accessory use to a Green Energy Development, and any such outdoor storage occurring after the completion of installation or construction of the Project shall be screened from the view from adjacent Dwellings and public roadways.
- f) Requirements of the Applicant During the Construction Phase
  - i. Within two (2) months of the installation of a Wind Turbine or the completion of a phase in a multi-phased Wind Power Project, the applicant will submit a Location Certificate prepared by a surveyor who is licensed to practice in the Province of New Brunswick or a drawing prepared by an engineer who is licensed to practice in the Province of New Brunswick which confirms that the location of the installed Green Energy Development and is in compliance with the minimum Setbacks as required in this By-law.

#### **14.10(8) DEVELOPMENT PERMIT APPLICATION**

A person seeking to obtain a development permit shall be the owner or agent of the land proposed to be developed and shall make application in writing to the Development Officer and such application signed by the applicant shall contain:

- a) A site plan, drawn to scale by an engineer or surveyor who is licensed to practice in the Province of New Brunswick, showing the proposed location of the Wind Turbines, Solar Collector Systems, and accessory components of the Green Energy Power Project.
- b) A plan, drawn to scale by an engineer or surveyor who is licensed to practice in the Province of New Brunswick, showing the location of adjacent structures and land parcels and identifying all dwellings, structures, public and private roads and right-of-ways within two (2) kilometres of any proposed Green Energy Development. The plan must also demonstrate compliance with the required minimum setbacks, where applicable, for the entire Green Energy Project. The plan must also include tables which provide the distance, in metres, from each Wind Turbine or Solar Collector System to external property lines and dwellings.
- c) The results of a Wind Turbine Noise Modelling Study, if undertaken, or an equivalent study, which demonstrates that the Wind Power Project will have an Ambient Degradation Noise Standard.
- d) If applicable, a copy of an Environmental Assessment and notice of the issuance of any Federal and/or Provincial approvals, along with any changes, comments or conditions imposed by Federal and/or Provincial regulatory authorities.
- e) A certified copy of the complete manufacturer's specifications for all proposed Wind Turbines and Solar Collector(s).

- f) A copy of the applicant's Decommissioning Plan, which must identify the following:
- i. any above ground components of a Wind or Solar Energy Development to be removed from the site along with any site remediation, excluding roads, required to return the site to a natural state;
  - ii. confirmation that Decommissioning will commence within one (1) year after the Owner or Operator has surrendered the License or the Owner or Operator's License has been terminated;
  - iii. confirmation that Decommissioning will be completed within twelve (12) months after commencement; and
  - iv. a cost estimate for carrying the Decommission Plan through to completion, prepared by an engineer who is licensed to practice in the Province of New Brunswick or by another professional individual who has been deemed appropriate to prepare the requisite cost estimate.
- g) Written acknowledgement from the landowner(s) of the parcel(s) of land which form part of the proposed Green Energy Development that the Municipality shall not be liable for any costs, fees or expenses of any kind which may be incurred by the landowner in relation to the Decommissioning of the Green Energy Development in the event that the Decommission Plan is not completed to the landowner's satisfaction or in accordance with any agreement that may have been entered into between the landowner and the applicant.
- h) If applicable, confirmation that the applicant has given notice to, and has received approval from, any Federal or Provincial regulatory authorities including but not limited to the Department of National Defense, Natural Resources Canada, Transportation Canada, NAV Canada and any other applicable department or agency with respect to any potential radio, telecommunications, radar and seismoacoustic interference that may result from the proposed Green Energy Development. Copies of all such approvals must be obtained and provided to the Development Officer before an application will be considered complete.
- i) If any other information that may be requested by the Development Officer to ensure compliance with the requirements of this By-law, including any other information that the Development Officer deems necessary as a result of any community meetings.



**14.10(9) Development Permit**

- a) Subject to paragraph 14.10(9)(c), the Development Officer may issue a development permit where:
  - i. An application under this section has been received; and
  - ii. The proposed site rehabilitation of the land for which a development permit has been sought has been approved by the Development Officer as conforming with all requirements of this By-law.
- b) A development permit shall:
  - i. Be in the form prescribed by the Development Officer;
  - ii. Be signed by the Development Officer;
  - iii. Indicate the purpose of the work to be carried on; and
  - iv. Set out any controls or measures, which in the opinion of the Development Officer, shall be employed in the operation, including any conditions that may have been imposed by Council upon the rezoning of the site.
- c) No development permit may be issued under paragraph (b) if:
  - i. The proposed work would:
    - A. Create a hazard to human life;
    - B. Endanger adjoining property;
    - C. Adversely affect a municipal sanitary sewer, municipal water main, watercourse, or street; or
    - D. Not meet the conditions of use set out in the GE Zone.

**14.10(10) DECOMMISSIONING & SITE REHABILITATION**

- a) The land with respect to which a development permit has been issued shall be rehabilitated in a progressive manner in accordance with subsection 14.10(8)(f).
  - i. In accordance with the decommissioning plan, in accordance with subsection 14.10(8)(f), all above ground components of the Green Energy Development(s), including all buildings and storage facilities, Solar Collector Systems, Wind Turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within 18 months of the time at which the Green Energy Development cease to produce power continuously for a period of 6 months or, in a case where construction of the Green Energy Development is not completed, the time at which the development of the Green Energy Development ceases.

**14.7(11) Enforcement**

- a) A development permit shall expire within the following time periods from the date issued if the development has not commenced:
  - i. Two years for Green Energy Developments
- b) In the event of a contravention or failure to comply with any provision of this section, the Development Officer may suspend, or in the case of a continued violation, revoke, the

development permit, in writing, to be delivered by hand or by registered mail to the owner, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended development permit or issue a development permit if the conditions are corrected and all the requirements for the issuance of a development permit have been satisfactorily met.

## 5.2.4

**General Provisions: Uses Permitted in Multiple Zones Amendment**

The City of Saint John is to amend Section 9.19 of their existing Zoning By-law to permit the use of a Temporary Test Tower Facility in all zones:

**9.19 Uses Permitted in Zones**

Notwithstanding anything else in this By-law:

- (a) The following uses shall be permitted in all zones:
  - (i) [Repealed: 2016, C.P. 111-35]
  - (ii) Lane, Street, or Highway;
  - (iii) Minor Utility Service Building or Structure;
  - (iv) Pipeline;
  - (v) Railroad;
  - (vi) Stormwater Management Pond; [2016, C.P. 111-35]
  - (vii) Telecommunication Tower; ~~or~~
  - (viii) Temporary Parking Lots and Snow Lots authorized by The City of Saint John; *or*
  - (xi) *Temporary Test Facility*



## 6.0

## Closure

This study outlines a clear, process and recommended amendments to the City of Saint John's Municipal Plan and Zoning By-law, to create a permissive land use framework, and proactive regulations to manage this type of development within municipal boundaries. It is anticipated that this study will inform a future Municipal Plan Amendment and Zoning By-law text amendment application by Develop Saint John.



## Application for Site Plan Approval

### Large Scale Wind Energy Developments

Appendix C3

Property Owners Name:

Agent (if acting on behalf of owner):

Mailing Address:

Email:

Contact Person:

Description of Proposed Development:

Applicant's Signature

Date

**A site plan and information required by Appendix D must accompany this application.**

Date Application Received:

Initial:

Date Application Completed:

Initial:

Site Plan: ☐ Approved

☐ Refused

Development Officer's Signature

Date

\* Site plan to be circulated to property owners within 1000 m of the subject site.



## Requirements and Application for Large Scale Wind Developments

### Appendix E

#### Requirements for Large Scale Wind Turbines and/or Wind Farms

Item Guide	Description	
Site Plan	<p>Provide an accurate and to scale site plan addressing the following:</p> <ol style="list-style-type: none"><li>proposed location of wind turbine(s) and related structure(s), as well as existing structures,</li><li>proposed wind test tower sites,</li><li>proposed and existing roads,</li><li>adjoining property lines,</li><li>utility lines,</li><li>topography and contours,</li><li>proposed landscaping,</li><li>environmentally sensitive lands, and watercourses</li><li>direction of prevailing winds,</li><li>noise levels at adjoining property lines,</li><li>type, size and location of any proposed security fencing,</li><li>location of any proposed public safety signage, and</li><li>possible future site expansion.</li></ol>	
Impact Study	<p>Provide an impact study examining how the proposed wind turbine or wind farm will affect neighbouring properties and community, including an assessment on:</p> <ol style="list-style-type: none"><li>visual impact, including:<ol style="list-style-type: none"><li>how the turbine modifies the landscape, e.g. shadow flicker, wind patterns, lighting, ice throws,</li><li>visual perspective of the local community,</li><li>visibility of the development from public viewpoints, and</li><li>proximity to conservation areas, as well as, provincial and municipal parks.</li></ol></li><li>noise impact including:<ol style="list-style-type: none"><li>existing background noise levels,</li><li>expected noise levels associated with construction and operation of the wind development,</li><li>if any, the effects increased noise levels will have on residents and wildlife near the wind development, and</li><li>decibel ratings for all equipment required in the wind development.</li></ol></li></ol>	
Visual Representation	<p>Provide a visual representation including scale elevations, colour and proportion of wind turbine(s), photographs and/or digital representations showing placement and landscaping.</p>	
Manufacturer's Details	<ol style="list-style-type: none"><li>the turbine rated output in Kilowatts,</li><li>sound characteristics,</li><li>type of material used in tower, blade, and/or rotor construction,</li><li>suggested footing construction (engineered plans), and</li><li>safety features.</li></ol>	
Decommissioning/Reclamation	<p>Provide a plan for decommissioning and reclamation of the land.</p>	
Application	<p>Complete the application for site plan approval in Appendix B.</p>	
Regulation	Amendment Date	Description

## References

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<sup>i</sup> (<https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/SectorGuidelines/WindTurbines.pdf>)



**BY-LAW NUMBER C.P. 106-XX  
A LAW TO AMEND THE  
MUNICIPAL PLAN BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Municipal Plan By-law of The City of Saint John enacted on the 30th day of January, A.D. 2012 is amended by:

- 1) Deleting a portion of Section 7.8 Energy Efficiency and replacing it with the following:

“Policy NE-38

Explore and encourage the development and use of alternative energy sources, such as solar, wind, geothermal, biomass, and energy recovery. These developments shall occur in the appropriate Green Energy zone, and will be accommodated in Rural Resource and Parks and Natural Areas ”

- 2) Deleting a portion of Section 2.4 The Rural Areas and replacing it with the following:

“Lands outside the Primary Development Area are generally described as Rural Areas and are not provided with municipal water and wastewater services. The Rural Areas will support limited growth and development which will be carefully controlled through Municipal Plan policy in order to encourage most development to take place within the Primary Development Area. Rural Areas include three sub-categories described as Rural Resource Areas.

**Rural Resource Areas** are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries, forestry uses, and alternative energy development, such as wind and solar. New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and relevant provisions of the Zoning Bylaw.”

**ARRÊTÉ N° C.P. 106-XX  
ARRÊTÉ MODIFIANT L'ARRÊTÉ  
RELATIF AU PLAN MUNICIPAL**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

L'Arrêté concernant le plan municipal de The City of Saint John, édicté le 30 janvier 2012, est ainsi modifié :

- 1) Le Plan municipal est modifié par suppression, à la section 7.8 Efficacité énergétique, de la politique NE-38 et son remplacement par ce qui suit :

« Politique NE-38

Étudier et encourager le développement et l'utilisation de sources d'énergie de remplacement telles que l'énergie solaire, éolienne, géothermique, de biomasse, et la récupération d'énergie. Ces aménagements auront lieu dans les zones d'énergie verte qui conviennent et seront accueillis dans les secteurs de ressources rurales et les parcs et aires naturelles. »

- 2) Le Plan municipal est modifié par suppression d'une partie de la section 2.4 Secteurs ruraux et son remplacement par ce qui suit :

« Les terrains situés hors du principal secteur de développement sont généralement considérés comme des secteurs ruraux et ne reçoivent pas les services municipaux d'alimentation en eau et d'évacuation des eaux usées. Les secteurs ruraux accueilleront une croissance et un développement limités, qui seront soigneusement contrôlés grâce à des politiques du plan municipal qui encourageront la majeure partie du développement à se diriger vers le principal secteur de développement. Les secteurs ruraux comprennent trois sous-catégories appelées secteurs de ressources rurales.

**Les secteurs de ressources rurales** sont surtout des terrains non aménagés qui peuvent se prêter

- 3) Deleting a portion of Section 2.5 Lands Common to the Primary Development Area and the Rural Areas and replacing it with the following:

“The Parks and Natural Areas and the Federal Transportation categories apply to lands within the PDA and to the Rural Areas.

**Parks and Natural Areas** are currently in a primarily natural state or would benefit from re-naturalization and are not appropriate locations for development. Park and Natural Areas include wooded lands, lake shores, rivers, coastlines, and important geology and habitat. Through specific policies in Chapters 3 and 7, such as the provision of wildlife corridors, protection of environmentally sensitive/significant areas, and guidelines for watersheds, riparian, coastal and estuarine areas, the lands are intended to form a system of natural areas to conserve ecosystems. Due to the large provision of Park and Natural Areas in largely inaccessible areas of the city, Green Energy Developments, as defined within the City’s Zoning By-law, are appropriate, subject to required provincial and federal approvals.”

- 4) Deleting a portion of Section 3.6.1. Rural Resource Area and replacing it with the following:

“The majority of lands within the City’s Rural Areas are located in the Rural Resource Area designation. These lands are intended to facilitate resource related activities, where appropriate, such as forestry operations, wind and solar energy development, agriculture, fisheries, and extraction activities, including pits and quarries. Limited residential and other land uses may be contemplated.”

Policy LU-95

Create the Rural Resource Area designation on the Future Land Use map (Schedule B). Council

à une exploitation de ressources rurales comme les carrières et ballastières, les utilisations forestières et le développement des énergies de remplacement, telles que l’énergie éolienne et solaire. De nouvelles utilisations liées à l’exploitation de ressources peuvent être autorisées dans les secteurs de ressources rurales, pourvu que la proposition satisfasse aux critères formulés dans le chapitre sur l’utilisation des sols du plan municipal et les dispositions pertinentes de l’arrêté de zonage. »

- 3) Le Plan municipal est modifié par suppression d’une partie de la section 2.5 Terrains communs au principal secteur de développement et aux secteurs ruraux et son remplacement par ce qui suit :

« Les catégories des parcs et aires naturelles et des secteurs de transport fédéral s’appliquent aux terrains dans le principal secteur de développement aussi bien qu’à ceux des secteurs ruraux.

Les **parcs et aires naturelles** sont actuellement dans un état essentiellement naturel ou bénéficieraient d’une renaturalisation et ne sont pas des endroits propices au développement. Les parcs et aires naturelles comprennent des terrains boisés, des rives de lacs, des rivières, des côtes ainsi que des sites géologiques et des habitats importants. Grâce à des politiques particulières énoncées aux chapitres 3 et 7, notamment l’aménagement de corridors fauniques, la protection de secteurs écosensibles ou écologiquement importants et des directives concernant les bassins hydrographiques et les zones riveraines, côtières et estuariennes, il est prévu que ces terrains formeront un système d’aires naturelles afin de conserver les écosystèmes. En raison de la grande quantité de parcs et aires naturelles dans des secteurs de la municipalité qui sont, en grande partie, inaccessibles, les aménagements d’énergie verte, au sens de ce terme défini dans



intends that land within the Rural Resource Area designation shall generally remain in their natural state, or subject to regulation and required approvals, be used for appropriate resource uses, including forestry operations, wind and solar energy development, agriculture uses, including livestock operations and the fishery, and extraction activities, including pits and quarries.

Provide that wind and solar energy developments may be located in the Rural Resource Area designation provided that the land is rezoned to the Green Energy Zone. The Green Energy Zone defines the specific performance standards for their operation, and the rehabilitation of operative and inoperative wind and solar energy developments. In considering applications to rezone a property to the Green Energy Zone, Council shall ensure the proposed use can demonstrate compliance with all of the zone provisions, including:

- a) The proposal is in conformity with the goals, policies and intent of the Municipal Plan and the requirements of all City bylaws;
  - b) Compatibility with and/or minimal impact on existing adjacent land uses;
  - c) Submission of measures to mitigate storm water drainage, noise, and other impacts.
  - d) Where appropriate, the provision of visual screening for solar energy developments;
  - e) Measures to ensure decommissioning and rehabilitation of the site;
  - f) All application policies from Section I-2
- 5) Deleting a portion of Section 3.7.1. Parks and Natural Areas and replacing it with the following:

“Policy LU-110

Create the Park and Natural Areas designation on the Future Land Use map (Schedule B). Council intends that the Park and Natural Areas designation will permit a range of conservation and

l’arrêté de zonage de la municipalité, seront permis, sous réserve des approbations provinciales et fédérales requises. »

- 4) Le Plan municipal est modifié par suppression d’une partie de la sous-section 3.6.1 Secteur de ressources rurales et son remplacement par ce qui suit :

« La plupart des terrains dans les secteurs ruraux de la municipalité se trouvent à des endroits désignés comme secteurs de ressources rurales. Leur raison d’être est de faciliter, aux endroits appropriés, les activités liées aux ressources, par exemple les opérations forestières, les parcs éoliens et solaires, l’agriculture, la pêche et les activités d’extraction, y compris les carrières et les ballastières. Des utilisations résidentielles limitées et d’autres utilisations des sols pourront être envisagées. »

Politique LU-95

Établir la désignation de secteur de ressources rurales sur la carte d’utilisation future des sols (annexe B). L’intention du conseil est que les terrains ayant la désignation de secteur de ressources rurales demeurent généralement à leur état naturel ou que, sous réserve des règlements et des approbations requises, elles servent à des utilisations appropriées liées aux ressources, y compris les opérations forestières, les parcs éoliens et solaires, des utilisations agricoles – y compris les fermes d’élevage – et la pêche, et des activités d’extraction – y compris les carrières et les ballastières.

Prévoir que les parcs éoliens et solaires peuvent être exploités dans la désignation de secteur de ressources rurales, pourvu que les terrains soient rezonés zone d’énergie verte. La zone d’énergie verte prescrit les normes spécifiques de rendement de leur exploitation et la remise en état des parcs éoliens et solaires exploités ou non. Lorsqu’il étudie les demandes visant à rezoner une propriété en zone d’énergie verte,

appropriate recreational land uses permitted in the City's major regional and community parks, environmentally sensitive or significant areas, lands that are located adjacent to watercourses, lands adjacent to the City's coast lines, estuarine areas, significant archaeological and geological sites, historic sites, designated heritage places and cemeteries. Council may permit commercial recreation uses in the Park and Natural Area designation subject to appropriate standards in the Zoning Bylaw. Council may permit wind and solar energy development in the Park and Natural Areas designation outside of the Primary Development Area, subject to federal and provincial environmental approvals and conditions and standards in the Zoning By-law.

When reviewing an application for re-zoning, refer back to Policy LU-95"

le conseil s'assurera qu'il pourra être démontré que l'utilisation proposée respecte toutes les dispositions applicables à la zone, y compris les suivantes :

- a) la proposition est conforme aux objectifs, aux politiques et à l'intention du plan municipal ainsi qu'aux exigences de tous les arrêtés municipaux;
- b) la compatibilité avec les utilisations actuelles des sols adjacents et une incidence minimale sur celles-ci;
- c) la présentation de mesures visant à atténuer les effets, notamment au niveau du drainage des eaux pluviales et du bruit;
- d) là où ils conviennent, la présence d'écrans visuels pour dissimuler les parcs solaires;
- e) les mesures pour assurer la désaffectation et la remise en état du site;
- f) l'ensemble des mesures de mise en œuvre prévues à la politique I-2. »

- 5) Le Plan municipal est modifié par suppression de la politique LU-110 à la sous-section 3.7.1 Désignations communes d'utilisation des sols et son remplacement par ce qui suit :

« Politique LU-110

Établir la désignation de parcs et aires naturelles sur la carte d'utilisation future des sols (annexe B). L'intention du conseil est que la désignation de parcs et aires naturelles permette diverses utilisations des sols à des fins de conservation et de loisirs appropriées qui sont permises dans les grands parcs régionaux et communautaires de la municipalité, les zones écosensibles ou écologiquement importantes, les terrains en bordure des cours d'eau, les terres côtières de la municipalité, les terrains estuariens, les sites archéologiques et géologiques importants, les lieux d'intérêt historique, les lieux du patrimoine désignés et les cimetières. Le conseil peut permettre des utilisations commerciales récréatives dans les



secteurs désignés comme parcs et aires naturelles, sous réserve de l'adoption de normes appropriées dans l'arrêté de zonage. Il peut aussi permettre l'aménagement de parcs éoliens et solaires dans les secteurs désignés comme parcs et aires naturelles qui se trouvent à l'extérieur du principal secteur de développement, sous réserve de l'obtention des autorisations environnementales fédérales et provinciales et de la conformité aux conditions et aux normes prescrites par l'arrêté de zonage.

Au moment de l'examen d'une demande de rezonage, se reporter à la politique LU-95. »

- all as shown on the plans attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur les plans ci-joints qui font partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

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Mayor

---

Common Clerk/Greffier communal

First Reading -  
Second Reading -  
Third Reading -

Première lecture -  
Deuxième lecture -  
Troisième lecture -

## FINANCE COMMITTEE REPORT

M&C No.	2019 - 167
Report Date	July 08, 2019
Meeting Date	July 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: General Fund Debt Management Policy FAS-006***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Kevin Fudge</i></b>	<b><i>Kevin Fudge</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

*Be it resolved that:*

1. Finance Committee recommends that Common Council approve the General Fund Debt Management Policy FAS-006;

***EXECUTIVE SUMMARY***

It is recommended that Common Council approve the Debt Management Policy. Debt Management Policies are best practice for fostering a fiscally responsible City and a key instrument in the development of a robust Long Term Financial Plan.

***PREVIOUS RESOLUTION***

N/A

***REPORT***

The City's ability to finance infrastructure depends upon operating budget capacity, debt capacity and access to government grants. Relying on debt capacity can affect the City's sustainability based on its ability to afford principal and interest payments. The City must manage debt to ensure it is able to meet its financial and service objectives.

Financial policies provide the “rules” that shape financial decisions. When policies are effective they can enhance the financial health of governments. By contrast, weak policies can create fiscal instability. Financial policies provide the “rules” that shape financial decisions. When policies are effective they can enhance the financial health of governments. By contrast, weak policies can create fiscal instability. The Debt Management Policy establishes objectives, guidelines, targets and appropriate controls for the use and issuance of debt for the City. It is considered a best practice policy in promoting fiscal responsibility and the broader implications of issuing debt, as well as an important governance document to support the development of a long term financial plan.

The objectives of the Debt Management Policy is to:

1. Ensure the City obtains long term debt only when necessary, balancing financing needs and taxpayer affordability;
2. Ensure the City manages its debt such that future financial flexibility is maintained;
3. Ensure the City strategically obtains debt based on sound long term financial planning and targets.

The proposed Debt Management Policy includes ***conditions for the issuance of debt*** that will protect the City’s financial health:

1. Debt is issued both prudently and cost effectively according to the Long Term Financial Plan;
2. Debt is issued solely for the purpose of financing the projects approved in the Capital Budget and the Capital Investment Plan (CIP);
3. Debt is not used to fund operating or maintenance costs or be used as a tool to balance the operating budget;
4. The City shall promote a balanced debt management approach between maintaining an affordable debt level, maintaining infrastructure and accommodating growth;
5. Debt is structured to fairly distribute costs over time, taking into consideration inter-generational equity.

#### **DEBT LIMITS AND DEBT TARGETS FOR 2030**

The Debt Management Policy includes debt limits prescribed by Provincial Legislation, debt limits, and debt targets to improve the City’s financial health. The City shall only take on additional debt when existing debt is within the following legislative and policy debt limits:



### **Local Governance Act Legislative Limits**

- *A local government shall not, in any one year, borrow for its current operations any money in excess of the sum represented by 4% of the budget of that local government for that year or \$15K, whichever is greater;*
- *A local government shall not, in any one year, borrow for capital expenditures any money in excess of the sum represented by 2% of the assessed value of real property in that local government;*
- *The total amount of money borrowed by a local government for capital expenditures shall not exceed 6% of the assessed value of real property in the local government.*

### **City General Fund Debt Management Limits and Targets**

- General Fund Debt per Capita shall not exceed \$1600;
- The General Fund Debt Service Ratio shall not exceed 12%;
- The City's General Fund Debt as a percentage of Operating Budget shall not exceed 70%;
- The City's Target General Fund Debt per Capita Ratio shall be \$1175 by the year 2030;
- The City's Target General Fund Debt Service Ratio shall be 9% by the year 2030;
- The City's Target General Fund Debt as a percentage of Operating Budget is 50% by 2030;

### **REDUCTION OF THE CITY'S RELIANCE ON DEBT**

The Debt Management Policy supports reducing the City's reliance on long term debt to fund Capital Expenditures by promoting the gradual increase in funding of pay-as-you-go for capital over time. As described in the policy, Pay-as-you-go capital funding is best suited for the following reasons:

- To Fund Asset Renewal Projects;
- To Fund Assets with a Useful Life of less than 10 Years;
- Situations where additional debt could adversely impact the City's Financial Health;
- Situations where market conditions favour the use of cash rather than debt (for example, escalating interest rates)

The Policy will also allow the City Treasurer to utilize reserve funds as a source of funds for the internal financing of capital projects (rather than new debt). Effective cash management can be a strong tool in reducing long term debt.

## **CONCLUSION**

The Debt Management Policy is the 6<sup>th</sup> Financial Policy recommended by the Finance Committee. The Suite of Financial Policies will serve as pillars to improving the City's long term fiscal health. The Long Term Financial Plan debt covenants and targets overarching goal is to manage existing and future debt levels to minimize the impact of debt servicing costs on taxpayers and to create a balance between the use of debt and a pay-as-you-go approach. The Policy incorporates debt limits to ensure that debt obligations will not threaten the long-term financial stability of the City and place undue financial burden on taxpayers.

## ***SERVICE AND FINANCIAL OUTCOMES***

This report and recommendation are in alignment with best practices and will support future strong fiscal management.

[Click here to enter text.](#)

**ATTACHMENTS:** FAS 006 Debt Management Policy



SAINT JOHN

**Title: Debt Management**

Subject: <b>General Fund Debt Management Policy</b>	Category: <b>Finance and Administrative Services</b>
Policy No.: <b>FAS-006</b>	M&C Report No.:
Effective Date:	Next Review Date:
Area(s) this policy applies to: <b>Cross Corporate</b>	Office Responsible for review of this Policy: <b>Finance and Administrative Services</b>
Related Instruments: <b>FAS-001</b> Asset Management Policy <b>FAS-002</b> Investment Management Policy <b>FAS-003</b> Reserves Policy <b>FAS-004</b> Operating Budget Policy <b>FAS-005</b> Capital Budget Policy	Policy Sponsors: <b>Commissioner of Finance and Administrative Services</b>
	Document Pages: <b>This document consists of 7 pages.</b>

Revision History:

Common Clerk's Annotation for Official Record

Date of Passage of Current Framework: \_\_\_\_\_

I certify that this Policy was adopted by Common Council as indicated above.

\_\_\_\_\_

Common Clerk

\_\_\_\_\_

Date

Date Created:

Common Council Approval Date:

Contact:

**Finance and Administrative Services**





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## 1. POLICY STATEMENT

- 1.1. The Debt Management Policy does not apply to Saint John Water;
- 1.2. The Debt Management Policy is established to ensure that all debt is issued prudently and cost effectively in accordance with the Long Term Financial Plan;
- 1.3. The Debt Management policy objectives are as follows:
  - The City obtains debt financing only when necessary;
  - The City manages debt such that future financial flexibility is maintained;
  - The City strategically issues debt based on sound financial planning.
- 1.4. The Capital Investment Plan (CIP) is essential to intelligent planning of debt issuance by prioritizing potential capital investment and potential sources of financing.
- 1.5. All City debt issuance and management procedures will comply with the following legislation where applicable:
  - Province of New Brunswick *Local Governance Act*
  - Province of New Brunswick *Municipal Capital Borrowing Act*
  - Province of New Brunswick *Municipal Debentures Act*
  - Province of New Brunswick *Control of Municipalities Act*
  - Province of New Brunswick *Financial Corporation Act*

## 2. DEFINITIONS

**Sustainability** – means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Long Term Debt** – means financing with a term over 10-30 years with municipal bonds through the Municipal Finance Corporation or capital leasing as defined by the Public Sector Accounting Standards.

**Inter-Generational Equity** – means distributing the costs associated with capital investments across the generations which will be enjoying the benefits of the capital assets built today.

**Debt Term** – the period of time during which debt payments are made. At the end of the debt term, the loan is paid in full.

**Internal Financing** – means financing for capital purchases from reserve funds as permitted in FAS-003 Reserves Policy.

**Pay-As-You Go Financing** – means the use of operating funds for capital purchases as opposed to using debt or reserves.

### **3. ACCEPTABLE CONDITIONS FOR USE OF DEBT**

- 3.1. The City will issue long-term debt solely for the purpose of financing the projects approved in the Capital Budget and the Capital Investment Plan (CIP);
- 3.2. Long term debt shall not be used to fund operating or maintenance costs or used as a tool to balance the operating budget;
- 3.3. The Long Term Debt amortization period shall not exceed the life of the asset it is financing;
- 3.4. The City shall promote a balanced approach between maintaining an affordable debt level, maintaining infrastructure and accommodating growth by:
  - Utilizing this Policy in conjunction with the Asset Management Plan, FAS-005 Capital Budget Policy, FAS-004 Operating Budget Policy and FAS-003 Reserves Policy.
  - Integrating debt issuance with the Capital Budgeting process to determine the necessity, priority, and viability of the capital project.
  - Considering the Long Term Financial Plan, and analyzing the tolerance or capacity to absorb and manage new debt given future priorities.
- 3.5. Debt will be structured to fairly distribute the costs over time, taking into consideration inter-generational equity.
- 3.6. The City may also issue debt on behalf of an Agency, Board or Commissions (ABC) under its control pursuant to Generally Accepted Accounting Principles to further the public purposes of the City. The City shall take appropriate steps to confirm the financial feasibility of the project, the financial solvency of the ABC, and that the issuance of such debt is consistent with the policies set forth herein;
- 3.7. This Policy does not apply for the use of Short Term debt instruments.



#### 4. DEBT LIMITS AND DEBT CAPACITY

4.1. The New Brunswick Local Governance Act stipulates that:

- A local government shall not, in any one year, borrow for its current operations any money in excess of the sum represented by 4% of the budget of that local government for that year or \$15K, whichever is greater.
- A local government shall not, in any one year, borrow for capital expenditures any money in excess of the sum represented by 2% of the assessed value of real property in that local government.
- The total amount of money borrowed by a local government for capital expenditures shall not exceed 6% of the assessed value of real property in the local government.

4.2. The City's capacity to issue debt is directly related to Taxpayer's ability to service the payments required on the debt. Three key performance indicators will be benchmarked and measured and the following debt limits shall be applicable:

- **Debt per Capita:** This measurement can provide elected officials with a trend of overall debt outstanding by measuring how much debt the City has per citizen. **General Fund Debt per Capita shall not exceed \$1600;**
- **Debt Service Ratio:** This measurement allows elected officials to be aware of the amount of the current year's annual operating budget which is devoted to servicing debt. **The General Fund Debt Service Ratio shall not exceed 12%;**
- **Total Debt Outstanding as a Percentage of Operating Budget:** This measurement identifies the percentage of annual operating revenues that would be required to extinguish the City's outstanding debt. **The General Fund Total Debt Outstanding as a Percentage of Operating Budget shall not exceed 70%;**

4.3. Additional debt is only permissible when existing debt is within these limits, the limits will be reviewed and updated on an annual basis;

4.4. The City's General Fund target Debt Per Capita is \$1175 by 2030, the City's Debt Service Ratio Target is 9% by the year 2030 and the City's General Fund Target Debt Outstanding as a Percentage of Operating Budget is 50% by 2030.

4.5. Long Term Debt Term shall be in accordance with the Debt Management Plan.

## **5. DEBT ISSUANCE**

- 5.1. A resolution of Council is required for all new debt issues.
- 5.2. The debt issuance process generally follows the steps below:
- Notice of motion: Council gives notice of intent to borrow after 30 days from the day of Council resolution;
  - After expiration of 30 days, Council authorizes staff to issue and sell to the New Brunswick Municipal Finance Corporation debentures at such terms and conditions recommended by the Corporation;
  - Application form filled out and submitted to the New Brunswick Municipal Finance Corporation;
  - New Brunswick Municipal Finance Corporation advises the City of the actual bond issue; and
  - Staff reports back to Council regarding terms of the issue, coupon rate, price, average yield and settlement date.
- 5.3. Debt is structured to fairly distribute the costs over time, taking into consideration intergenerational equity;

## **6. INTERNAL FINANCING**

- 6.1. The City may use reserves as a source of funds for the internal financing of capital projects as approved by Council. Any borrowing from reserve funds shall comply with Policy FAS-003 Reserves Policy.

## **7. PAY-AS-YOU-GO FINANCING**

- 7.1. The City will seek to gradually increase pay-as-you-go as an option for financing capital over time. Factors which favor pay-go financing include:
- Asset Renewal Projects;
  - Assets with a useful life that is less than 10 years – for example, IT equipment and road maintenance;
  - Situations where additional debt could adversely impact the City's financial health;
  - Situations where market conditions favour the use of cash rather than debt (for example, escalating interest rates)

## **8. REPORTING**

- 8.1. The total debt outstanding, and total annual debt service payments will be reported in the annual consolidated financial Statements;
- 8.2. Key performance indicators for debt will be measured and tracked in the City's Annual Financial Health Report Card;
- 8.3. Long-term debt will be forecasted over the long term in a Debt Management Plan based on the Capital Investment Plan as part of the City's Long-Term Financial Plan.

## **9. ROLES AND RESPONSIBILITIES**

### **9.1 Council shall:**

- 9.1.1 Approve the Debt Management Policy;
- 9.1.2 Approve new debt issues; and
- 9.1.3 Approve budgets sufficient to provide for the timely payment of principal and interest on all debt.

### **9.2 Finance Committee shall:**

- 9.2.1 Review borrowing requirements for alignment with the Long Term Financial Plan; and
- 9.2.2 Recommend to Council the approval of new debt issues.

### **9.3 The Finance Commissioner shall:**

- 9.3.1 Review the policy annually in consideration to meeting the City's debt management goals and submit required changes to the Finance Committee for recommendation to Common Council consideration and approval.
- 9.3.2 Assume primary responsibility for the debt management process;
- 9.3.3 Determine the City's available debt capacity and alignment with Long Term Financial Plan;
- 9.3.4 Provide for the issuance of debt at appropriate intervals and in reasonable amounts as required to fund approved capital expenditures;
- 9.3.5 Submit to Finance Committee and Council, all recommendations to issue debt; and
- 9.3.6 Ensure compliance with the principles and mandatory requirements contained in this policy.





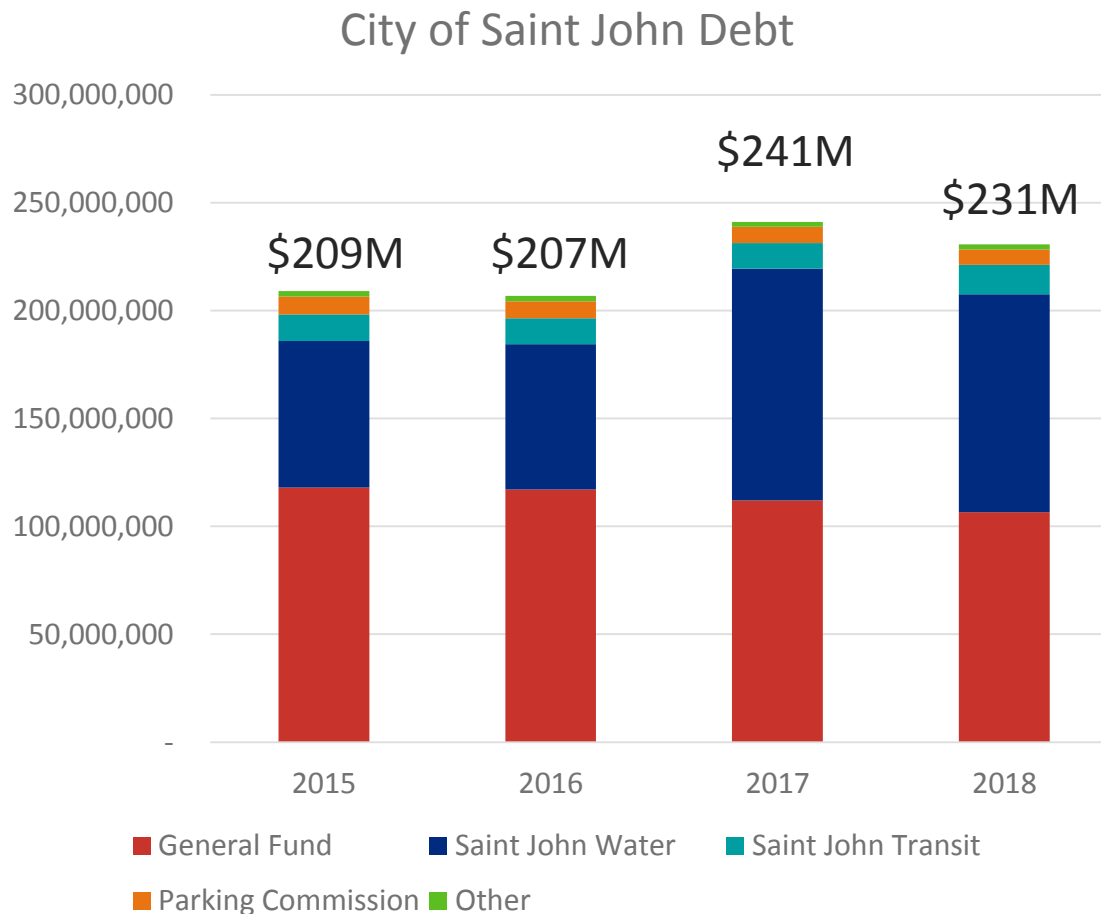
# Debt Management Policy

## City of Saint John

July 8<sup>th</sup> , 2019

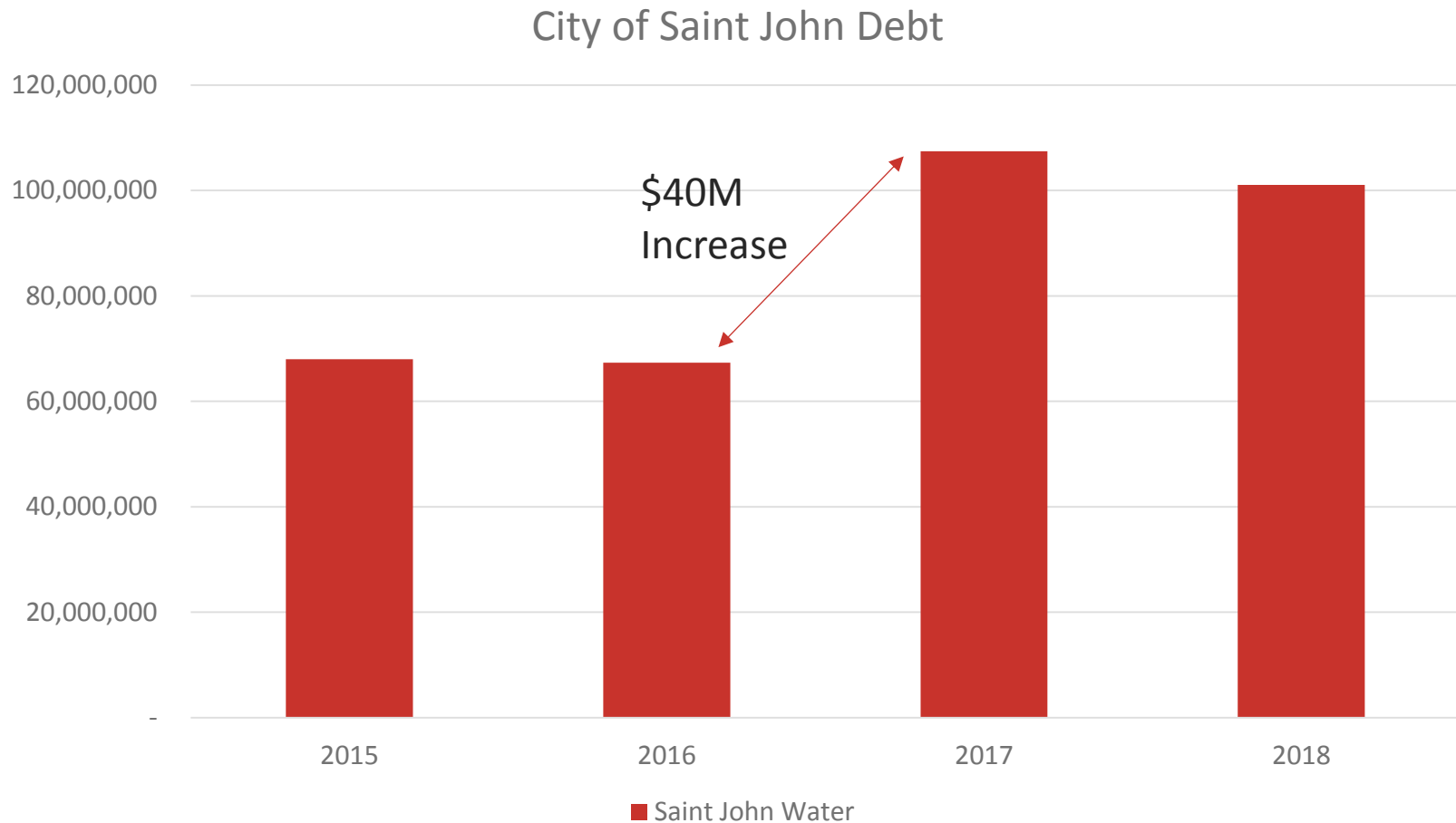


# What is the City's Consolidated Debt Position



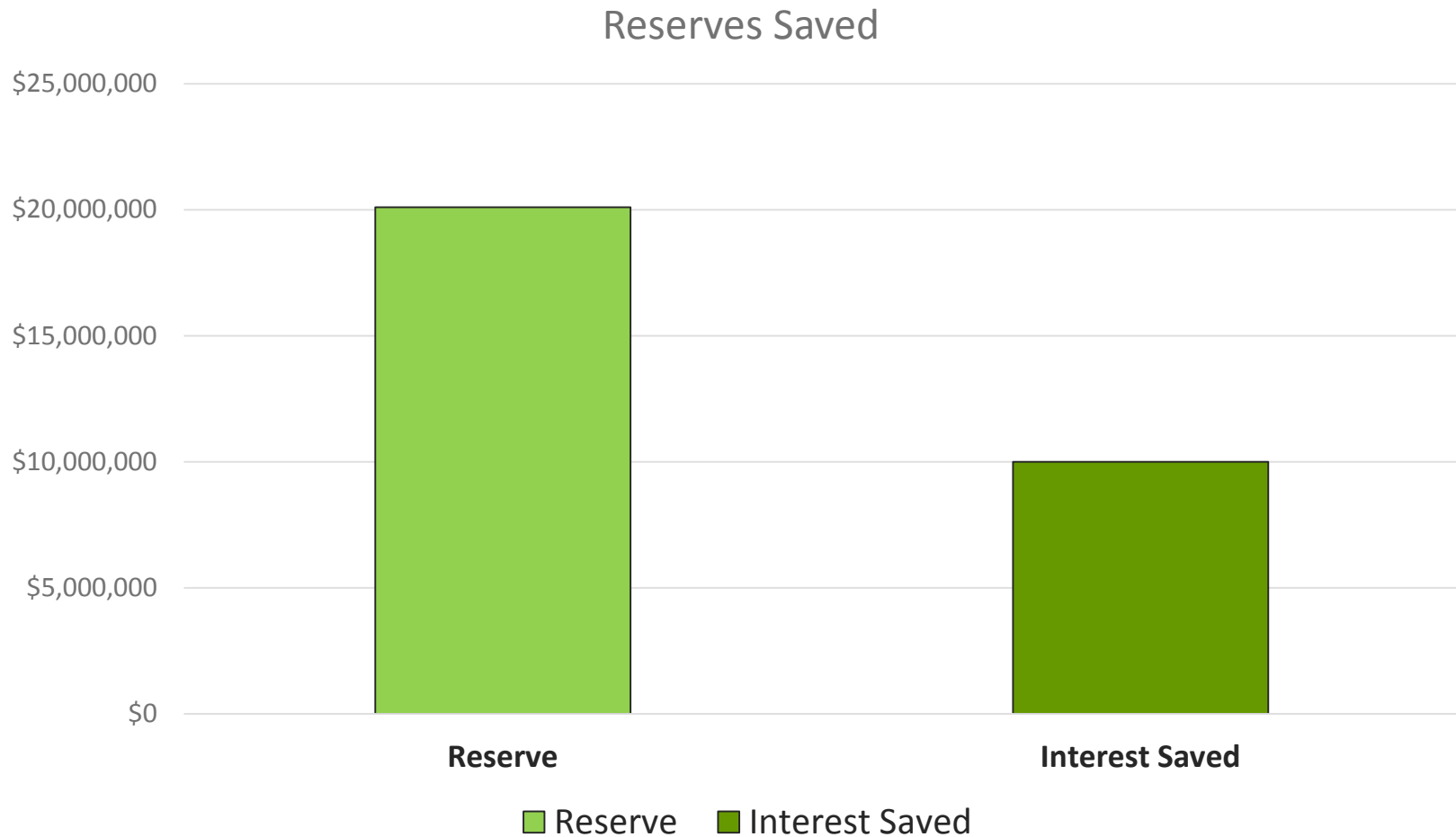
- GENERAL FUND DEBT
- SAINT JOHN WATER DEBT
- SAINT JOHN TRANSIT DEBT
- PARKING COMMISSION

# Safe Clean Drinking Water impact on Debt Position

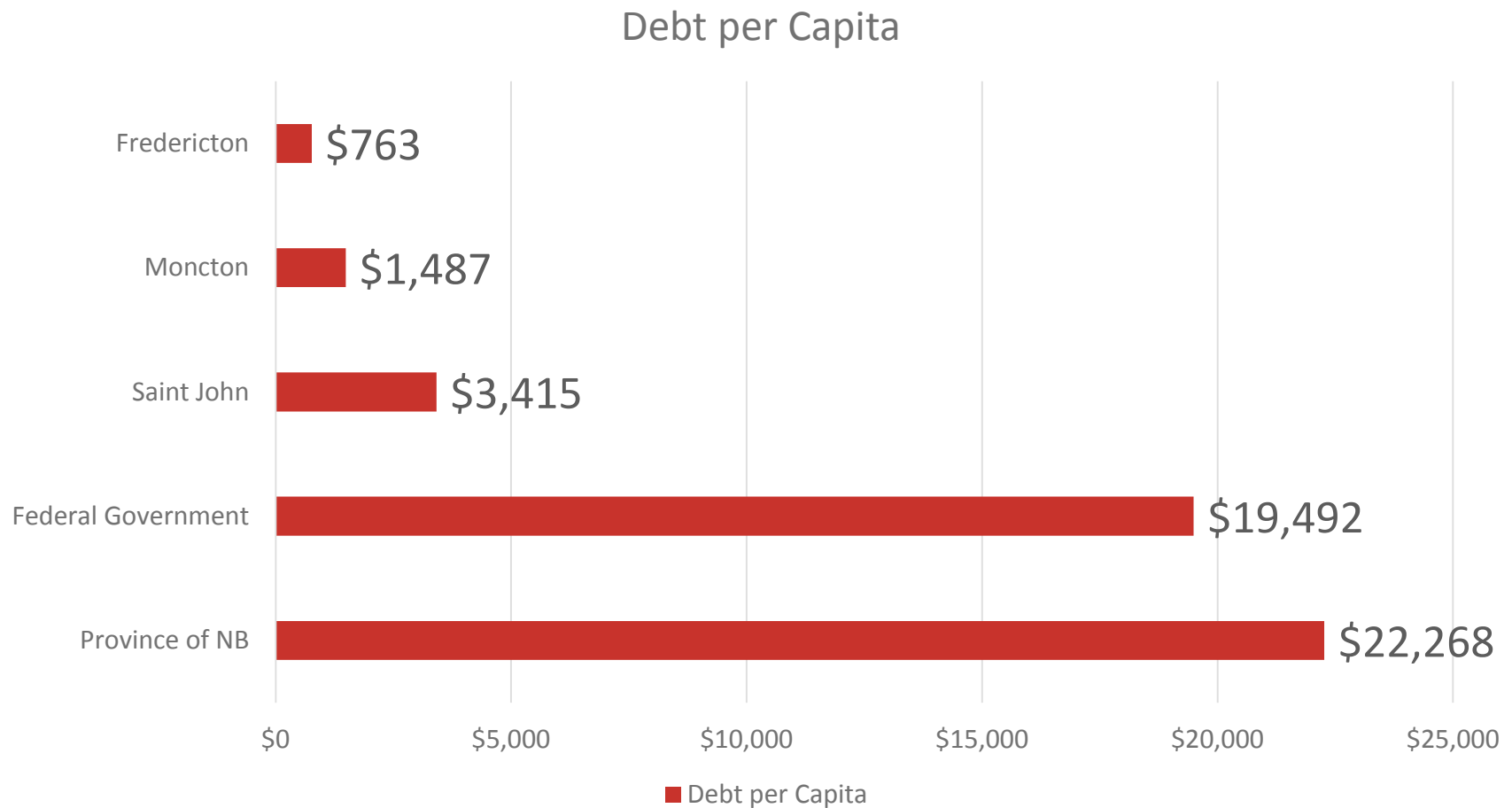




# Reserve Strategy has reduced Debt \$20M and Saved Ratepayers \$10M

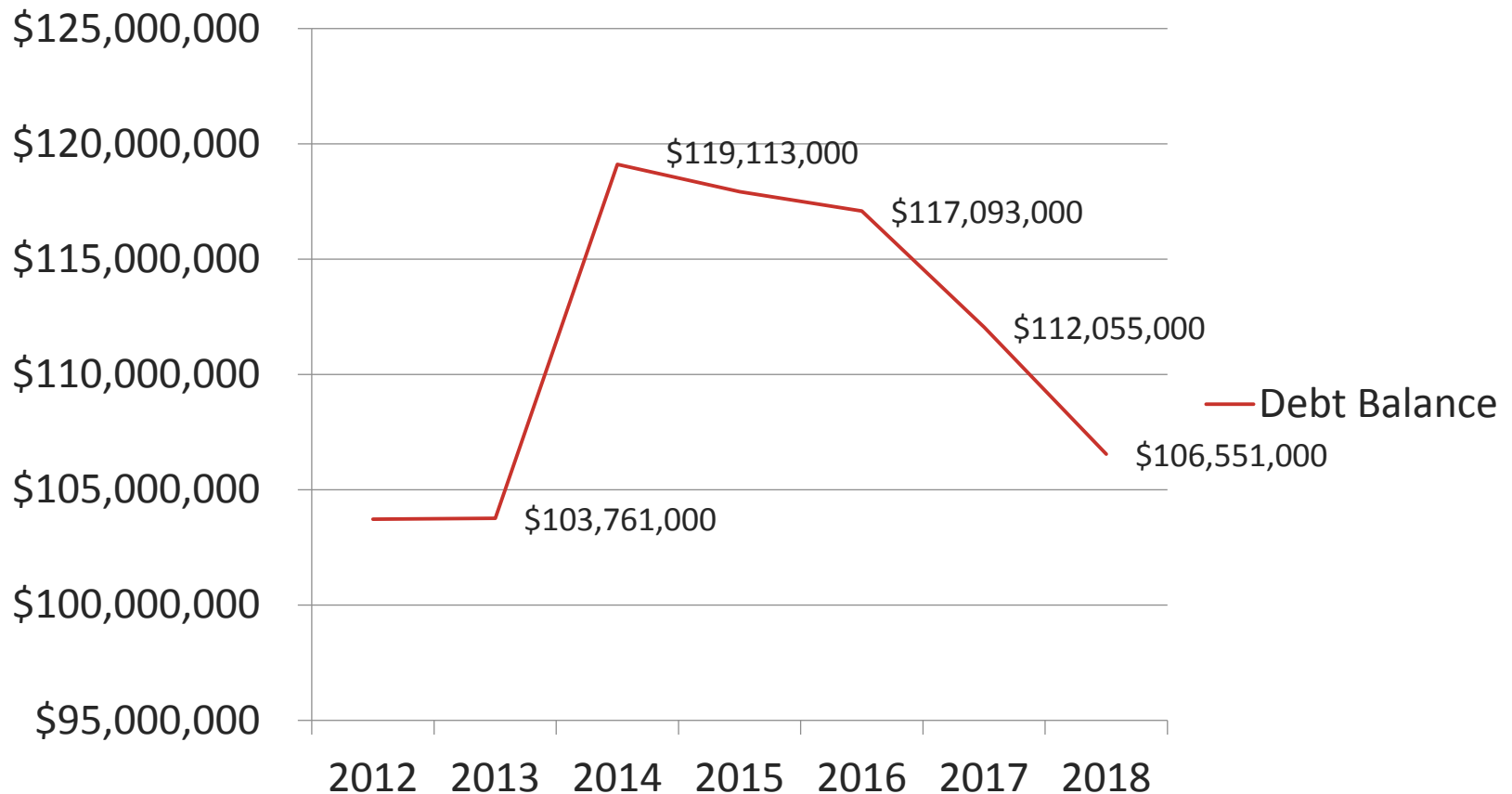


# How does the City's Consolidated Debt per Capita (population) Compare to Other Governments



# Is the City Controlling Debt in the General Fund?

## General Fund Debt Balance





# Debt Targets (In Long Term Financial Plan)

## TARGETS

- Reduce Debt Balance by 25% over 10 Years or 2.5% per Year

Debt Management Policy

## PRINCIPLES

### 2. Flexibility

- *Active Debt Management to reduce Debt Level.*

### 3. Vulnerability

- *Must consider Reserve Strategy, Pay-As-You-Go Strategy and Infrastructure Deficit Strategy*



Capital Budget Policy



Operating & Capital Reserves Policy



# Debt Management Policy: Why it is needed

1. Policy establishes criteria for the issuance of debt so that acceptable levels of debt are maintained that meet the City's financial objectives;
2. Assures the taxpayer and those wishing to invest in Saint John that the City is committed to sound financial management;
3. Best Practice – the Government Finance Officer Association and Bond Rating Agencies strongly encourage the development of a formal debt policy;

# Saint John Water

- Saint John Water will require its own separate Debt Management Policy for the following reasons:
  - General Fund is subject to Legislative Debt Limits while Saint John Water is not;
  - Saint John Water has its own unique financial challenges (Rates vs Property Tax, Unique Infrastructure Challenges);
  - Saint John Water is Infrastructure Intense – majority of costs are infrastructure related versus the diverse services offered within the General Fund;



# Objectives of Debt Management Policy

1. Ensure debt is issued prudently and cost effectively in accordance with the Long Term Financial Plan;
2. Debt is managed such that the City's financial flexibility is maintained;
3. Re-enforce applicable provincial debt management legislation;
4. Structure debt to fairly distribute the costs over time, taking into consideration intergenerational equity (matching the cost of debt to those who benefit from the use of the capital);

# Acceptable Conditions for Use of Debt

1. The City will issue long-term debt solely for the purpose of financing the projects approved in the Capital Budget and the Capital Investment Plan (CIP);
2. Long term debt shall not be used to fund operating or maintenance costs or used as a tool to balance the operating budget;
3. The Long Term Debt amortization period shall not exceed the life of the asset it is financing;
4. The City shall promote a balanced approach between maintaining an affordable debt level, maintaining infrastructure and accommodating growth;

# Debt Limits in Local Government Act

## Legislative Limits:

- A local government shall not, in any one year, borrow for its current operations any money in excess of the sum represented by 4% of the budget of that local government for that year; **(2019: \$6.4M)**
- A local government shall not, in any one year, borrow for capital expenditures any money in excess of the sum represented by 2% of the assessed value of real property in that local government; **(2019: \$138M)**
- The total amount of money borrowed by a local government for capital expenditures shall not exceed 6% of the assessed value of real property in the local government. **(2019: \$414M)**



# Debt Policy Limits

The City's capacity to issue debt is directly related to Taxpayer's ability to service the payments required on the debt. The following debt limits shall be applicable:

1. **General Fund Debt per Capita:** Measures Debt per Population.

**Recommended:** *General Fund Debt per Capita shall not exceed \$1600;*

2. **Debt Service Ratio:** Measures percentage of operating budget used to service debt (principal and interest).

**Recommended:** *General Fund Debt Service Ratio shall not exceed 12%;*

3. **Total Debt Outstanding as a Percentage of Operating Budget:** Measures the percentage of annual operating budget that would be required to extinguish the City's General Fund Debt.

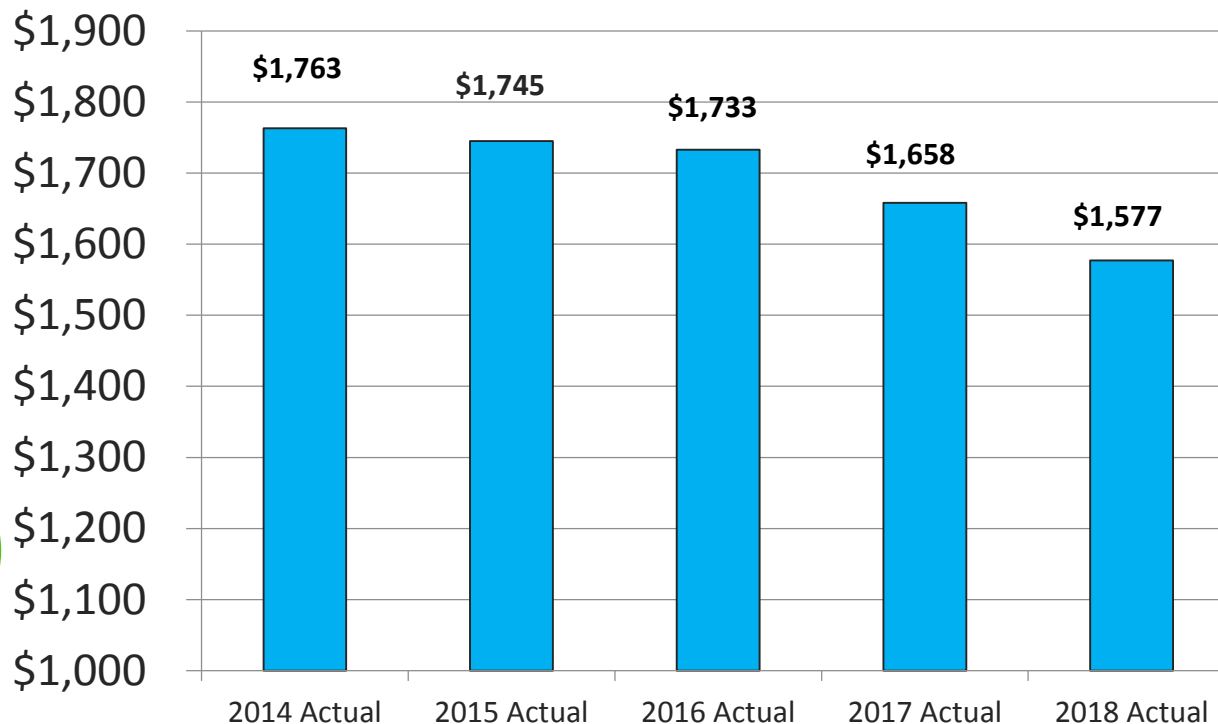
**Recommended:** *The General Fund Debt Outstanding as a Percentage of Operating Budget shall not exceed 70%;*

**Policy states Borrowing New Debt is only permissible when the General Fund meets these covenants.**

# General Fund Debt per Capita

**Metric:** Outstanding General Fund Debt Balance at Year End per Capita

## Debt Per Capita



### Trend

↑ Positive Trend – decrease in debt per capita

### Policy Cap

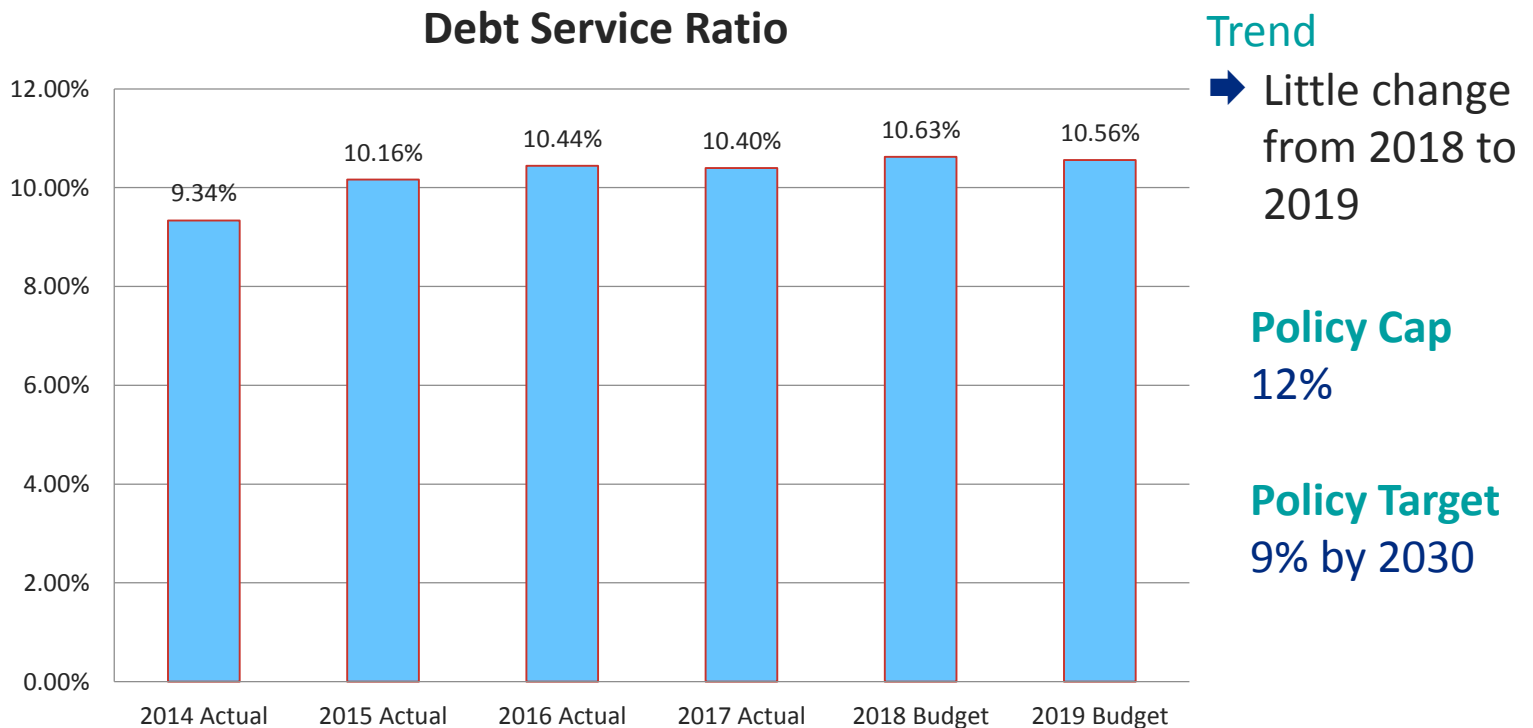
\$1,600

### Policy Target:

\$1,175 by 2030

# General Fund Debt Service Ratio

Metric: Percentage of the Operating Budget that funds Debt

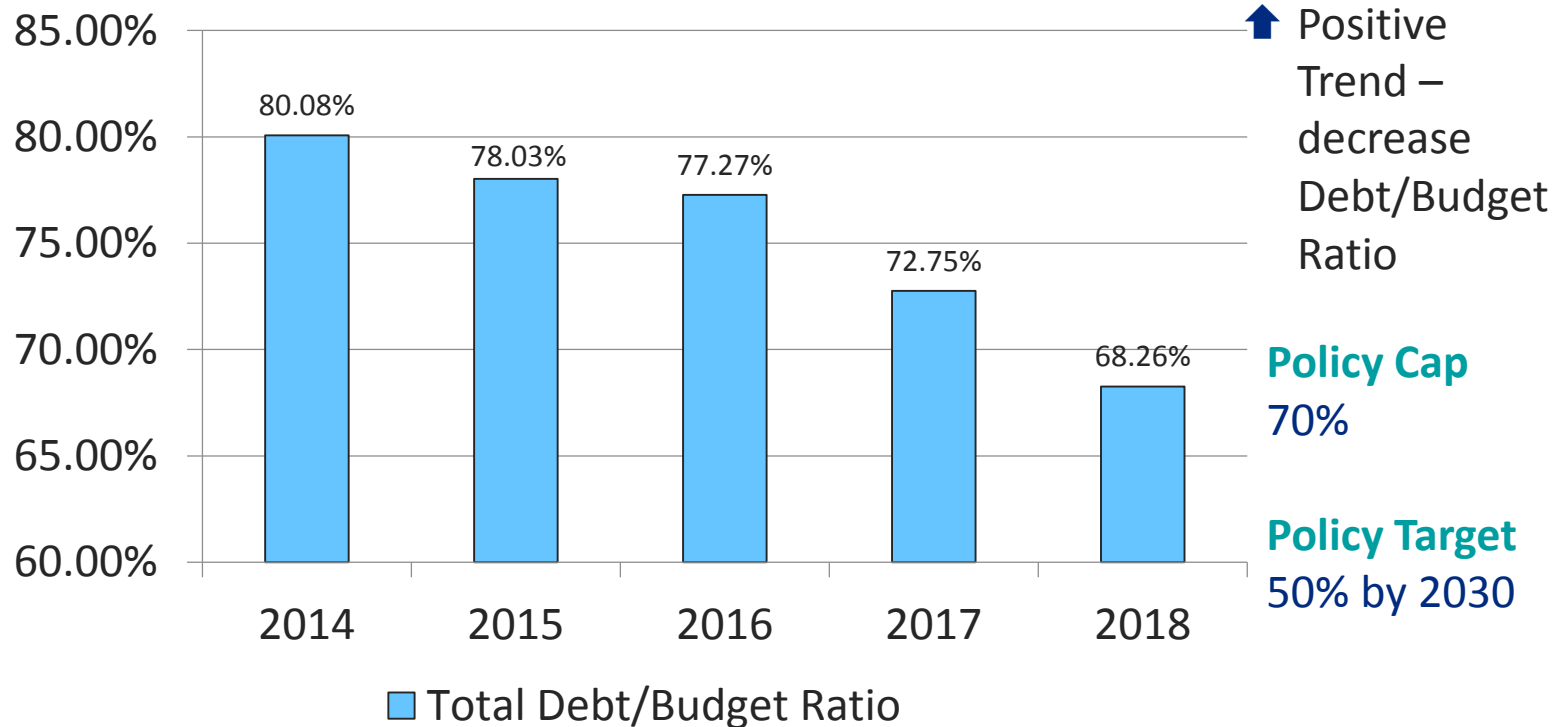




# Debt/Budget Ratio

Metric: Percentage of Annual Budget Required to Extinguish the City's outstanding debt

Total Debt/Budget Ratio



# What do we need to do to Accomplish this

- Reduce heavy reliance on debt to fund Capital
- Strategic Targets for Infrastructure Deficit
  - Impacts Strategies for funding Pay-As-you-Go and Reserves
- Culture Change - Reserve Funds (save before you spend to manage future debt;
- Strategic: Direct Pay-As-You-Go funds to the following categories:
  - Asset Renewal Projects; (Aspirational goal – Debt only for new projects)
  - Assets with a useful life that is less than 10 years – for example, IT equipment and road maintenance;
  - Situations where additional debt could adversely impact the City's financial health;
  - Situations where market conditions favour the use of cash rather than debt (for example, escalating interest rates).

# Recommendation

- Finance Committee recommends:
  - Common Council approve the Debt Management Policy.



# Q & A



## COUNCIL REPORT

M&C No.	M&C 2019-166
Report Date	July 03, 2019
Meeting Date	July 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: 2019-2020 Arena Rental Fees and Ice Allocation Policy***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Tim O'Reilly</i></b>	<b><i>Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATIONS***

Your City Manager recommends Common Council:

- 1) Endorse the changes proposed in M&C 2019 - 166 to how the City charges fees for rental of ice at the four City-operated arenas,
- 2) Endorse a continued investment of additional City taxpayer contribution to reduce the cost of youth access to ice at the City's four City-operated arenas,
- 3) Approve the arena hourly rental rates at the four City-operated arenas for one year starting October 11, 2019 as proposed in M&C 2019- 166, and
- 4) Approve the updated City of Saint John Ice Allocation Policy as attached to M&C 2019 - 166.

### ***PREVIOUS RESOLUTIONS***

Common Council approves the hourly rental rates charged at the City's four City-operated arenas.

On June 17, 2019 Common Council approved a Non-Resident User of \$200.00 + HST for the 2019-2020 season and \$350.00 + HST for the 2020-2021 season.

### ***REPORT***

#### **City of Saint John Operating Budget Policy**

The City adopted an Operating Budget Policy in 2018, which includes direction on how user fees should be set. The policy describes that fees should be set relative to the cost to deliver the service. The policy also describes that fees that recover only a portion of full cost recovery may be justified where public benefit

is demonstrated above the benefits received by individual(s) who made use of the facility or service.

### **Public Benefit of Arenas**

Arenas, as in the case of various recreation services and facilities, provide many benefits to the broader community. Reductions in social and health care burdens, fostering youth leaders, stimulating the economy through positively influencing where citizens choose to live, and supporting sports tourism are a few examples why Saint John and many other communities choose to invest taxpayer funds to build, operate, maintain, and replace arenas and other recreation facilities. Arena fees approved by Council have traditionally been below full cost recovery and annual operating and capital budgets have included City taxpayer investment in recreation facilities based on provision of these public benefits.

### **User Types**

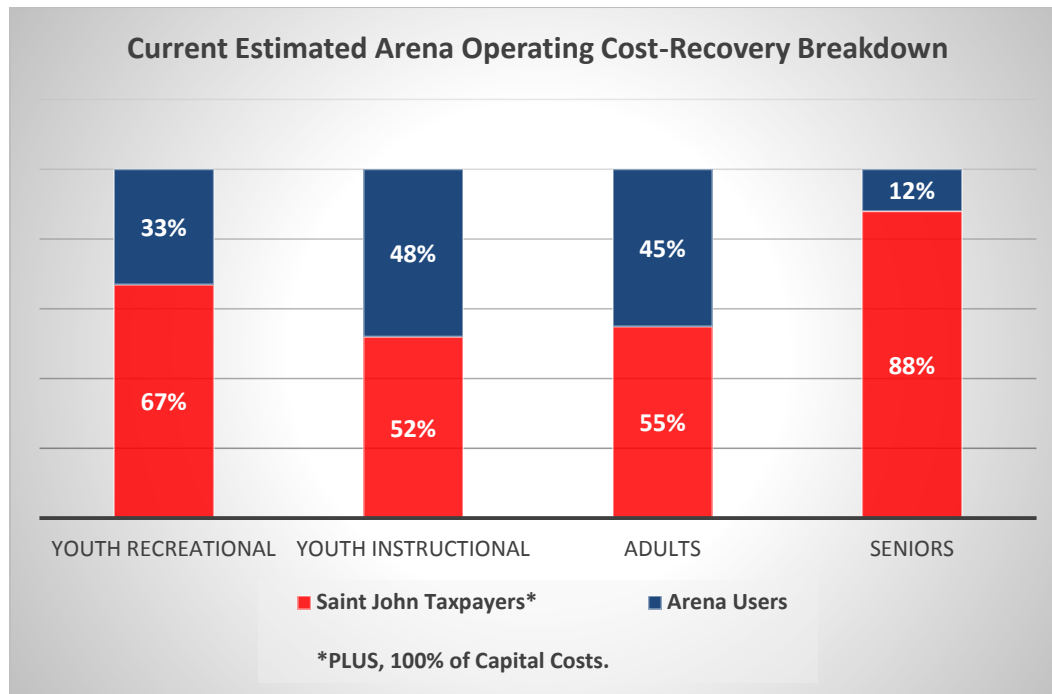
Staff are defining various types of users of City arenas in the following table. The purpose is to assist in clarifying if different cost recovery targets and arena rental rates are justified based on differences in level of public benefit received between these types.

<b>User Type</b>	<b>Description</b>
Youth Recreational	Associations that offer service for a majority of participants that are 18 years old or younger, do not regulate membership, are non-profit, are guided by constitutions and by-laws, have auditable financial statements, are affiliated with a Sport Governing Body, have an elected board of directors, and provide consistent programming of at least 20 weeks annually. Youth tournaments and schools that are part of the Anglophone or Francophone School Districts are also included in this category.
Youth General	Associations that offer service for a majority of participants that are 18 years old or younger that do not fit into the "Youth Recreational" category. Organizations in this category include those that provide enhanced skill development training, with sometimes rotating short-term participants, where seeking Recreation Cards from such participants would not be practical.
Adults	Offer service for those who have a majority of participants between 19 and 64 years of age.
Seniors	Offer service for those who have a majority of participants 65 years of age or older.



## Historic Cost Recovery

To provide some context for Council, the figure below shows the approximate current cost recovery percentages for these different User Types:



The Youth Recreational user type have a lower recovery percentage, because associations in this category have benefited from the Youth Ice Sports Subsidy.

The Seniors user type have a lower recovery percentage, because associations in this category have benefited from a lower hourly day time rate and because one of the two senior organizations has historically donated funds in lieu of paying revenues to the City to offset arena costs.

Data in this figure and the other two similar ones in this report made use of an assumed normalized operating budget, such as the removal of costs allocated to uses other than ice such as lacrosse.

## Cost Recovery from Non-Residents

As shown in the preceding figure, City taxpayer subsidization provides most of the remaining funding as the fees have traditionally not fully covered costs.

As reported previously, non-residents account for approximately 1/3 of the use of City arenas. The City's continued efforts toward a regional approach to arena management is aiming to avoid having City taxpayers shoulder the cost of this

non-resident use while remaining receptive to investing in other arenas in the region where City residents enjoy use of those facilities.

At their June 17, 2019 meeting, Common Council approved implementation of a Recreation Card & Non-Resident User Fee Program, while remaining open to a regionally collaborative solution. Either outcome aims to align City taxpayer investment with City use of arenas and allows arena rates to continue to be set below full cost recovery.

### **Updating Arena Rental Rates**

City staff are recommending in this report updated arena rental rates and new user type categories. Several factors contributed to staff's final recommendations, including:

- Contributing to the City's Financial Sustainability,
- Accounting for the City's general 3% annual escalation in costs,
- Being guided by the approved City Operating Budget Policy,
- Feedback received by Ice Associations,
- Transparency and Equality,
- Efforts to Simplify the City's Rate Structure,
- Supply and Demand,
- Competition, and
- Avoiding, at this time, user fee contributions to capital costs related to arena upgrades or replacement.

The next several sections of this report detail some of these factors.

### **Contributing to the City's Financial Sustainability**

The City is facing financial challenges. City staff's recommended arena rates for 2019-2020 were partly guided by the goal of reducing the operating cost deficit that is shouldered by City taxpayers.

### **Reflecting the City's Annual Cost Escalation**

The City's costs to provide services generally increase approximately 3% annually. As a minimum, all rental rates should increase by at least 3% accordingly.

### **Feedback from Ice Associations**

City staff has engaged the various Ice Associations that use City arenas. While appreciating the need for the City to review its arena rates, these stakeholders have asked staff to consider phasing-in any new or increased fees.

## **Proposed Replacement of Youth Ice Sports Subsidy with New Youth Recreational Rate**

Since approximately 2003, the City has had in place a Youth Ice Sports Subsidy that defined a set amount of funding that would be distributed among the associations based on number of Saint John residents in each association, up to a cap of 50% of their invoice. Each association's share of the subsidy is deducted from their invoice. For 2019, this subsidy was approximately \$168,000.00 (\$173,000.00 less approximately \$5,000.00 to traditionally offset high school hockey at the LBR). Youth associations that received a share of the subsidy in the 2018-2019 paid an "effective" hourly rate, on average, of \$111.11/ hour + HST. One of the reasons for the subsidy was to better control the amount of additional youth subsidization over a previous system that provided lower youth hourly rates. At the time, the City did not control the amount of ice booked by these youth associations and, therefore, could not control the potential for lost revenue by otherwise booking ice to adults at a higher rental rate. Several issues and opportunities have presented themselves in the subsequent 15+ years:

- With a plan to reduce City taxpayer subsidization of non-resident use of City arenas (either through a cooperative solution or otherwise), the need to provide an additional subsidy based on residency is redundant,
- The City does not have any control over ensuring the Subsidy is directed to City residents as intended,
- The "effective" hourly rate that each association pays can be very different based on the residency rate and 50% cap provision,
- Ice Associations do not know their final cost for the season until they become aware of their share of the Subsidy part way through the season,
- The true youth investment level provided by the City can be lost by not communicating this through the hourly rate structure, and
- The City now has an Ice Allocation Policy (since 2013) that can manage the amount of ice provided to youth and other user types, thereby controlling revenue opportunities.

City staff are proposing a new Youth Recreational Prime Time hourly rate be approved that replaces the Youth Ice Sports Subsidy. This same rate would also be used in the place of previous "Schoolboy", "Birthday Party" and "Youth Tournament" rates to create equity and simplify the City's rate structure. The recommended new rate accounts for both the additional level of subsidization provided via the Subsidy and future cost recovery percentage targets relative to this user category.

City staff propose to eliminate the approximately \$5000.00 provided to offset high school hockey at the Lord Beaverbrook Rink. The Board of the LBR can choose to offer Youth rates if it wishes.



Common Council would need to resolve to maintain an enhanced level of taxpayer subsidization of youth ice sports, whether that be through maintaining the current Youth Ice Sports Subsidy or through rolling that investment into a reduced revenue budget resulting from a new lower “Youth Recreational” rate.

### **Elimination of Senior Rate**

City staff suggest no rates should be lower than rates available to our youth. City staff recommend elimination of a Senior’s rate that was lower than rates available to youth. Users from this category can still take advantage of the lower Pre Prime rate (that overlaps when the current Seniors rate is applicable) that is available to any group.

### **Rate Arrangements to be Approved by Council**

Over many years, if not decades, different arrangements have been put in place with specific groups renting ice from the City that has decreased rental revenues and increased taxpayer subsidization by at least \$25,000.00 annually. City staff are not aware in most of these cases where Common Council has specifically approved these arrangements. For that reason, staff intend to end these arrangements and they would be reinstated only with confirmation of Council approval; staff would detail the business case in such cases. As it stands, staff is aware of one agreement that remains in place and one exception is being recommended to be maintained at least through the 2019-2020 season:

- The City’s current mass May-August 2019 summer ice rental agreement, and
- The current arrangement with Anglophone School District-South for their free daytime class skates. Review of this arrangement will be completed with a larger assessment of the collaboration between the City and District on recreational facilities and functions. The “School Boy” rate, as previously mentioned, would be incorporated into the new Youth Recreational Prime Rate available to both schools and other Youth Recreational user types.

### **Matching Rates to Demand**

Ice access at some times during the week or year are in greater demand than other times. The City’s current arena rate structure responds to fluctuations in demand to some degree by having a higher prime rate in high demand times and various lower non-prime rates for low demand times. In the 2018-2019 season, Council supported a reduction in one non-prime rate (weekdays, 8 AM – 4 PM) from \$100.88/ hour + HST to \$86.96/ hour + HST to spur demand in this historically low-demand period. Staff recommend this lower rate be maintained for this period of time, adjusted for 3% cost escalation.

Demand during periods such as March Break, Christmas Break, and statutory holidays can be greater, yet the City has not charged prime time rates for these periods. Labour costs are greater on statutory holidays. Staff are recommending prime time rates be charged for these periods of time.

### HST in Advertised Hourly Rates

It is unclear why, but both the City of Saint John and other arenas in the region publicize arena rental rates inclusive of HST. These taxes are not revenues that the City uses to offset cost of service delivery, so including HST in advertised rates does not accurately reflect cost-recovery. Changes in HST policy can also impact the City's revenue projections when rates approved that are inclusive of HST are not adjusted; such was the case in 2016 when the HST was raised from 13% to 15%. Staff are recommending Council approve future rates that are exclusive of HST.

### Regional and Atlantic Canada Rate Comparison

Presented in the table immediately below are prime rates and some youth rates charged in different communities compared to the rates Saint John charged at its four City-operated arenas in the 2018-2019 season to allow staff and Council to understand how changes to Saint John's rates compare. Staff are also showing in a second table how Saint John's Prime Rate compares to rates in other parts of Atlantic Canada.

Arena	Saint John	LBR	Rothesay Arena	Quispamsis Memorial	QPLEX	River Valley Community Centre	Rothesay Netherwood School
Prime Rate	\$179.96	\$191.30	\$152.17	\$165.22	\$187.82	\$170.43	\$165.22
Youth Rate	\$111.11 *	**	\$108.70	\$113.04	N/A	\$117.39	N/A

\* "Effective" average hourly rate paid by youth associations after disbursement of Youth Ice Sports Subsidy

\*\* City of Saint John Youth Ice Sports Subsidy provides 50% of cost to rent the LBR by high school hockey teams on Wednesday evening games.

\*\*\* All rates shown are from 2018-2019, except QPLEX that is current, and are exclusive of HST

Location	Saint John	Moncton	Fredericton	Charlotte-town	Halifax	Bathurst
Prime Rate	\$179.96	\$252.17***** \$276.52*****	\$188.00	\$191.30***** \$136.53*****	\$200.00* \$240.00**	\$180.00*** \$190.00****

All rates shown are from 2018-2019 and are exclusive of HST unless otherwise noted

\*LeBrun Centre

\*\*BMO Centre and RBC Centre

\*\*\*KC Irving Centre- Prime time

\*\*\*\* KC Irving Centre Gentlemen's Hockey

\*\*\*\*\*Avenir Centre, 2019-2020 rates

\*\*\*\*\*2019-2020 Superior Propane Centre, Kay Arena

\*\*\*\*\* East Link Centre Charlottetown

\*\*\*\*\* North Star Arena

## Investment in Arena Improvements or Replacements

As previously discussed with Council, the City's four City-operated arenas are reaching the end of their useful life, with decisions required in the near future on the City's long term arena supply plan. It is currently estimated the four City-operated arenas and the LBR have a combined infrastructure deficit of \$9 million. PlaySJ recommends investigating replacing the aging civic arenas with multiplex options. A condition assessment of the LBR was completed in 2018 with an assessment of the four City-operated arenas planned for 2019; data from this work will assist in clarifying future investment decisions. A confirmed regional approach to managing the City's arenas, and potentially arenas in neighbouring communities, will impact the City's long-term arena supply plan. The City's Long Term Financial Plan, when completed, would be a very important factor in deciding on the future arena plan. Given the work required before a future arena plan can be finalized and given the request from Ice Associations for a phased-in approach to arena fee increases, staff are recommending arena rates for 2019-2020 not include a Capital cost recovery component.

## 2019-2020 Recommended Rates

The following table includes the hourly arena rental rates that City staff are recommending Common Council approve for its four City-operated arenas starting October 11, 2019. The 2018-2019 rates are also shown to the left to compare the rate categories and proposed change in rates.

Categories	Approved 2018-2019 Hourly Rate	Recommended 2019-2020 Hourly Rate
Early Morning	\$76.56	\$79.00
Pre Prime	\$86.96	\$90.00
Prime Time	*\$84.77	\$115.00
-Youth	**\$90.48	
Recreational	***\$111.11	
-Youth Tournament -School Hockey		
Prime Time	\$179.96	\$186.00
Post Prime	\$148.15	\$153.00
Seniors	\$52.70	****N/A

\*Previous Youth Tournament rate

\*\*Previous School/Birthday

\*\*\*Previous Effective Average Rate with Youth Ice Sports Subsidy

\*\*\*\*Seniors rate is proposed to be eliminated. Previous rate was applicable Monday – Friday, 8 AM - 4 PM. Seniors can use Pre Prime Rate for same period of time.

- All rates shown are exclusive of HST
- Early Morning applicable Monday – Friday until 8 AM



- Pre Prime applicable Monday – Friday, 8 AM - 4 PM
- Prime Time applicable Monday – Friday starting at 4 PM, and all day Saturdays, Sundays, Christmas Break, March Break, Statutory Holidays until 10 PM
- Post Prime applicable every day starting at 10 PM

The following table is very similar to a previous table presented in this report. However, this table shows the proposed City of Saint John 2019-2020 general Prime Rate and Prime Rate available for organizations in the “Youth Recreational” category in comparison to other arena rates in the region. The other rates shown are from the 2018-2019 season; to be conservative, staff did not make any assumptions on changes in hourly rates for the upcoming season at these other regional arenas.

Arena	Saint John	LBR	Rothsaya Arena	Quispamsis Memorial	QPlex	River Valley Community Centre	Rothsaya Netherwood School
Prime Rate	\$186.00	\$191.30	\$152.17	\$165.22	\$187.82	\$170.43	\$165.22
Youth Rate	\$115.00	**	\$108.70	\$113.04	N/A	\$117.39	N/A

\*City of Saint John rates shown are proposed for the 2019-2020 season. All other comparative rates are from 2018-2019 season, except QPlex is current rates. All rates are exclusive of HST.

\*\*LBR Board may choose to charge a lower youth rate in lieu of the City offsetting some fees through the Youth Ice Sports Subsidy

### Updating the City’s Ice Allocation Policy

City staff have proposed changes to the City’s Ice Allocation Policy. The revised policy is attached to this report. The more significant proposed changes to the policy are highlighted as follows:

- Aligning youth ice allocation benchmarks with recent performance. These changes allow youth organizations similar priority access to ice as in recent years, but lowers a benchmark that was never reached. This places better controls on maintaining revenue opportunities with the elimination of the Youth Ice Sports Subsidy,
- Stricter cancellation rule. The current policy allows ice renters to cancel ice bookings up to 5 days in advance without penalty. This was changed from 3 days the year previous, which resulted in fewer cancellations. The proposed policy does not allow “mass renters” to cancel ice after the end of September. This recommendation was proposed by Ice Associations. Cancellations account for approximately \$30,000.00 in lost revenues annually.
- Unpaid Non-Resident User Fees and penalty to Ice Associations. Associations that knowingly allow players that are non-residents to participate in seasonal ice without purchasing a recreation card will be fined \$300.00 for each participant upon discovery after the end of January. The fine will go on the seasonal ice invoice. In the event that the

non-compliant player purchases a recreation card, the fine will be reduced to \$100.00. Staff intend to notify associations in December when instances are discovered to provide time for non-residents to purchase a card or the associations to take correction action before the end of January.

- Introduction of further policies related to the Recreation Card Program. (Note: further policy changes may be recommended in the coming months).
- Requirement that youth organizations have insurance that includes Limit and Conditional Coverage for Physical and Sexual Abuse.

### ***STRATEGIC ALIGNMENT***

This report aligns with Common Council's priorities of investing in recreation, Financial Sustainability, and Continuous Improvement.

This report aligns with the City's Sustainability Plans and approved Operating Budget Policy.

### ***SERVICE AND FINANCIAL OUTCOMES***

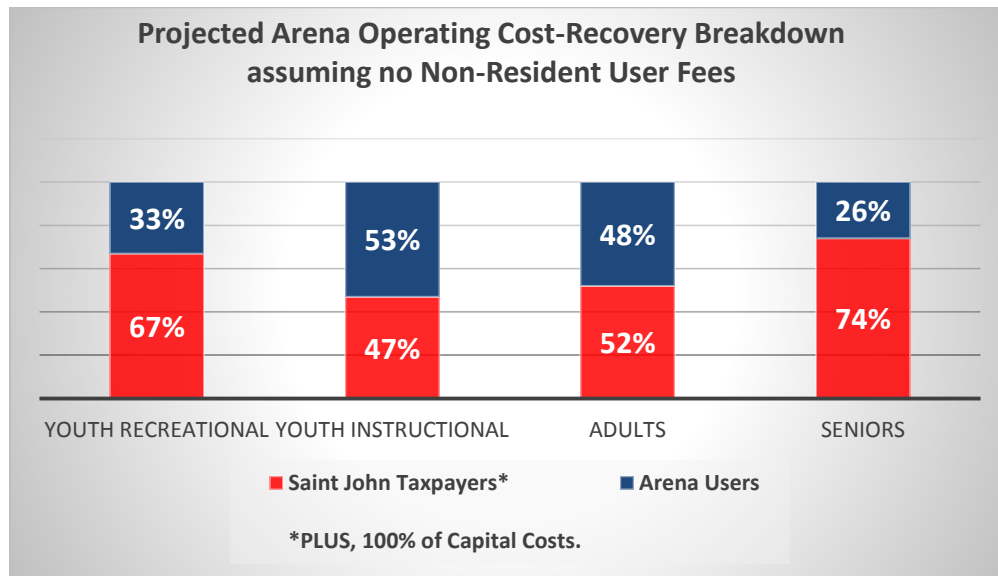
An approximate \$92,000.00 increase in net revenues over 2018-2019 revenues would be expected if Council supports the 2019-2020 rates and rate management changes recommended by staff in this report. This projection assumes no change in demand; some related policies are expected to cause a decrease in demand whereas others are expected to cause an increase in demand. \$30,000.00 of this net increase is attributable to preventing cancelled bookings.

The recommended 2020 General Fund Revenue budgets for the four arenas would actually decrease by a combined \$116,000.00 even though net revenues would increase by an estimated \$92,000.00. The \$173,000.00 Youth Ice Sports Subsidy is listed as a cost in the General Fund Operating Budget; this cost would be eliminated in the 2020 operating budget, offsetting the new lower Youth Recreational Prime Rate that would result in lower revenues. The City has received on average \$35,000.00 below budgeted revenues over the last 5 years.

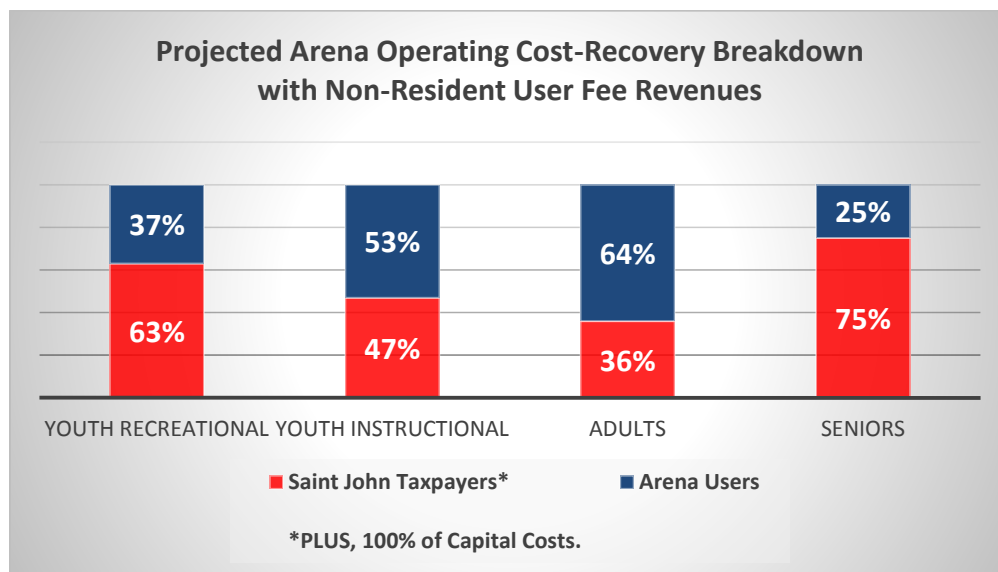
The projected gross revenues from the Non-Resident User Fees communicated at the June 17, 2019 Council meeting would reduce from \$152,000.00 to \$139,000.00 as a result of not requiring Recreation Cards from those in the Youth General category. These revised revenues would be listed on a new budget line in the 2020 General Fund Revenue Budget, to be offset by the cost to implement the program, budgeted in the 2020 General Fund Operating Budget. Staff are also confirming a revised implementation cost that is expected to be lower than the previously communicated \$70,000.00, resulting in a similar net revenue projection similar to the \$82,000.00 estimate previously communicated.

The following two tables show the projected cost recovery percentages expected to be achieved from each User Type in the 2019-2020 season, based on the same assumptions as described in the previous paragraph and an assumed 3% increase in operations & maintenance costs.

The first table is to show the direct impact on rate and rate policy changes between the 2018-2019 and the 2019-2020 seasons. No change in recovery percentage is expected from the Youth Recreational user type over the previous season. However a 5%, 3% and 14% recovery increase is expected from the Youth Instructional, Adult, and Seniors categories, respectively.



The second table is to show the cumulative impacts of the rate and rate policy changes as well as the implementation of the Non-Resident User Fee. As consistent with the report presented at your June 17, 2019 meeting, the data in this table assumes a 25% reduction in Non-Resident users.





The Adult user type has a higher percentage of non-resident users than the Youth Recreational and Senior types, which caused a greater increase in User cost-recovery rates when accounting for the Non-Resident User Fees. It is anticipated users from the Youth Instructional category will not be required to obtain a Recreation Card and therefore the cost recovery percentage does not change.

Even with the proposed rate structure, the City would continue to invest in recreational opportunities for citizens, particularly youth. The City continues to support the PRO Kids service for families who need assistance in paying the cost of their child's participation in sport and other activities.

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

A Task Force of City staff from Parks & Recreation, Finance, and Continuous Improvement have contributed to this report.

Engagement with Ice Associations that use City arenas has continued, including group meetings in November 2018, May 2019, and June 2019, in addition to other communications. The input provided by these Ice Associations has been imbedded throughout this report. City staff intend to continue to engage these valuable stakeholders.

#### ***ATTACHMENT***

Staff Presentation to Common Council  
Updated Ice Allocation Policy for approval by Common Council



2019-2020 Arena Rates and Ice Allocation Policy Changes  
Staff Presentation to Common Council  
July 8, 2019



# Factors Impacting Staff Recommendations

- Fiscal Sustainability
- Cost Escalation
- Transparency and Equality
- Efforts to Simplify the City's Rate Structure
- Supply and Demand
- Contributions to capital costs
- **Operating Budget Policy**
- **Public Benefit of Arenas**
- **Different User Types**
- **Ice Association Feedback**
- **Competition**



# City's Operating Budget Policy

## USER CHARGES AND FEES

1. The City will seek to balance the need for services and the ability to raise fees, charges, and taxes to support those services. User fees will be assessed relative to the cost of providing the services;
2. Service areas should assess the cost of activities supported by user fees on an annual basis to identify the impact of inflation and other cost increases;
3. Council may decide against full cost recovery in cases where greater public benefit is demonstrated;
4. Service areas should develop cost recovery policies that will be used as a basis for setting the charges or fees, as well as the service cost recovery goals based on quantitative targets (percentage recovery targets) and how the charges and fees will be levied and collected;

# User Types

- Youth Recreational
  - i.e. Saint John Minor, Lancaster Minor, Saint John Speed Skating
- Youth General
  - i.e. hockey schools
- Adults
- Seniors

# Ice Association Feedback

- Phase-in additional fees requested
- Ideas to replace need for higher fee increases
- Knowing fee increases sooner the better



# Changes in Policy

- Eliminate Seniors Rate
- Eliminate Rate arrangements not approved by Council
- HST removed from advertised rates
- Users to continue to not contribute to Capital
- Replace Youth Ice Sports Subsidy with Youth Prime Rate
- New Youth Rate to also be used for school rentals and youth tournaments
- Eliminate High School Subsidy at LBR

# Youth Ice Sports Subsidy

- Created in 2003 to control costs with increased rentals by youth associations
- \$173,000 in 2019
  - Approx. \$5000 offsets high school hockey at LBR
- Issues since implementation
  - No control over subsidy going to City residents
  - Difficult for associations to budget
  - City's level of investment in youth not fully understood
    - Other regional arenas advertise youth hourly rates

# New Youth Prime Rate to Replace Youth Subsidy

- Controls on level of use now in place with Ice Allocation policy
- New approach to regional contributions
- New Youth Recreational Prime Rate Recommended
  - Would also be used for school rentals and youth tournaments
- Approx. \$5000 to offset high school hockey at LBR eliminated



# Proposed 2019-2020 Rates

Categories	Approved 2018-2019 Hourly Rate	Recommended 2019-2020 Hourly Rate
Early Morning	\$76.56	\$79.00
Pre Prime	\$86.96	\$90.00
Prime Time	*\$84.77	\$115.00
-Youth Recreational	**\$90.48	
-Youth Tournament	***\$111.11	
-School Hockey		
Prime Time	\$179.96	\$186.00
Post Prime	\$148.15	\$153.00
Seniors	\$52.70	****N/A

\*Previous Youth Tournament rate

\*\*Previous School/Birthday

\*\*\*Previous Effective Average Rate with Youth Ice Sports Subsidy

\*\*\*\*Seniors rate is proposed to be eliminated. Previous rate was applicable Monday – Friday, 8 AM - 4 PM. Seniors can use Pre Prime Rate for same period of time.

All rates shown are exclusive of HST

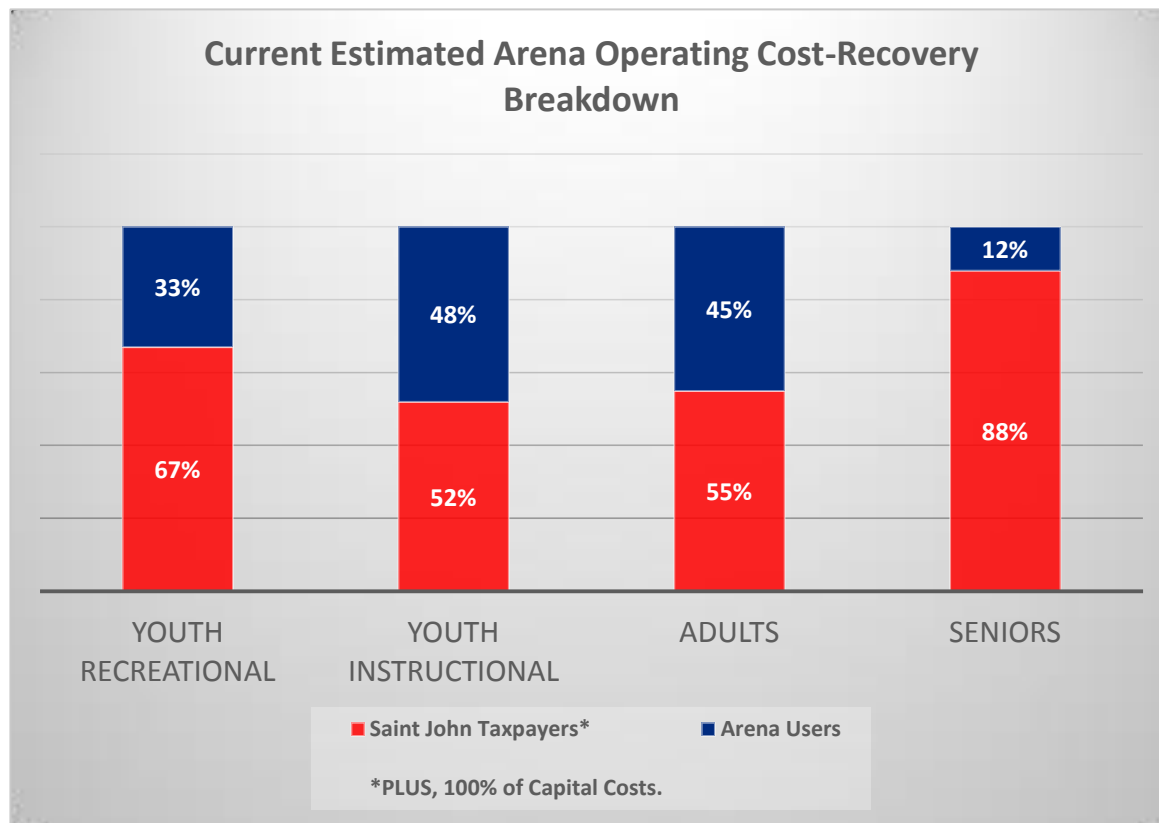
Early Morning applicable Monday – Friday until 8 AM

Pre Prime applicable Monday – Friday, 8 AM - 4 PM

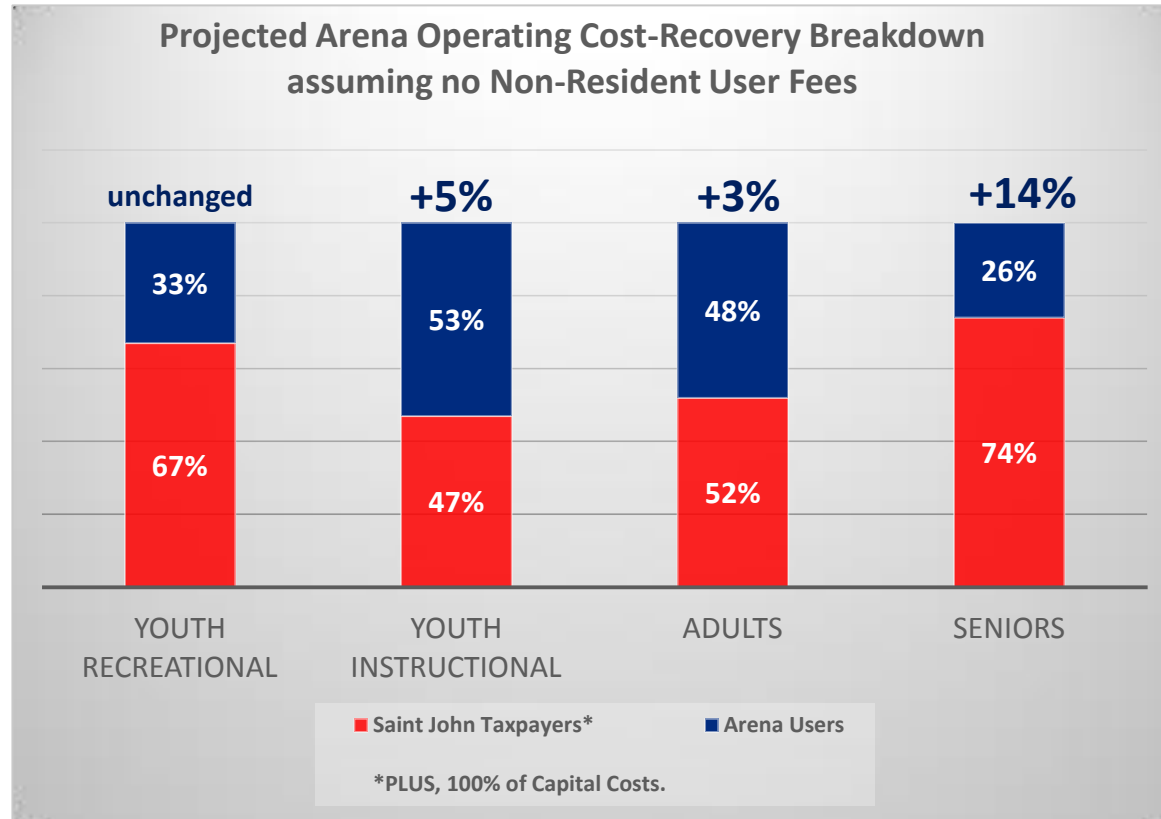
Prime Time applicable Monday – Friday starting at 4 PM, and all day Saturdays, Sundays, Christmas Break, March Break, Statutory Holidays until 10 PM

Post Prime applicable every day starting at 10 PM

# Cost Recovery in 2018-2019 season



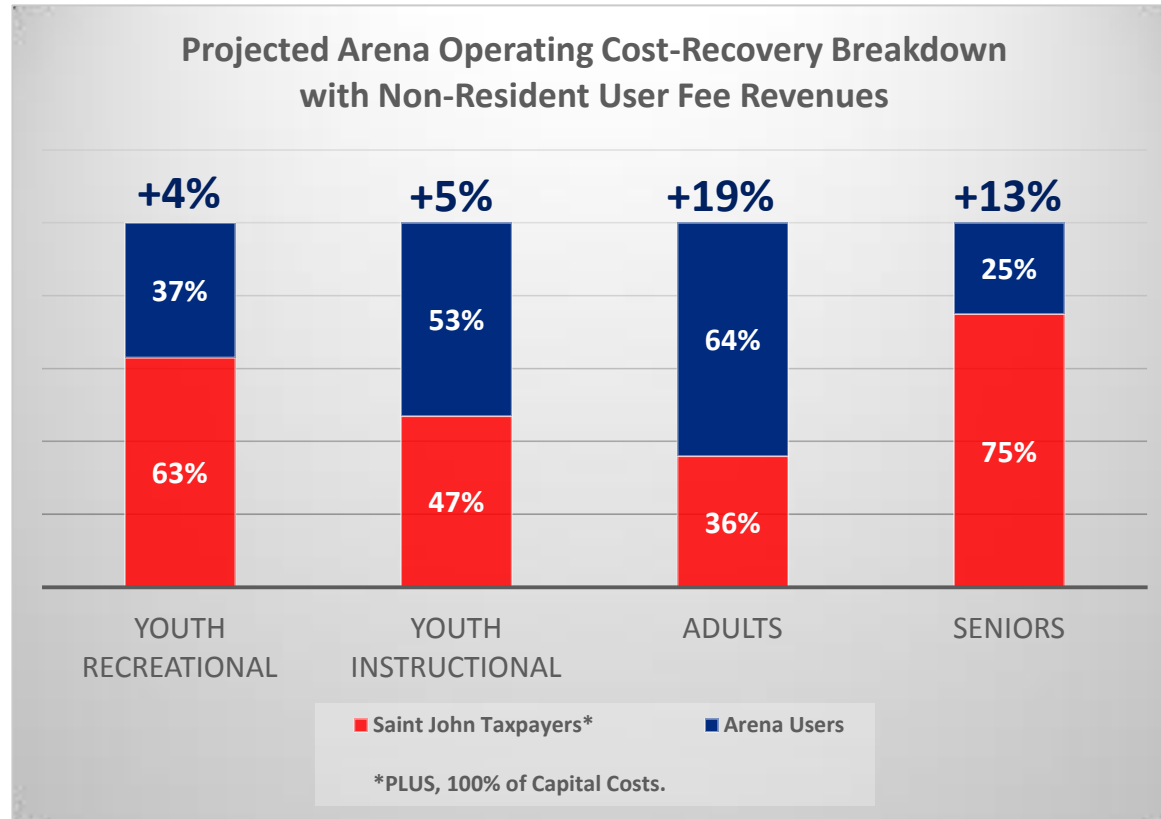
# New Cost Recovery with Proposed Rate and Policy Changes



- Assumes no change in hours rented
- Assumes 3% annual increase in costs



# New Cost Recovery with Proposed Rate and Policy Changes and Non-Resident User Fees



- Assumes no change in hours rented
- Assumes 3% annual increase in costs
- Assumes 25% reduction in non-resident users

# Regional and Atlantic Canada Rate Comparison

Arena	Youth Prime Rate	Adult Prime Rate
Rothsday Arena	\$108.70	\$152.17
Quispamsis Memorial	\$113.04	\$165.22
Rothsday Netherwood		\$165.22
Grand Bay-Westfield	\$117.39	\$170.43
QPlex		\$187.82
<b>Saint John's four arenas</b>	<b>\$115.00</b>	<b>\$186.00</b>
Fredericton		\$188.00
LBR		\$191.30
Halifax		\$200.00 or \$240.00
Moncton		\$252.17 or \$276.52

- Saint John's rates are for 2019-2020
- Most other rates shown are from 2018-2019
- All rates exclusive of HST

# Changes to Ice Allocation Policy

- Max hours provided to youth reduced to match historical use
  - Control costs with elimination of Youth Subsidy
- No cancellations permitted after end of September
  - Suggested by Iced Associations
- Penalty to associations for unpaid Non-Resident User Fees
  - Notification period before penalties applied
- Physical and Sexual Abuse Insurance coverage required by youth organizations



# Financial Implications

- \$174,000 net increase in revenues estimated over 2018-2019
  - \$92,000 net increase in revenues (compared to 2018-2019 season) estimated from recommended rate and policy changes
    - \$ 30,000 of net increase is expected from preventing ability to cancel
    - \$116,000 decrease in General Fund Revenue budgets for 4 arenas
    - \$173,000 eliminated from Operating Budget (Youth Ice Sports Subsidy)
    - \$ 35,000 on average under-budget for revenues
  - \$82,000 additional net revenues from Non-Resident User Fees estimated
    - \$139,000 revised gross revenues in a new Revenue budget line
    - Lower estimated implementation cost budgeted in Operating Budget

# Staff Recommendations

1. Approve rental policy changes
2. Approve continued additional investment in youth recreational
  - Subsidy rolled into new Youth Recreational Prime Rate
3. Approve recommended 2019-2020 rates
4. Approve revised Ice Allocation Policy



# ICE TIME ALLOCATION AND MANAGEMENT POLICY

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City of Saint John  
Parks and Recreation



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CITY OF SAINT JOHN  
ICE TIME ALLOCATION POLICY

## 1. Authority

It shall be the policy of the City of Saint John to confer upon the Parks & Recreation Department as the authority and responsibility for implementation of the policies as outlined herein.

## 2. Responsibility

It shall be the policy of the City of Saint John to manage, allocate and distribute ice times for City owned and operated arenas. Allocation of ice time shall reflect and take account of the population, registration, utilization, and participation patterns of the community in addition to applying provincial or federal directives as may be required.

## 3. Guiding Principles

It shall be the policy of the City of Saint John that the following principles are considered and referenced in the development and updating of the Ice Allocation Policy.

**Optimize Usage of Ice:** The Ice Allocation Policy shall ensure the effective management of total available ice time within the jurisdiction of the City of Saint John.

**Access and Equality:** The policy shall ensure fair and equitable access to ice in terms of allocation as well as in the application of fees and charges.

**Youth Sport Development:** Children and youth are a priority target and special consideration is given to accommodating children and youth activities and sport development.

**Diversity:** The Policy shall provide options for a wide array of users and programs, current and emerging.

**Partnership:** The Policy shall recognize the importance of partnerships with minor sport and community associations in the delivery of rink based activities.

**Financial Sustainability:** The Policy shall provide a transparent framework for fiscally responsible ice facility operations.

## 4. Annual Review

It shall be the policy of the City of Saint John that an annual review and update of the Ice Allocation Policy be conducted by the Deputy Commissioner and Staff of the Parks & Recreation Department , City of Saint John.

## 5. Operational

It shall be the policy of the City of Saint John to update or amend any portion of this policy, operational and managerial documents as may be required to ensure policy principles are being met. Changes or amendments made to this Policy will be fairly applied.

## 6. Rights Reserved

It shall be the policy of the City of Saint John to distribute ice time in an open and fair manner that best reflect the needs of the community while reserving the right to assign and reassign ice as may be required.

## 7. Client Priority

It shall be the policy of the City of Saint John to allocate ice according to the following priorities. Seasonal ice is considered October- March yearly.

1. City of Saint John programs and special events.

- Programs provided at low or no cost for recreational skating opportunities and are made available by City of Saint John Parks & Recreation Department.

2. Youth Tournament play (refer to Section 13).

3. Youth Recreational Seasonal Requests

Associations that offer service for the majority of those 18-years or younger, do not regulate membership, are non-profit, are guided by constitutions and by-laws, have auditable financial statements, are affiliated with a Sport Governing Body, have an elected board of directors, and provide consistent programming of at least 20 weeks annually.

4. Youth General Seasonal Requests

Associations that offer service for the majority of those 18 years or younger that do not fit into the “Youth Recreational” category. Organizations in this category include those that provide enhanced skill development training, with sometimes rotating short-term participants, where seeking Recreation Cards from such participants would not be practical.

5. New Brunswick Department of Education and School Districts Seasonal Requests

- A publicly funded school recognized by the province of New Brunswick as an education institution located in the city of Saint John.
- Membership in the group will be made up predominately of City of Saint John residents

6. Adult<sup>1</sup> Associations, Organizations and Groups Seasonal Requests

- Purpose of the Association, Organization, or Group is to involve individuals in recreation and sport.
- Membership in the group will be made up predominately of City of Saint John residents. Membership lists from the previous year will be used to determine priority.

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<sup>1</sup> “Adult” means a person over the age of 19 years and includes sports or activities where the majority of participants are greater than 19 years of age.



7. Youth Recreational/General, School and Adults requests that are less than 15 hours for the season
8. Commercial and Occasional Users
  - For profit organizations or individuals that use ice time with the intent of generating positive net income.

## 8. Gender Equity

It shall be the policy of the City of Saint John to undertake all reasonable efforts to provide equal access opportunities to ice time for applicant groups representing both genders.

## 9. Residency Requirement

The City of Saint John recognizes the tax-based contributions provided by its residents toward the development (capital) and operation of recreational facilities. The City of Saint John also recognizes that residents will always receive priority over non-residents. Therefore, it shall be the policy of the City of Saint John to allocate ice time based on resident rate with the organizations/teams with higher residency rates taking priority. The City will accommodate the regular use of ice by non-residents after resident demand is satisfied and under special circumstances such as reciprocal agreements.

It shall be the policy of the City of Saint John that all applicant groups will submit to Parks & Recreation membership lists, (current year) including participant's telephone numbers and addresses for review by November 30. If residency information is never submitted, in addition to not being eligible for priority bookings the following year, it will be assumed that 100% of the applicant group is nonresident. All information received will solely be used for the purposes of address verification and will not be sold or shared with any third parties. Once residency is confirmed all documents will be shredded. It is illegal for any person to falsely represent themselves. Any documents submitted under false pretenses, forged or misrepresented (in whole or part) will be considered void.

Associations, Leagues and teams that book ice with the City of Saint John must allow their participants at the point of registration the opportunity to either accept or deny the sharing of their personal information with the City of Saint John for resident verification purposes. In order for associations, leagues and teams to share roster information all registrants must have informed consent. Associations, league and team failure to allow this option at registration are asserting that all participants are non-residents and they will need to purchase Recreation Cards

## 10. Standard of Play

It shall be the policy of the City of Saint John to maintain a standard of play time for various sports in determination of minimum benchmarks for allocation requirements. The number of weekly hours allocated to any user group will be based on justified need with youth recreational programs receiving the largest block of ice time but not exceeding a start time of 9pm at all four city arenas on a daily basis to allow adult user groups reasonable ice time hours weekly.

The standard of play is as follows:

***Youth Team Ice Sports (Hockey/Ringette/Sledge, etc.)***

<b>Age Group</b>	<b>Non-Competitive</b>	<b>Competitive</b>
	1Team=15 players = Hrs/Week	1Team=17 players = Hrs/Week
<b>Under 6 years</b>	1 Team = 1 Hour	1 Team = 1 hours
<b>8 years &amp; under</b>	1 Team = 1 Hour	1 Team = 1 hours
<b>10 years &amp; under</b>	1 Team = 1 Hour	1 Team = 1 hours
<b>13 years &amp; under</b>	1 Team = 1 Hour	1 Team = 2 hours
<b>15 years &amp; under</b>	1 Team = 1 Hour	1 Team = 2 hours
<b>18 years &amp; under</b>	1 Team = 1.5 Hours	1 Team = 2.5 hours

***Skating Program Formula***

<b>Level</b>	<b>Minimum Participants = Hours/Week</b>
<b>Instructional Learn to Skate</b>	Participants/55 = 1 hour
<b>Instructional Figure Skating</b>	Participants/24 = 3 hour 2
<b>Competitive Figure Skating</b>	Participants/15 = 2.5 hour
<b>Competitive Synchronized Skating</b>	Participants/24 = 1.5 hour
<b>Instructional Power Skating</b>	Participants/40 x 1 hour
<b>Competitive Speed Skating</b>	Participants/15 x 1 hour

***Adult Ice Sports Programs***

<b>Level</b>	<b>1 Team = 12 players or 12 Participants Hours/Week</b>
<b>Adult Ice Sports (Various Sports)</b>	1 Team = 1 hour

It shall be the policy of the City of Saint John to make reasonable efforts to meet the minimum number of hours; however the City assumes no obligation to meet the standards. Where possible additional needs from applicant groups will be satisfied pending ice availability and overall demand.

***City of Saint John Prime and Non-Prime Ice Hours***

	Prime Time	Early Morning	Pre Prime	Post Prime
Weekdays	4 pm to 10 pm	prior to 8 am	8am-4pm	10pm-12midnight
Weekend and Holidays	7 am to 10 pm	n/a	n/a	10pm-12midnight

**11. Tournaments and Special Events**

It shall be the policy of the City of Saint John to achieve a balance between recreational and special events use during the regular ice season therefore a maximum of 2 weekend tournaments or special events per month will be scheduled between October and March inclusive. Tournaments shall not be placed on back to back weekends and best efforts will be made not to monopolize all arenas during the tournaments. Tournaments are not permitted to start any earlier then 7:30am to allow staffs time to prepare the arena.

Notwithstanding, additional weekend events may be considered if an applicant group can demonstrate to the satisfaction of the Deputy Commissioner of Parks & Public Spaces the written agreement of user groups affected by a proposed event.

**12. User Cancellations**

It shall be the policy of the City of Saint John to effectively manage ice booking with the objective of minimizing administrative, revenue and operational impacts. Therefore, cancellations will not be permitted after last Friday in September for any seasonal booked ice times (including tournament). Cancellation deadline for spring ice: March 18. Cancellation deadline for summer ice August 18.

**13. City Cancellations**

It shall be the policy of the City of Saint John to reserve the right to postpone or reschedule any permitted ice time booking due to unscheduled circumstances such as an emergency shutdown or facility maintenance or repair. The City shall make all reasonable efforts to provide affected groups with alternative ice times if bookings cannot be coordinated, the affected user shall receive a full refund. The City of Saint John reserves the right to cancel the offering of Summer Ice if sufficient interest is not show to justify operational costs, by the application deadline.

It shall be the policy of the City of Saint John to not cancel or postpone commercially advertised instructional programs and leisure skate times, with the exception of the following:

- Significant and high profile special events as determined by Common Council
- Low Registration in instructional programs
- Unscheduled emergency shut down situations



#### 14. Breach of Contract

It shall be the policy of the City of Saint John to reserve the right to cancel a contract or portion of a contract without notice where in the opinion of the Deputy Commissioner of Parks and Recreation Department the facilities are not being used for the contracted purpose or the user is violating the Arena Code of Conduct.

The contract holder affected will receive a full refund/credit for unused bookings.

#### 15. Exclusivity

It shall be the policy of the City of Saint John to retain the right to exclusively offer instructional programs and leisure skate services at its arenas. Instructional programs and ice services proposed by any applicant are subject to review and approval by Parks & Recreation Department. Duplication of programs and services may be restricted.

#### 16. New Users or Programs

It shall be the policy of the City of Saint John to reasonably accommodate new users or programs to provide for unmet or emerging community needs while also meeting other criteria outlined in this policy.

It shall be the policy of the City of Saint John to recognize new organizations or emerging sports and allocate ice time to enable it to establish its programs and services. The City will use unallocated ice first to meet the needs of a new applicant but reserves the right to reasonably reallocate hours from existing users, if warranted for a period not exceeding one year.

#### 17. Opening Arenas Outside of Standard Hours of Operation

It shall be the policy of the City of Saint John to consider opening arenas outside of standard hours of operation and charge fees that cover all hourly rates as well as full operational costs, pending the availability of staff.

#### 18. Arena User Conduct & Responsibilities

It shall be the policy of the City of Saint John to require all applicant groups to agree to abide by the Arena Code of Conduct as well as all additional rules and regulations that may be attached to a rental agreement or posted within the arena being rented. In the case of a conflict between rules or regulations the more stringent rules shall apply.

It shall be the policy of the City of Saint John to require that all users vacate the dressing rooms within 30 minutes of the conclusion of their rental period.

It shall be the policy of the City of Saint John to authorize the Arena Manager or designate supervisor as the responsible party for the assignment of dressing rooms. Dressing Room keys will only be issued to managers or coaches.

It shall be the policy of the City of Saint John to not accept responsibility for any lost, stolen, or misplaced personal items or equipment of users or applicant groups including but not limited to, items left unattended in the locker rooms or main arena.

It shall be the policy of the City of Saint John that all applicant groups and users assume full and exclusive responsibility for all damages or losses to property, fixtures, and equipment belonging to the City if caused by the applicant group or its respective members, staff, agents, or guests participating in or observing events during the term covered by the rental agreement. The applicant group will notify the Arena Manager or designate immediately of any vandalism, damages or losses to city property, fixtures and equipment.

It shall be the policy of the City of Saint John that all applicant groups and users are prohibited from bringing alcoholic beverages into City arenas.

It shall be the policy of the City of Saint John that all application groups and users uphold the provincial legislation regarding the Smoke Free Places Act which prohibits smoking/vaping in all enclosed public places.

It shall be the policy of the City of Saint John to reserve the right to eject any person and/or the organization from the facility for noncompliance at the sole and absolute discretion of the City's Arena Manager or designate supervisor in charge.

## 19. General Administration

It shall be the policy of the City of Saint John to require all applicants groups and users to submit requests for booking and cancellations on City-approved application forms. The City of Saint John reserves the right to reject applications and requests from clients who submit forms which are incomplete, contain falsified information, or are submitted after published deadlines.

## 20. Administration of Fees

It shall be the policy of the City of Saint John assign upon the Deputy Commissioner of Parks & Recreation Department the authority and responsibility for:

- a) Establishing procedures and guidelines for managing rental agreements and fees within the framework of this policy.
- b) Maintaining liaison with other Government agencies, including the Greater Saint John Regional Facilities Commission, the Lord Beaverbrook Rink, and other user groups and organizations concerned with rental agreements and fees for arenas within Greater Saint John.
- c) Implementing a fee policy that is consistent with the market value and pursuing cost recovery of the arena rental service being offered within Greater Saint John.
- d) Implementing the rental agreement and fee policy and procedures, including properly collecting fees.

## 21. Deadlines for Ice Time Requests and Confirmation

When requesting and allocation ice time requests the following time frames are mandatory

Season	Dates	Application Due Date	Contract Emailed	Signed Contract Returned
Spring	Apr 1 to Apr 30	1 <sup>st</sup> Friday in February	3 <sup>rd</sup> Friday in February	1 <sup>st</sup> Friday in March
Summer	Sept 1 to Early Oct	Last Friday in June	2 <sup>nd</sup> Friday in June	Last Friday in June
Fall/Winter	2 <sup>nd</sup> Friday in Oct to March 31	1 <sup>st</sup> Friday in August	3 <sup>rd</sup> Friday in August	2 <sup>nd</sup> Friday in September

Contracts that are not signed and returned by the specified date will be considered null and void and the associated ice time will go back for sale. Contract cancellations will be subject to cancellation administration charges (see section 14) after signing date. Arena bookings for each season will not be issued until all accounts are paid in full from the previous year.

## 22. Payment Terms

See below chart for seasonal payment terms. Delinquent accounts will be subject to stricter payment guidelines. Late payments will be subject to additional charges (see attached fees).

In an effort to minimize administrative time, multiple invoices will not be issued to the same account holder. This generates numerous staff hours to verify multiple invoices for payment, updating and issuing.

Season	50% Payment	Full Payment	Post Dated Cheques
Spring	At Time of First Rental	Last day in April	Not accepted
Summer	Second Friday in September	Second Friday in October	In total Sept 30
Fall/Winter	Last day in November	Last Day in March	Nov1, Dec 1, Jan 1, Feb 1, Mar 1,

## 23. Group Representation

In order for the City of Saint John to effectively serve their customers, all groups are asked to elect no more than two representatives to serve as liaison between Parks and Recreation Department and their group. All communications between the group and Parks and Public Spaces should, at all times, be channelled through each group's representatives.



## 24. Indemnification and Insurance Requirements

The user must, at all times during which it is allocated ice time in City of Saint John Arenas, keep in force and in effect a Comprehensive General Liability insurance policy. A copy of the insurance certificate must be presented to the City of Saint John before time of first booking with the following requirements being met:

- a) Minimum limits of two million (\$2,000,000)
- b) The City of Saint John added as “Additional Insured”
- c) A cross liability clause
- d) For organizations/group dealing with youth 18yrs and under, Limit and Conditional Coverage for Physical and Sexual Abuse is required.
- e) The insurers will give thirty (30) days’ notice of cancellation of this policy to the City of Saint John.

If any group does not have the required insurance coverage, it can be purchased through the City of Saint John’s insurance carrier for a nominal rate. For example a hockey team can purchase the appropriate coverage for \$150.00 per season.

## 25. Arena Code of Conduct



SAINT JOHN

### ARENA CODE OF CONDUCT

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*In an effort to ensure all activities in City of Saint John arenas are desirable and fulfilling experiences for all involved, the City of Saint John has an ‘Arena Code of Conduct’ policy.*

*The City of Saint John also supports the individual ‘Code of Conduct’ policies of organizations and associations who use City of Saint John facilities.*

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The City of Saint John is committed to providing an environment in which all individuals are treated with courtesy and respect. As such, all arena users shall conduct themselves in a manner consistent with good sportsmanship and behaviour that is appropriate, fair, and mutually respectful. Harassment and discrimination are never acceptable and will not be tolerated.

If at any time an arena user feels harassed, they should report this concern to a game official, city staff, league official, or school official.

**Please note the following:**

1. Any person whose conduct is not conducive to maintaining a positive environment during the event will be given a verbal warning to improve their behaviour or may be asked to leave, dependent upon the severity of their behaviour. This action can be taken by a game official, city staff, league official, or school official. City Staff need to be informed whenever a verbal warning has been issued. Physical abuse violations will result in an immediate dismissal, with follow-up investigation.
  2. If the person continues to be disruptive, it is at the discretion of the game official, city staff, league official, or school official to ask the individual to leave the building, or to directly contact the Saint John Police Force to escort the person from the facility (any citizen has the right to call Police if they feel threatened, at any time).
- \* If multiple league/team participants are receiving warnings regarding their behaviour, they will be treated as one and the league/team designate will be contacted. If the behaviours do not improve, ice time may be reduced/taken away. This will be at the discretion of Parks and Recreation staff, upon investigation. Examples of unacceptable behaviour include the consumption of alcohol/drugs , smoking/vaping and verbal/physical abuse.

## 26. Arena Additional Fees

Charge	Fee
NSF	\$25
Late payment fee ( payments not paid on time)	\$50 – Team \$200 – League
Mass Cancellations.  If groups cancels the allotment of hours below, the fee will apply:  <ul style="list-style-type: none"> <li>Teams = 10 hours</li> <li>Leagues = 20 hours</li> <li>Tournaments = 20 hours</li> </ul>	\$500 – Team (arena user) \$1000 – League (arena user) \$1000 – Tournament (arena user)
Non Compliance  (request for residency information)	\$50 per week, to a maximum of  \$200 if they never submit, plus will not be eligible for priority bookings the following year.
Delinquent Account  (applied to accounts that were delinquent the year previous)	<ul style="list-style-type: none"> <li>25% of invoice is due prior to first booking;</li> <li>25% due within first quarter of season,</li> <li>25% due halfway through season,</li> <li>25% (remainder) due three quarters of the way through season.</li> </ul>
Facility Clean Up	\$50 first time offense  \$100 any recurring offenses
Recreation Card Non Resident	\$200
Recreation Card Non-Compliant Association/Team	\$300  Associations, Leagues and team that knowingly allow players that are non-residents to participate in seasonal ice without purchasing a recreation card will be fined \$300 for each participant upon discovery. The fine will go on the seasonal



	ice invoice. In the event that the non-compliant player purchases a recreation card, the fine will be reduced to \$100.00.
Void Key Deposit Return	\$100; repeated infractions may result in loss of key privileges.

## O'Connor, Colleen

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**From:** Uchenna Udeh <nbaauche@gmail.com>  
**Sent:** June-06-19 12:23 PM  
**To:** O'Connor, Colleen  
**Subject:** Re: connecting you

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Colleen,

Following up on the official email I sent you and what Jennifer had stated, I will please like to ask how we may be able invite the Mayor and MP to attend this event.

We believe that their presence there will send out a strong message to the city.

We would also like to know if they may be interested in buying a VIP table. \$35 per person , This will be a good way to have the city listed as one of our sponsors.

Please let me know.

Look forward to hearing from you soon.

**Thank you,**  
**Uchenna Mildred Udeh**  
**Leader & Representative**  
**New Brunswick African Association Inc**  
**Saint John Division**  
**Tel: 5066035343**  
**Email: [NBAAuche@gmail.com](mailto:NBAAuche@gmail.com)**  
**<http://www.nbaa.ca/>**

On Thu, Jun 6, 2019 at 12:18 PM Uchenna Udeh <[nbaauche@gmail.com](mailto:nbaauche@gmail.com)> wrote:  
Dear Colleen,

My name is Uchenna Mildred Udeh and I am the Saint John leader & representative for the New Brunswick African Association.

We are writing to you because we believe that you, through your position at the City of Saint John Office , share our belief on the importance of increasing the social, economic, cultural integration and development of the African/multicultural community in New Brunswick.

The vision of the New Brunswick African Association is to become a leading community organization that is proactive and innovative in planning, developing, and delivering programs that will meet the needs of the African community in New Brunswick.

Our reason for approaching you is that we are seeking partnerships with like-minded organizations in the area, for the first ever pre-Afrofest celebration in Saint John on Saturday July 27th 2019 at the Kent theater. The New Brunswick Afrofest is the biggest African festival in Atlantic Canada. A partnership with NB Afro Fest demonstrates your commitment to prosperity in our region and

showcases your company as a solution to the challenges of diversity and inclusion in the province. Last years' 3rd annual NB Afrofest in Dieppe/Moncton was a great success. More than 1000 people joined us from different communities across Canada to celebrate our diversity and cultures. Artists from here and other Canadian cities such as Montreal, Ottawa and Toronto came to Dieppe to perform and showcase their talent giving the crowd a taste of the African culture and heritage. This year, as we prepare for the 4th annual celebration in October, we would like to start the celebrations here in Saint John.

Our work is guided by a commitment to the following core values:

- Partnership and capacity building.
- Foster a united African voice in the Canadian public arena.
- Trusting each other and providing a foundation of working with integrity.
- Maintaining a transparent and accountable governance process.
- Commitment to inclusiveness, fairness, equity, collaboration and teamwork.
- Respect and value diversity.
- Inspiring and motivating others.

The benefits for your business of signing up as a partner with the New Brunswick African Association, would be that we would:

- You will be front and center throughout event, gaining further exposure with local businesses and partner organizations.
- More closely associate your brand with diversity and inclusion
- Develop an association with community partners
- Showcase your product/brand to a desirable target audience
- Demonstrate and/or use the services/products of your organization at the event
- Have your team join our volunteer team or have a booth during the event

We look forward to hearing from you and learning about the prospective contributions through the partnership of your organization, that would make this event a success.

Thank You.

**Thank you,**  
**Uchenna Mildred Udeh**  
**Leader & Representative**  
**New Brunswick African Association Inc**  
**Saint John Division**  
**Tel: 5066035343**  
**Email: [NBAAuche@gmail.com](mailto:NBAAuche@gmail.com)**  
**<http://www.nbaa.ca/>**

On Thu, Jun 6, 2019 at 12:14 PM Uchenna Udeh <[nbaauche@gmail.com](mailto:nbaauche@gmail.com)> wrote:  
Hello Jennifer, Thank you for the connection.

Hello Collen, I will send you a separate email for further discussion. Thank you!