



ROTHESAY COUNCIL

OPEN SESSION

Monday, November 14, 2011

MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR BLAIR MacDONALD
COUNCILLOR SCOTT COCHRANE
COUNCILLOR PAT GALLAGHER JETTE
COUNCILLOR TERRY KILFOIL
COUNCILLOR NORMA MULLETT
COUNCILLOR DON SHEA
COUNCILLOR TOM YOUNG (left at 9:45 p.m.)

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
DIRECTOR OF RECREATION SERVICES CHARLES JENSEN

PUBLIC HEARINGS

By-law 2-10-13 (11 Sierra Avenue) PID# 00478792

By-law 2-10-14 (13 Sierra Avenue) PID# 00478800

Documentation

19 October 2011

1st Section 68 advertisement

9 November 2011

2nd Section 68 Advertisement

8 November 2011

Recommendation from Planning Advisory Committee

27 September 2011

Staff Report

DRAFT

By-law 2-10-13

DRAFT

By-law 2-10-14

Appearances

G. Drescher, Development Officer, Director of Development Services

Matt Hughes, AMH Properties Ltd.

Objections:

Presentation and video

➤ **Lorna Hargrove**

➤ **Lloyd and Diana Riley**

7 November 2011

Letter from Lloyd and Diana Riley, 15 Sierra Avenue

10 November 2011

Letter from Heather LeBlanc, 23 Sierra Avenue

10 November 2011

Letter from Joe McIntyre

Petition from area residents

Mayor Bishop called the Public Hearing to order at 8:00 p.m. and gave instructions to those in attendance, noting the legislative process and advising the hearing was duly advertised. He indicated if there were no objections, the hearings would be held concurrently.

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the Public Hearings for 11 and 13 Sierra Avenue be held concurrently.

CARRIED.

DDS Drescher gave a brief presentation outlining the proposal. She noted the project is for a 15 unit apartment building and the lots will be consolidated. The designation in the Municipal Plan is Mixed Residential. DDS Drescher noted the application had been denied in May but additional information had been provided with respect to stormwater management and the Planning Advisory Committee recommended Council accept the new engineering report as constituting valid new evidence.

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Mr. Hughes advised the proposal will be similar to the development at 6 Scribner Crescent. He advised Legault Sabeau Engineering Ltd. had been hired to evaluate pre- and post-storm run-off and to determine how to reroute the existing ditch and the type of catchment system to be used. He also noted the following: test pits had been done in August, site elevations had been reviewed, onsite management of stormwater was evaluated with various options, large buffer will be maintained and the blind turn visibility could be enhanced by the developer clearing out the right-of-way.

Mr. Sabeau was in attendance and commented on the following: preliminary analysis indicates there will be less water leaving the site after the development, catch basins in the parking lot will drain to an underground storage tank, the tank design will depend on storage requirements, water volume calculations are based on charted reports from Environment Canada, catch basins will be installed at the developer's expense and land elevations will be considered in the project for stormwater management. He also noted the current ditch will be rerouted around the property and the flow from Cortland Place is not on the developer's property. DO McLean advised he was satisfied with the concept presented by Legault Sabeau Engineering Ltd. DDS Drescher advised the reference to a french drain system would be removed from the development agreement.

Mayor Bishop called three times for those who wished to speak in favour of the proposal.

Mayor Bishop called three times for those who wished to speak against the proposal.

Lorna Hargrove, 21 Sierra Avenue and Diane Riley, 15 Sierra Avenue spoke against the proposal. The following comments were made: the properties are currently zoned single-family, references to existing policies in the Municipal Plan, increased traffic volume will impact safety, results of a traffic study done by Rothesay Regional Police, properties are located at a blind turn on Sierra Avenue, property devaluation, decreased privacy, concern about flooding issues, lack of sidewalks and streetlights and left turn lane onto Hampton Road, flow of water through the area during heavy rain and concern about its management and management of the current water flow from Cortland Place.

Mr. Hughes advised the project had moved away from the french drain concept initially discussed and Mr. Sabeau has done a preliminary analysis on an underground storage tank. He further noted there will be a streetlight on the property. He noted the preliminary analysis concludes there will be less water leaving the site following development and the parking lot grade will direct water to the catch basins and into the underground storage tank.

There was a brief discussion with respect to the management of the current flow from Cortland Place and options the Town may consider to create a more direct route to Salmon Creek. Clarification was provided with respect to the valid new evidence, noting the current proposal provides a different mitigation measure for stormwater management.

MOVED by Counc. Young and seconded by Counc. Kilfoil the Public Hearings be adjourned.

CARRIED.

The Public Hearings adjourned at 9:10 p.m.

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Mayor Bishop called the Open Session to order at 9:11 p.m.

1. APPROVAL OF MINUTES Regular Meeting – October 11, 2011

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the minutes of 11 October 2011 be approved as circulated.

CARRIED.

2. APPROVAL OF AGENDA

MOVED by Counc. Young and seconded by Counc. Shea the agenda be approved with the following changes:

Items 9.1, 9.2 and 9.3 be brought forward and dealt with following Item 6.3

CARRIED.

3. OPENING REMARKS OF COUNCIL

N/A

4. DELEGATIONS

- 4.1 Council of Canadians/Shale Gas Carol Ring and Chris Rendell
(See Item 9.2)

Carol Ring and Chris Rendell appeared before Council and gave a brief presentation with respect to Shale Gas and hydro-fracking. The following points were raised: the process uses a tremendous amount of water and is not a clean fuel, there are problems in various U.S. states, development has been rapidly expanding, risks include well water contamination/loss, air pollution, decreased property value and tourism revenue and increased costs, associated health risks and the concern that regulations will not be enforced or monitored. Ms. Ring requested the support of Rothesay Council for a province-wide ban on shale gas exploration and development.

Mayor Bishop thanked Ms. Ring and Mr. Rendell for their presentation.

- 4.2 Oakville Acres Dawn Doody
(See Item 9.3)

Mayor Bishop advised Council Ms. Doody was unable to attend the meeting.

5. CORRESPONDENCE FOR ACTION

- 5.1 31 October 2011 Letter from I. Warning, Appleby Drive RE: plowing.

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the letter from I. Warning, Appleby Drive RE: plowing be referred to the Director of Operations.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

- 6.1 17 October 2011 Letter from Local Government Minister Fitch RE: Community Recognition Awards.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the letter from Local Government Minister Fitch RE: Community Recognition Awards dated 17 October 2011 be received/filed.

CARRIED.

- 6.2 21 October 2011 Enterprise Saint John Release RE: Saint John one of *Smart 21*.

MOVED by Counc. Mullett and seconded by Counc. Shea the Press Release from Enterprise Saint John RE: Saint John one of *Smart 21* dated 21 October 2011 be received/filed.

CARRIED.

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6.3 19 October 2011 Letter from Minister Coulombe (PETL) RE: Canadian Library Month.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Kilfoil the letter from Minister Coulombe (PETL) RE: Canadian Library Month dated 19 October 2011 be received/filed.

CARRIED.

9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARINGS

9.1 11 – 13 Sierra Avenue rezoning By-laws 2-10-13 and 2-10-14

9 November 2011 Memorandum from Town Clerk Banks

DRAFT By-law 2-10-13

DRAFT By-law 2-10-14

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council give 1st Reading by Title, to By-law 2-10-13, "A By-law to Amend the Zoning By-law".

ON THE QUESTION:

Counc. Shea noted he was not convinced the water issues had been dealt with in the proposal, particularly the pipe from Cortland Place and advised he would be voting against the proposal. Counc. Gallagher Jette suggested there was a duty to assess risk and more review should be done before disrupting the neighbourhood. Deputy Mayor MacDonald indicated the issues raised by the residents are not related to this particular project and this project will not increase water flows. Counc. Kilfoil advised he was satisfied the requirements had been met and the other issues should be addressed separately from the project. Counc. Mullett advised she misunderstood the management of the water flowing from Cortland Place and did not believe the watercourse through the property would be absorbed and therefore would not endorse the project. Counc. Cochrane advised additional information had been received with respect to stormwater management and the developer will manage the water on the property. He further suggested it was unfair to expect the developer to manage run-off from another property. Counc. Young advised he would be voting against the proposal.

YEA votes recorded from Deputy Mayor MacDonald, Councs. Cochrane and Counc. Kilfoil.

NAY votes recorded from Councs. Gallagher Jette, Mullett, Shea and Young.

DEFEATED.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council give 1st Reading by Title, to By-law 2-10-14, "A By-law to Amend the Zoning By-law".

YEA votes recorded from Deputy Mayor MacDonald, Councs. Cochrane and Counc. Kilfoil.

NAY votes recorded from Councs. Gallagher Jette, Mullett, Shea and Young.

DEFEATED.

BUSINESS ARISING FROM DELEGATIONS

9.2. Council of Canadians/Shale Gas

8 November 2011 Memorandum from DDS Drescher

3 November 2011 Letter from Carol Ring
Presentation

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the presentation and correspondence from DDS Drescher and Carol Rind RE: Council of Canadians/Shale Gas be received/filed.

CARRIED.

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9.3 Oakville Acres

9 November 2011 Letter from Dawn Doody

MOVED by Counc. Cochrane and seconded by Counc. Young the letter from Dawn Doody dated 9 November 2011 RE: Oakville Acres be received/filed.

CARRIED.

Mayor Bishop requested Item 8.1 be brought forward as Mr. Stephen was in attendance.

**8.1 By-law 2-10-04 147 Hampton Road
3rd Reading and Enactment**

10 November 2011 Memorandum from Town Manager Jarvie

DRAFT By-law 2-10-04

MOVED by Counc. Kilfoil and seconded by Counc. Mullett By-law 2-10-04 be removed from the table.

CARRIED.

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald Reading in its Entirety be given By-law 2-10-04, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-10-04 in its entirety.

MOVED by Counc. Cochrane and seconded by Counc. Mullett 3rd Reading by Title and Enactment be given By-law 2-10-04, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-10-4 by title.

7. REPORTS

7.0 November 2011 Report from Closed Session

MOVED by Counc. Young and seconded by Counc. Mullett the remuneration for Rothesay Council, in accordance with By-law 1-06, "Remuneration By-law", be set as follows for May 14, 2012 to May 9, 2016:

Mayor	\$28,100
Deputy Mayor	\$15,200
Councillor	\$13,000

Amending Motion:

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the remuneration for Councillors be \$14,000.

ON THE QUESTION:

Counc. Cochrane indicated the remuneration is set by the sitting Council for the incoming Council in May 2012. He noted the calculation is based on a 2% increase over the four year term and suggested a more equitable figure for Councillors would be \$14,000.

YEA votes recorded from Councils. Cochrane and Kilfoil.

Amending Motion DEFEATED.

Main Motion:

NAY vote recorded from Counc. Cochrane.

Main Motion CARRIED.

Counc. Young left the meeting at 9:45 p.m.

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- 7.1 7 April 2011 Fundy Region Solid Waste Commission Meeting Minutes
26 May 2011 Fundy Region Solid Waste Commission Meeting Minutes
16 June 2011 Fundy Region Solid Waste Commission Meeting Minutes
22 September 2011 Fundy Region Solid Waste Commission Meeting Minutes

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the Fundy Region Solid Waste Commission Meeting Minutes dated 7 April 2011, 26 May 2011, 16 June 2011 and 22 September 2011 be received/filed.

ON THE QUESTION:

Counc. Gallagher Jette advised she would question why the minutes have not been received in a more timely fashion.

CARRIED.

- 7.2 22 September 2011 Kennebecasis Public Library Board Meeting Minutes
Kennebecasis Public Library Proposed 2012 Budget
31 December 2010 Kennebecasis Public Library Audited Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Kennebecasis Public Library Board Meeting Minutes dated 22 September 2011 and the Audited Financial Statements dated 31 December 2010 be received/filed.

ON THE QUESTION:

There was a brief discussion with respect to provincial funding/municipal funding for staffing and books and the use of the \$5000 donated by the Rothesay-Kings Rotary Club.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Kennebecasis Public Library proposed 2012 Budget be referred to the Finance Committee.

CARRIED.

- 7.3 28 September 2011 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes
30 September 2011 Rothesay Regional Joint Board of Police Commissioners Financial Statements
20 October 2011 Rothesay Regional Joint Board of Police Commissioners 2012 Budget

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners Meeting Minutes dated 28 September 2011 and the Rothesay Regional Joint Board of Police Commissioners Financial Statements be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald noted a reference was made to the Five Year Plan for the Rothesay Regional Police which has not been received by Rothesay Council. Councs. Mullett and Shea advised they had also not seen the Plan at the Commission Board. They were requested to ask the Commission to forward the Plan to Rothesay Council.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners 2012 Budget dated 20 October 2011 be referred to the Finance Committee.

CARRIED.

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- 7.4 14 October 2011 Kennebecasis Valley Fire Department Inc. 2012 Budget
31 August 2011 Kennebecasis Valley Fire Department unaudited Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the Kennebecasis Valley Fire Department Inc. 2012 Budget be referred to the Finance Committee.

ON THE QUESTION:

Deputy Mayor MacDonald asked if a response had been received to the request for the Planning Committee to meet with Rothesay Council. Counc. Cochrane advised the Board had not met since the request was sent.

CARRIED.

- 7.5 17 October 2011 2012 Budget Submission from Cherry Brook Zoo
25 October 2011 Letter to Cherry Brook Zoo

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the 2012 Budget Submission from the Cherry Brook Zoo and the letter to Cherry Brook Zoo dated 25 October 2011 be referred to the Finance Committee.

CARRIED.

- 7.6 18 October 2011 Parks and Recreation Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the Parks and Recreation Committee Meeting Minutes be received/filed.

CARRIED.

- Arena Renovations – Architectural Services
9 November 2011 Memorandum from Town Manager Jarvie

MOVED by Counc. Shea and seconded by Counc. Cochrane Council authorize the circulation of the Request for Proposals as presented for architectural services for recreation projects.

ON THE QUESTION:

There was discussion with respect to the following: use of or cost recovery from previous designs, costs associated with the request for proposals, level of detail needed, composition of the evaluation committee and project committee, what is the scope of the project and who has the final determination of what is included and at what cost. Town Manager Jarvie advised there is no cost associated with issuing the request for proposals, the Parks and Recreation Committee has been discussing the project but Council has the final determination of what the project entails, noting the concept plans would indicate what will fit on the property, and the required committees would be appointed by Council or the Nominating Committee.

Mayor Bishop suggested a working session with Council and the Parks and Recreation Committee. Deputy Mayor MacDonald suggested a timeline be established and the architectural firms be given more detail to base their submissions on.

CARRIED.

- Arthur Miller Field Building
8 November 2011 Memorandum from Parks/Recreation Director Jensen

MOVED by Counc. Shea and seconded by Counc. Cochrane Council authorize a call for tenders for the renovation of the Arthur Miller Fields Building with an estimated cost of \$200,000.

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ON THE QUESTION:

It was noted the project will enhance the existing building through an expansion to accommodate washrooms and a breezeway. Mayor Bishop requested additional detail be provided for Council to base its decisions on. It was noted a preliminary design has been done but requires further detail and the project was budgeted in the 2011 Capital Budget. Deputy Mayor MacDonald and Counc. Gallagher Jette questioned the scope of the project and if it was a priority project. Director of Recreation Services Jensen advised the landscaping has been completed, the facility has an appealing appearance and the building renovation is the next step in the project.

NAY votes recorded from Deputy Mayor MacDonald and Counc. Gallagher Jette.

CARRIED.

7.7 19 October 2011 Draft Heritage Preservation Review Board Meeting Minutes

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the draft Heritage Preservation Review Board Meeting Minutes be received/filed.

CARRIED.

➤ 2012 Budget

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft 2012 Heritage Preservation Review Board Budget be referred to the Finance Committee.

CARRIED.

7.8 25 October 2011 Draft Water and Sewer Committee Meeting Minutes

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the draft Water and Sewer Committee Meeting Minutes be received/filed.

CARRIED.

➤ 2012 Utility Capital and Operating Budget

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the 2012 Utility Capital and Operating Budget be referred to the Finance Committee.

CARRIED.

7.9 2 November 2011 Joint Finance Committee Meeting Notes (Rothesay)

2 November 2011 Joint Finance Committee Meeting Notes (Quispamsis)

31 October 2011 Draft Finance Committee Meeting Minutes

30 September 2011 Unaudited Utility Financial Statements

30 September 2011 Unaudited General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the joint Finance Committee meeting notes from both Rothesay and Quispamsis be received/filed.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Finance Committee Meeting Minutes dated 31 October 2011 be received/filed.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited Utility Financial Statements dated 30 September 2011 be received/filed.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited General Fund Financial Statements dated 30 September 2011 be received/filed.

CARRIED.

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7.10 October 2011 Monthly Building Permit Report

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the October Monthly Building Permit Report be received/filed.

CARRIED.

7.11 7 November 2011 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft Planning Advisory Committee Meeting Minutes dated 7 November 2011 be received/filed.

CARRIED.

- 11 – 13 Sierra Avenue Rezoning (See Item 9.1)

Dealt with above.

- 6 Willie Street Development Agreement
Revised Agreement

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council authorize the Mayor and Clerk to enter into the development agreement, as amended, for the use of a garage which exceeds the Zoning By-law requirements for accessory building area by 182% for personal purposes only at the property situate 6 Willie Street, identified as PID# 30112601.

ON THE QUESTION:

The amendment to the agreement was clarified and it was noted the addition will be used for personal vehicle storage only. It was suggested further detail be provided with respect to lot sizes.

CARRIED.

8. OLD BUSINESS

8.1 By-law 2-10-04 147 Hampton Road

3rd Reading and Enactment

10 November 2011 Memorandum from Town Manager Jarvie

DRAFT By-law 2-10-04

Dealt with above.

8.2 By-law 3-11 Road closure (portion of Brittain Lane)

3rd Reading and Enactment

9 November 2011 Memorandum from Town Clerk Banks

DRAFT By-law 3-11

MOVED by Counc. Kilfoil and seconded by Counc. Shea Reading in its Entirety be given By-law 3-11, “A By-law Respecting the Stopping up and Closing Permanently of a Portion of Brittain Lane”.

CARRIED.

MOVED by Counc. Kilfoil and seconded by Counc. Shea 3rd Reading by Title and Enactment be given By-law 3-11, “A By-law Respecting the Stopping up and Closing Permanently of a Portion of Brittain Lane”.

CARRIED.

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9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARINGS

9.1 11 – 13 Sierra Avenue rezoning By-laws 2-10-13 and 2-10-14

9 November 2011 Memorandum from Town Clerk Banks
DRAFT By-law 2-10-13
DRAFT By-law 2-10-14

Dealt with above.

BUSINESS ARISING FROM DELEGATIONS

9.2. Council of Canadians/Shale Gas

8 November 2011 Memorandum from DDS Drescher
3 November 2011 Letter from Carol Ring
Presentation

Dealt with above.

9.3 Oakville Acres

9 November 2011 Letter from Dawn Doody

Dealt with above.

OPERATIONS

9.4 Security Release – Crosswinds Crescent

7 November 2011 Memorandum from DO McLean

There was a brief discussion with respect to the amount of the holdback and what work remains to be done. The holdback totals more than 10% of the original Letter of Credit and the asphalt remains to be done.

MOVED by Counc. Cochrane and seconded by Counc. Shea Council released Letter of Credit P408008H093454 and request a new Letter of Credit from A. E. McKay in the amount of \$41,250.00 (\$37,500.00 plus 10% for market fluctuations in asphalt prices) to ensure the satisfactory completion of the asphalt seal course on Crosswinds Crescent in 2012.

CARRIED.

DEVELOPMENT SERVICES

9.5 Municipal Plan Update

10 November 2011 Memorandum from Town Manager Jarvie
October 2011 Report from DDS Drescher

MOVED by Counc. Cochrane and seconded by Counc. Mullett the October 2011 Municipal Plan Update Report be received for information and review.

CARRIED.

9.6 Unsightly Premises

10 November 2011 Memorandum from Town Manager Jarvie
8 November 2011 Memorandum from DDS Drescher

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald Council establish a committee of Council made up of all members to hear any appeals for notices issued by the Building Inspector under By-law 4-09.

CARRIED.

10. NEXT MEETING

The next regular meeting of Council will be held on Monday, December 12, 2011.

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11. ADJOURNMENT

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the meeting be adjourned.

CARRIED.

The meeting adjourned at 10:45 p.m.

MAYOR

CLERK