



# ROTHESAY COUNCIL

OPEN SESSION

Monday, August 11, 2008

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

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF OPERATIONS (DO) SCOTT HATCHER  
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

ABSENT: COUNCILLOR TOM YOUNG  
TREASURER SUSAN JOHNSON

## PUBLIC HEARING

### Zoning By-law Amendment By-law 2-02-29

#### Documentation

18 July 2008

6 August 2008

23 July 2008

6 August 2008

DRAFT

**Appearances:**

**Objections:**

1<sup>st</sup> Section 68 Advertisement, Telegraph Journal

2<sup>nd</sup> Section 68 Advertisement, Telegraph Journal

Report from DDS Drescher with attached documentation

IOM from Planning Advisory Committee

By-law 2-02-29

**Gay Drescher, Director of Development Services**

None received as of Thursday, 7 August 2008

Mayor Bishop called the Public Hearing to order at 8:00 p.m. and gave instructions to those in attendance.

DDS Drescher gave a brief presentation, noting the legislative process to be followed for the application. The proposal is to amend the text of Zoning By-law 2-02 to permit daycare centres to be a primary use in the Institutional Minor Zone, subject to a development agreement. Council requested clarification on the following: the proposed daycare at 259 Gondola Point Road has been operating for six months and no complaints have been received, the current zoning is residential and the draft agreement indicates the property will revert back to Residential zoning if there is a change in ownership.

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

Mayor Bishop called three times for those wishing to speak in opposition to the proposal.

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea the Public Hearing be adjourned.

**CARRIED.**

The Public Hearing adjourned at 8:15 p.m.

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**PUBLIC HEARING**

**Zoning By-law Amendment**

**By-law 2-02-30**

**(259 Gondola Point Road, PID# 00098467- daycare)**

**Documentation**

18 July 2008

6 August 2008

23 July 2008

6 August 2008

DRAFT

**Appearances:**

**Objections:**

1<sup>st</sup> Section 68 Advertisement, Telegraph Journal (as above)

2<sup>nd</sup> Section 68 Advertisement, Telegraph Journal (as above)

Report from DDS Drescher with attached documentation (as above)

IOM from Planning Advisory Committee

By-law 2-02-30

**Gay Drescher, Director of Development Services**

**Meredith Tonge and Michelle Mason**

None received as of Thursday, 7 August 2008

Mayor Bishop called the Public Hearing to order at 8:15 p.m. and gave instructions to those in attendance.

The proposal is to rezone the property at 259 Gondola Point Road to Institutional Minor to permit a daycare centre.

Ms. Tonge advised the operation is going well during the six months it has been operating on a temporary basis. There is a wait list of fifty children, which is growing. The business employs five full-time staff and one relief staff and there have been good reports from parents. Ms. Tonge advised, upon questioning, the building is accessible and DDS Drescher noted the building will meet Nation Building Code standards and standards established by the Department of Social Development.

Mayor Bishop called three times for those in favour of the proposal.

Mayor Bishop called three times for those in opposition to the proposal.

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea the Public Hearing be adjourned.

**CARRIED.**

The public hearing adjourned at 8:18 p.m.

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Mayor Bishop called the Open Session to order at 8:18 p.m.

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald Items 9.1 and 9.2 be brought forward on the agenda, to follow Item 5.8.

**CARRIED.**

### 1. **APPROVAL OF MINUTES** Regular Meeting – 11 July 2008

#### 1.1 **Business Arising from Minutes**

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette the minutes of 11 July 2008 be approved as circulated.

ON THE QUESTION:

Mayor Bishop asked if there was any further information with respect to the EMO investigation for KPark. Town Manager Jarvie advised preliminary discussions had been held with adjacent property owners.

**CARRIED.**

### 2. **APPROVAL OF AGENDA**

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the agenda be approved as circulated, with the addition of the following:

*Item 5.8      1 August 2008      Letter from the Greater Saint John Community Foundation RE: Public Session on drinking water.*

**CARRIED.**

### 3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop noted both Town and private properties in Rothesay were being well-maintained and many compliments had been received.

Mayor Bishop noted Shakespeare on the Common would be held this week, and that he, Mayor Driscoll and Paul Zed, MP would be participating in the prologue.

Deputy Mayor MacDonald thanked Town Manager Jarvie for his recent tour of the Fire Station and Works Garage.

### 4. **DELEGATIONS**

N/A

### 5. **CORRESPONDENCE - FOR ACTION**

5.1    3 July 2008                      Email from J. Blanchet RE: standing water issue - 7 Alexander Avenue.

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the letter from J. Blanchet RE: standing water issue at 7 Alexander Avenue be forwarded to the Town Manager.

ON THE QUESTION:

Town Manager Jarvie advised the matter will be investigated by staff rather than being referred to a committee. A committee would make a recommendation to Council and it is not anticipated there will be any action required by Council.

**CARRIED.**

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5.2 17 July 2008 Letter from I. Holler RE: work on Third Street (with attachment)  
**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter from I. Holler RE: work on Third Street be forwarded to the Town Manager.

### **ON THE QUESTION:**

It was suggested this was a School Board matter so why was it being referred to the Town Manager. Town Manager Jarvie noted the outcome of the staff review could be it will be forwarded to School District 6.

**CARRIED.**

5.3 21 July 2008 Letter from KVBA RE: facilities  
7 August 2008 Memorandum from Town Clerk  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the letter from the Kennebecasis Valley Basketball Association be referred to the Recreation and Parks Committee.

### **ON THE QUESTION:**

It was noted representatives will be in attendance at the next Council meeting to give a presentation.

**CARRIED.**

5.4 29 July 2008 Email from A Homiak RE: comEX bus stop  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the email from A. Homiak RE: comEX bus stop be referred to the Town Manager.

### **ON THE QUESTION:**

Counc. Gallagher Jette requested clarification on how the request will be answered. Town Manager Jarvie advised it would come back to Council with a recommendation and it was likely no changes would be made on stops in Rothesay until Council decides whether to continue the service at the conclusion of the pilot project. The following topics were discussed: it will be a Council decision whether to pay to continue the service, ridership information in time for budget deliberations was requested, and the location of the existing bus stops were determined by the availability of parking, with four in Quispamsis, three in Rothesay and one in the City. Town Manager Jarvie noted it is an express service so convenience needed to be balanced with speed of service.

**CARRIED.**

5.5 6 August 2008 Email (portion of) from L. McEwen-Wills RE: 2274 and 2260  
Rothesay Road.  
**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the email from L. McEwen-Wills RE: 2274 and 2260 Rothesay Road be forwarded to the Public Works and Infrastructure Committee.

### **ON THE QUESTION:**

Counc. Shea requested clarification as to whether the matter would come back to Council if action were required. Town Manager Jarvie advised it would depend on the result of further investigation.

**CARRIED.**

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5.6 1 August 2008 Email from C. Yeamans RE: Bill 82.  
**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Mullett the email from C. Yeamans RE: Bill 82 be referred to the Town Clerk for a report.

**CARRIED.**

5.7 7 August 2008 Memorandum from Town Clerk RE: tax exemption  
25 June 2008 Letter from Kennebecasis Public Library to Minister Doherty RE:  
(rec'd 14 Jul) RE: tax exemption.

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett staff forward a copy of the Rothesay Brief and documentation related to Tax Review in New Brunswick to Minister Doherty, the southern Caucus, and the Board of the Kennebecasis Public Library.

**CARRIED.**

5.8 1 August 2008 Letter from Greater Saint John Community Foundation RE: public session on drinking water.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil Council authorize the funding request from the Greater Saint John Community Foundation in the amount of \$392.00, based on per-capita to assist in covering the luncheon expenses.

**CARRIED.**

### Bring Forward Items

#### 9. NEW BUSINESS

##### **BUSINESS ARISING FROM PUBLIC HEARINGS** (See Public Hearings documentation)

###### **9.1 By-law 2-02-29 A By-law to Amend the Zoning By-law** (text amendment)

6 August 2008 Recommendation from Planning Advisory Committee

**MOVED** by Counc. Cochrane and seconded by Counc. Shea 1<sup>st</sup> Reading by Title, be given By-law 2-02-29, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-29 by title.

**MOVED** by Counc. Cochrane and seconded by Counc. Shea 2<sup>nd</sup> Reading by Title, be given By-law 2-02-29, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-29 by title.

###### **9.2 By-law 2-02-30 A By-law to Amend the Zoning By-law** (259 Gondola Point Rd)

6 August 2008 Recommendation from Planning Advisory Committee

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett 1<sup>st</sup> Reading by Title, be given By-law 2-02-30, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-30 by title.

**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane 2<sup>nd</sup> Reading by Title, be given By-law 2-02-30, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-30 by title.

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### 6. CORRESPONDENCE - FOR INFORMATION

- 6.1 9 July 2008 Letter from Jean-Guy Finn, Commissioner on the Future of Local Governance RE: receipt of Rothesay brief.

**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter from Jean-Guy Finn, Commissioner on the Future of Local Governance RE: receipt of Rothesay brief be received/filed.

**CARRIED.**

- 6.2 16 July 2008 Letter from Quispamsis RE: Kennebecasis Public Library.  
17 June 2008 Letter to Quispamsis RE: Kennebecasis Public Library.

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the correspondence to and from Quispamsis RE: Kennebecasis Public Library be received/filed.

**CARRIED.**

- 6.3 2 July 2008 Congratulatory letter from Board of Trustees, Kennebecasis Public Library.

**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette the congratulatory letter from Board of Trustees, Kennebecasis Public Library be received/filed.

**CARRIED.**

- 6.4 24 July 2008 Letter to Horizon Management Ltd. RE: condition of property – 3219 Rothesay Road.

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the letter to Horizon Management Ltd. RE: condition of property – 3219 Rothesay Road be received/filed.

**CARRIED.**

- 6.5 28 July 2008 Letter from S. Battah, Department of Local Government RE: Gas Tax Transfer Revenue.

**MOVED** by Counc. Shea and seconded by Counc. Cochrane the letter from S. Battah, Department of Local Government RE: Gas Tax Transfer Revenue be received/filed.

### ON THE QUESTION:

It was clarified the agreement outlines what types of projects the funds can be used for and the municipality must submit a plan outlining the proposed projects.

**CARRIED.**

- 6.6 30 July 2008 Letter to Select Committee on Tax Review RE: follow-up to presentation (w/o enclosure).

**MOVED** by Counc. Mullett and seconded by Deputy Mayor MacDonald the letter to Select Committee on Tax Review RE: follow-up to presentation (w/o enclosure) be received/filed.

**CARRIED.**

- 6.7 30 July 2008 Letter from Michael Quinn, Chief Electoral Officer RE: Election voting procedures.

- 17 July 2008 Letter to Michael Quinn, Chief Electoral Officer RE: Municipal Election voting procedures.

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the letters to and from Michael Quinn, Chief Electoral Officer RE: municipal election voting procedures be received/filed.

**CARRIED.**

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6.8 31 July 2008 Letter from Jean Leclerc, Chair, Societe du 400e anniversaire de Quebec.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the letter from Jean Leclerc, Chair, Societe du 400e anniversaire de Quebec be received/filed.

**CARRIED.**

6.9 4 August 2008 Email from Randy Nason, Chair, NB Environmental Network Mining Caucus RE: resolution against uranium mining.

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the email from Randy Nason, Chair, NB Environmental Network Mining Caucus RE: resolution against uranium mining be received/filed.

**CARRIED.**

## 7. REPORTS

### 7.0 August 2008 Report from Closed Session

#### ➤ Kennebecasis Public Library Funding

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett Council agree to share the costs of the \$50,000 consultant work for further investigation of a new library with the proviso that questions outlined in the memorandum from the Town Manager, more specifically questions related to the size of 29,000 square feet for the proposed facility, other options available related to extending Sunday hours and evening hours, and firm funding commitments from the Province for staff and collections.

#### ON THE QUESTION:

It was clarified Rothesay's portion is 43.3% or about \$22,500. Concerns were raised with respect to outstanding questions. Counc. Shea advised he would be voting against the motion as there has been no commitment from the Province. Deputy Mayor MacDonald agreed and suggested the questions should be answered before the funds are committed. It was noted the funds would be spent on engineering and design costs.

**YEA votes recorded from Councils. Cochrane, Gallagher Jette, Kilfoil and Mullett.**

**NAY votes recorded from Deputy Mayor MacDonald and Council. Shea.**

**CARRIED.**

7.1 10 April 2008 Fundy Region Solid Waste Commission Board Meeting Minutes  
24 April 2008 Fundy Region Solid Waste Commission Board Meeting Minutes  
15 May 2008 Fundy Region Solid Waste Commission Board Meeting Minutes

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the Fundy Region Solid Waste Commission Board Meeting Minutes dated 10 April 2008, 24 April 2008 and 15 May 2008 be received/filed.

#### ON THE QUESTION:

Counc. Gallagher Jette advised there will be membership changes on the Board in the near future.

**CARRIED.**

7.2 June 2008 Kennebecasis Valley Fire Department Monthly Response Report

**MOVED** by Counc. Kilfoil and seconded by Counc. Gallagher Jette the Kennebecasis Valley Fire Department Monthly Response Report be received/filed.

**CARRIED.**

7.3 30 June 2008 Unaudited General Fund Financial Statements

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**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited General Fund Financial Statements be received/filed.

**CARRIED.**

30 June 2008 Unaudited Utility Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the Unaudited Utility Fund Financial Statements be received/filed.

**CARRIED.**

7.4 July 2008 Monthly Building Permit Report  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the Monthly Building Permit Report be received/filed.

**CARRIED.**

7.5 5 August 2008 Draft Planning Advisory Committee Meeting Minutes  
**MOVED** by Counc. Cochrane and seconded by Counc. Shea the draft Planning Advisory Committee Meeting Minutes be received/filed.

**CARRIED.**

➤ 259 Gondola Point Road – Zoning Amendment (**See item 9.1**)  
**DEALT WITH ABOVE.**

Counc. Shea declared a conflict of interest and left the meeting room at 8:59 p.m.

➤ Rosedale Subdivision – Development Agreement  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council authorize the Mayor and Clerk to enter into the development agreement, as amended, with JPJ Enterprises Ltd, for the properties situate generally on Rosedale Avenue, identified as PID#s 30080931 and 30080923, and further accept the drainage easement on the eastern boundary of the property being subdivided.

**CARRIED.**

Counc. Shea returned to the meeting room.

➤ Woodland Avenue – Zoning Amendment – Public Hearing date  
**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-31, for Monday, September 8, 2008 commencing at 8:00 p.m. to give consideration to an amendment to rezone property generally situate Woodland Avenue, identified as PID# 30256093 to allow for expansion to an existing mall.

**CARRIED.**



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### 8. UNFINISHED BUSINESS

#### 8.1 All Star Recreation utility billing

7 August 2008 Report from Town Manager Jarvie

25 July 2008 Letter from All Star Recreation RE: utility billing.

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald Council direct that Mr. Marr be advised the original agreement is expected to be honoured and the outstanding balance paid.

#### ON THE QUESTION:

It was noted a large expansion to the water system was undertaken in that area for firefighting purposes and general operation of the system. DO Hatcher advised the system had been augmented by a third reservoir at MacLachlan Lake. It was noted the Marr property does not have a sprinkler system.

**CARRIED.**

### 9. NEW BUSINESS

#### BUSINESS ARISING FROM PUBLIC HEARINGS (See Public Hearings documentation)

##### 9.1 By-law 2-02-29 A By-law to Amend the Zoning By-law (text amendment)

6 August 2008 Recommendation from Planning Advisory Committee

**DEALT WITH ABOVE.**

##### 9.2 By-law 2-02-30 A By-law to Amend the Zoning By-law (259 Gondola Point Rd)

6 August 2008 Recommendation from Planning Advisory Committee

**DEALT WITH ABOVE.**

#### DEVELOPMENT SERVICES

##### 9.3 Maple Crescent Subdivision Assent

5 August 2008 Memorandum from DDS Drescher

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea Council assent to the location of the public road right of way, as shown on the Amending Subdivision Plan, Purdy Subdivision, Dwg. 2688, dated July 2, 2008, in accordance with the *Community Planning Act*. Section 56, RSNB (1973) Chapter C-12 and amendments thereto.

**CARRIED.**

#### ADMINISTRATIVE SERVICES

##### 9.4 Lawn Care and Landscape Pesticide Use

7 August 2008 Memorandum from Town Clerk Banks with attached documents

14 July 2008 Options Paper – Province of New Brunswick

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the Lawn Care and Pesticide Use Options Paper be referred to the Town Manager for a report.

#### ON THE QUESTION:

Counc. Gallagher Jette indicated this is a serious matter and Rothesay should take a strong position.

**CARRIED.**

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**9.5 Tender – vehicle award**

6 August 2008 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald a tender in the value of \$23,082.56 including HST be awarded to Dobson Chrysler for a 2008 Jeep Patriot North Edition (4 cyl/4WD) with funds to be allocated from the Equipment Reserve Fund.

**ON THE QUESTION:**

Counc. Cochrane clarified the purchase price is net of recoverable tax. It was further clarified the tender was sent to all dealers in the area.

**CARRIED.**

**10. NEXT MEETING**

The next regular meeting of Council will be Monday, September 8, 2008, immediately following a Public Hearing.

**11. ADJOURNMENT**

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 9:10 p.m.

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MAYOR

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CLERK