



Special Meeting
February 21st, 2024

A special meeting of council was held February 21st at 6:30 p.m. with Mayor Poirier presiding. The meeting was held to discuss a permit application submitted by Kildare Fisheries for a cold storage facility at 526 Main Street. In attendance were Councillor Gordon, Councillor Murphy, Councillor Boyce, Deputy Mayor Curtis and CAO Donna Thomson. Also in attendance were Jamie and Colin Rayner representing Kildare Fisheries and town residents Phalen McCarthy, Melissa Heald from the Western Graphic, Lucas Ramsay, Valerie Gallant, Nicole Saunders-Doyle, Leslie Albert and Ray Millman.

Mayor Poirier called the meeting to order. He explained the reason for the special meeting being to allow Council to reconsider a permit refusal for the cold storage facility that was voted down 3-2 at the regular council meeting on February 12th. He said before he let the residents have a chance to ask questions, that he wanted the councillors present to speak their concerns.

He said that the application had been approved by the planning board, but that at the council meeting it was voted down. He wanted to give the councillors an opportunity to ask direct questions to the Rayner's. He asked Councillor Gordon to start.

Councillor Gordon said most of her questions were answered but she expressed concern on the location of the facility being too close to resident's houses to run that kind of facility. Mr. Jamie Rayner asked if she was concerned about noise or safety. She said that both were concerns. She said if she lived next door to the facility that she would not be too pleased. Mr. Rayner said he would do his best to answer those concerns. He began with the safety first. He said the Government of Canada will be inspecting the facility same as they would for Royal Star, same as they would for any food facility. He said no one would be allowed to operate outside the parameters they set. He said he has no options but to have waste management and pest control that they are requirements of federal law to operate a food facility. He said the noise was a concern for himself as well and that his

contractors have assured him that noise will not be an issue. He said modern equipment for house have quieter compressors. He said the compressors for the plant are obviously larger. He said if noise becomes an issue, that they assured him they could build a sound proofed lean-to to muffle the noise.

He said as far as safety that everything would have to be in the building as it would not be allowed to be outside. He said that in order to enter the building you would need to enter an ante rooms and that nothing could be taken outside and brought back in to the building. He said that federal regulations don't allow it. He said any food regulations were the same as they were for a food store like Independent. Mayor Poirier asked Mr. Rayner who the contractors doing the work would be. Mr. Rayner advised there were three aspects to the work being proposed. One was woodwork which would be Bruce Rayner Construction, another was cement work which Rayner Construction would subcontract. The last was the contractor for the refrigeration work. He said that would be Cool Sense Refrigeration which are an international company. The Mayor asked Councillor Gordon if she had any further questions, and she did not.

The Mayor moved to Councillor Boyce to allow him to ask any questions. Councillor Boyce asked if there was any equipment for the facility that needed to housed outdoors and if there would be any hazardous materials outside. . Mr. Rayner said the only equipment would be an electrical forklift but that it wasn't allowed be outdoors. He said that there was no reason for it to go outdoors as the trucks weren't loaded outdoors. He said that in Howards Cove he was grandfathered to be allowed to take the product outside to load into trucks. But he said, the inspection for the cold storage would not be the same as the Howards Cove facility. He said the BRC (British Retail Certificate) was the level he had to meet. Colin Rayner said that they aren't allowed to use propane or gas operated forklifts. He said they had to be electrical so there no fumes. Mayor Poirier asked if Councillor Boyce had any other questions. Councillor Boyce said that he was curious if there are any contingency plans if the power went out. Mr. J Rayner said he has a portable generator that can be brought from the Howards Cove plant. He said it is housed inside a 32-foot tractor trailer. He said it be trailered over and hooked up if necessary. Lucas Ramsay asked what the decibel on the generator would be? Mr. J Rayner said it would be inside the trailer and the exhaust would be outside. Mr. Ramsay said so you don't know. Mr. J Rayner no not off hand as he had never had the question come up. He said in that circumstance of the town having no power, that as would any business, you would do what you had to do to protect the product. Mr. Ramsay said so it wouldn't cause hearing damage? Mr. Rayner said no that it was only a 6-cylinder engine.

Mayor Poirier moved onto Deputy Mayor Curtis to see if he had any questions. Mr. Curtis said that during the planning board meeting that all their questions had been answered. He added that in the event of a prolonged power outage, would they have a generator large enough to run the facility. Mr. Rayner said yes it would be large enough, that 5 compressors weren't required to run the facility. It is recommended to have 80 horsepower, and that he was using 150 horsepower because if he had a breakdown in a compressor that he would have a backup, and to maintain the temperature for a period of 2 weeks it would need 2 compressors. He said the 5 planned compressor were simply to have backups in case of breakdown. He said the people who took the R factor of the facility are a company from Arizona and they recommended what was required to run it and keep it at the proper temperatures. He said normally only 2 maybe 3 compressors would be running at any one time.

Mayor Poirier polled the residents to see if there were any questions. Mr. McCarthy, Mr. Millman said no. Mr. Ramsay said he would listen for now. The other present, Mrs. Saunders-Doyle, Leslie Albert and Valerie Gallant had no questions at this time. Ms. Albert did ask about the noise level in the trailer if there would be no noise at all. Mr. J Rayner said no that wasn't what he said. He said in an emergency situation if it was only out for a day that the generator wouldn't be needed as the temperature would be maintained at -25, that it would take a week for it to come up to -18. She said that generators could be noisy. Mr. Rayner agreed but added that in an emergency you would have many generators around town running as well.

Mayor Poirier moved on and asked if there were any more concerns. Lucas Ramsay asked about pest control. Mr. J Rayner said that Canadian Food Inspection Agency (CFIA) mandates regulations of pest control for food facilities. Mr. Ramsay said he meant outside not inside the building. Mr. Rayner said that he uses the same company as other places, like the Independent, in which you would see black boxes outside the building. Mr. Ramsay said well that wouldn't control his yard and he's across the street from the building. Mr. Rayner responded that if he had read the details on the setup, that there was no exposure of product inside or outside. Mr. Ramsay asked about ventilation ducts that pests could smell product from and enter the building. Mr. Rayner said no that there wouldn't be any ventilation as the building would need to be sealed according to regulations. Mr. Colin Rayner said you can't bring air in, that there would need to be positive air flow. He said for example that you can't open 2 doors at the same time. You can't have outside air coming in as it is considered contaminated air. Mr. J Rayner said he would be using Orkin Pest control as their outside pest control.

Mayor Poirier asked if there would be pallets stored outside the facility. Mr. J. Rayner said no, that would not be allowed. Councillor Murphy asked about the offices in the front of the building. She asked about parking for the employees. Mr. J. Rayner said there would be about 6 employees and most would travel together. He said there may be up to 4 vehicles, but the rest of the employees would enter from the back parking lot. He said 4-6 vehicles would be the maximum for the office staff.

Mayor Poirier asked if there were any further questions. Councillor Gordon asked how many workers all together would be working there. Mr. J Rayner said about 4-6 office and up to 10 in the facility. Mayor Poirier asked about empty tractor trailer in the parking lot. Mr. J. Rayner said the trucks would need appointments to come to the facility. He said that the contractor would be Midland and they would be there between 8-5. He said it would be highly irregular.

Mr. Millman asked if this cold storage would be for the fisherman's bait. Mr. J Rayner said that whatever is stored inside has to be food grade products. He said for example you couldn't go and pick up half rotten bait and bring it to his facility. He said it wouldn't be allowed in the door. He said it is not a freezing service. Mr. Ramsay asked about the cranberry farmers, if he had spoken to them. Mr. Rayner said that he had discussed them storing food graded packaged product in the facility. He said he also had spoken with blueberry farmers and fisherman who were tired of driving to Souris to pick up food grade bait. He said that yes, he would be offering those services. He reiterated that unless it came from a federally registered plant, that it would not be accepted at his plant.

Councillor Gordon asked what would happen if he failed an inspection , if they could be shut down. Mr. Rayner said what would happen in that circumstance would be that there would be a corrective action. He gave an example of a pallet tipping upside down. He said that the action to correct would follow the procedure laid out by a federal inspection agent. He said that if a box was busted open, they would need to decide if it was compromised or if it could still be considered food safe. If it deemed to be unsafe, it would need to be disposed of or go to a federally regulated facility to be recooked or reworked and back into cold storage.

Councillor Murphy asked how the compromised package would get out of the building. He said it would need to go to waste management and it would need to be documented. Mr. Ramsay so that would go to the waste bin outside until it was picked up. The answer was that it would be segregated in the cold storage to an area designated for such a case. When the truck comes to dispose of it, it would be then loaded onto the truck. He said it wouldn't be outside in a bin. Mr. C. Rayner

said their waste management procedure doesn't allow it to go out of the facility. It would be tagged and placed in a locked area. He said it wouldn't mean the entire pallet would be compromised. Councillor Murphy said so there would never be rotted fish outside in the public bins. Mr. Rayner said no if that happened someone would report it to CFIA and he would need to address it with them.

Mr. Ramsay asked if any of his other companies have ever been reprimanded by CFIA. Mr. Rayner said in any company that is regulated by CFIA, you will have infractions. He said his company has worked with CFIA to be compliant. He said if CFIA does an inspection and there are 3 pest control boxes missing that they would ask about that. He said there are daily procedures and inspections that need to be checked off. He said someone in quality control has to do daily pest control inspections, inside and outside. Mr. Ramsay asked if any of his companies had been shut down by CFIA. Mr. Jamie Rayner said that Kildare Fisheries had never been shut down by CFIA. He gave an example of a CFIA inspection finding that 3 boxes were missing, that someone stole them. He said then he would need to do a corrective action and determine the root cause of the infraction.

Ray Millman asked who runs the plant in Howards Cove. Mr. Rayner said what does that have to do with this subject? Mayor Poirier interjected that he would stop the questioning right there. He said he didn't want to deal with past practices, that tonight was dealing with the old curling rink facility. Past practices have a lot to do with it, said Mr. Millman. Mayor Poirier asked how? Mr. Millman said that you are the Mayor, you should know that. Mr. Rayner said if there was no explanation given, to move to the next subject. Mr. Millman said to Mr. Rayner to tell the truth, to sit there and tell the truth. Mr. Millman said he was leaving as he was sick and tired of listening to Mr. Rayner's lies. Mr. Millman left the meeting.

Mayor Poirier said as a council they had 2 choices. He said after the decision at the previous meeting, the Town had checked with their legal team to see if there was a reason to turn down the application. He said the legal team said that it could be overturned on appeal after a lengthy court procedure, or the motion to deny could be reconsidered. He said that the councillors were elected by the residents and the councillors would have to vote on this. He said that there were 2 councillors missing but that at the regular meeting, one had voted to allow and one to deny, so those votes would cancel each other.

He asked for a motion to reconsider and reverse or to let it stand and face a legal challenge. Councillor Boyce said he had another question. He asked how often the facility would be visited by the CFIA. Mr. Colin Rayner said they didn't know

when the visits were but it would be at least twice and for example in another facility they had 7 inspections in one year. He said they didn't have to give advance notice. He said sometimes they did get notice but that CFIA didn't need to. He said BRC only came once a year but may be there over 3-4 days.

Leslie Albert asked where the generator would be set up if it was required. Mr. J Rayner said it would be depend on where Maritime Electric recommended putting the receiver , when it is put in and he thought probably the north east corner of the building, then the trailer with the generator would be put near there, probably between their building and the one next to it, the old Kings restaurant. He said there will be some noise. The CAO said in a power outage, there would be many generators running around town as well.

Mayor Poirier asked for a motion to reconsider the permit motion, or to let the motion to deny stand. Deputy Mayor Curtis made the motion to reconsider the previous motion and allow the permit. Councillor Boyce asked if there was any kind of agreement that the town could have with the facility in regard to waste. The CAO Donna Thomson said there could be conditions attached to the development permit. The motion was seconded by Councillor Murphy. Councillor Gordon voted against the motion. Councillor Boyce voted yes. The motion was carried by 3-1 vote.

Mayor Poirier adjourned the meeting.