



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, August 9, 2010  
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

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

ABSENT: DIRECTOR OF OPERATIONS (DO) SCOTT HATCHER

## **PUBLIC HEARING**

## **By-law 4-10 – Rothesay Subdivision By-law**

### **Documentation**

16 July 2010  
4 August 2010  
4 August 2010  
15 July 2010

1<sup>st</sup> Section 68 advertisement  
2<sup>nd</sup> Section 68 Advertisement  
Recommendation from Planning Advisory Committee  
Staff Report

DRAFT

By-law 4-10

### **Appearances:**

**G. Drescher, Development Officer, Director of Development Services**

### **Objections:**

None received

Mayor Bishop called the Public Hearing to order at 8:01 p.m. and gave instructions to those in attendance. He noted the hearings had been duly advertised and the Planning Advisory Committee had given its recommendation. DDS Drescher gave a brief presentation outlining the following: the By-law is to address standards for streets, land for public purposes and lots, including street naming, street trees and lot grading. It also addresses development standards for infrastructure and lot development also emphasizes the retention of trees to assist in stormwater management. DDS Drescher noted a major change in the proposed By-law is with respect to cash in lieu of land for public purposes. Guidelines are provided in the legislation and the current practice is \$750/lot. The proposal to estimate the market value of land in a subdivision, exclusive of public roads is based on assessed value, and the current rate is recommended at \$13.50/m<sup>2</sup>. On questioning, it was clarified the rate for calculation of cash in lieu of public purposes can be amended by resolution of Council, from time to time.

The Mayor called three times for those wishing to speak in opposition.

The Mayor called three times for those wishing to speak in favour.

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

**CARRIED.**

The Public Hearing adjourned at 8:13 p.m.

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Mayor Bishop called the Open Session of Council to order at 8:14 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting – 12 July 2010  
Special Meeting – 19 July 2010

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the minutes of 12 July 2010 be approved as circulated.

**CARRIED.**

**MOVED** by Counc. Shea and seconded by Counc. Cochrane the minutes of 19 July 2010 be approved as circulated.

**CARRIED.**

### 1.1 Business Arising from Minutes

N/A

2. **APPROVAL OF AGENDA**

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

*Item 6.8 4 August 2010 Letter from Quispamsis RE: Rothesay 150 celebrations.*

**CARRIED.**

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop commented on the success of the Rothesay 150 celebrations so far and highlighted the events held over the past week, including the re-enactment, the Seniors Tea, the concerts and fireworks, the Youth Night and Family Day and the Book Launch held on Saturday. He noted the ribbon cutting for the Anniversary Park was held today and it is hoped the area along Wharf Road will be developed into a larger park area in the future. He thanked the Committee members and staff for their hard work.

4. **DELEGATIONS**

#### 4.1 PEFV (Parents pour une école francophone dans la vallée) **Michelle Robichaud**

Ms. Robichaud gave a brief presentation outlining the need for a francophone school in the Kennebecasis Valley, noting the following: the area is the fourth largest community in the province and is the largest without a francophone school, Canadian Charter of Rights offers the right to education in French, statistics were provided with respect to francophone population and number of students in the area, a proposed timeline and the existence of a satellite school, located in a commercial area to meet demand. Ms. Robichaud asked for the support of Council by writing letters to local MLAs and the Minister of Education.

Deputy Mayor MacDonald noted the issues in existence at Rothesay High School and that approximately \$10 million had been spent recently on Samuel de Champlain. Counc. Shea requested clarification with respect to who can attend. Ms. Robichaud noted a recent study indicated 605 children in the area have the right to francophone education but only 165 are currently attending. Counc. Shea noted the assumption that all who were eligible to attend would in fact do so.

Mayor Bishop thanked Ms. Robichaud for her presentation.

#### 4.2 The Work Room (Career Resource Centre) **Natalie Thomson**

Ms. Thomson gave a brief presentation to Council outlining the services offered by the Work Room, located at KVHS. She advised of the following: services are available for all those in the community, in the areas of career planning, job search and job search strategies. Courses are available in essential skills and first aid training, along with online computer training. The PACE program (Planning to Achieve Career Excellence) is given to all grade eleven students at

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KVHS. Services are also available for retirees or those returning to the work force and to parents to provide guidance in “career coaching” for their children.

Mayor Bishop thanked Ms. Thomson for her presentation.

### 5. CORRESPONDENCE – FOR ACTION

5.1 15 July 2010 Letter from Kennebecasis Public Library RE: Property Tax Relief.

22 July 2010 Letter from Q RE: Kennebecasis Public Library Tax Relief.

**MOVED** by Counc. Young and seconded by Counc. Shea the letters RE: Property Tax Relief for the Kennebecasis Public Library be received/filed.

**CARRIED.**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett Council forward a letter of support for the initiative for property tax relief for the Kennebecasis Public Library.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 13 July 2010 Copy of letter from Quispamsis to Department of Natural Resources RE: Deer overpopulation.

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the letter from Quispamsis to Department of Natural Resources RE: deer overpopulation dated 13 July 2010 be received/filed.

**CARRIED.**

6.2 15 July 2010 Email from Sherry Taylor RE: urban development.

**MOVED** by Counc. Young and seconded by Kilfoil the email from Sherry Taylor RE: urban development dated 15 July 2010 be received/filed.

**CARRIED.**

6.3 15 July 2010 Letter to Hon. Jim Prentice, Minister of the Environment RE: Proposed Wastewater Effluent Systems Regulation.

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett the letter to Hon. Jim Prentice, Minister of the Environment RE: Proposed Wastewater Effluent Systems Regulation dated 15 July 2010 be received/filed.

**CARRIED.**

6.4 15 July 2010 Copy of letter from Kennebecasis Valley Fire Department RE: Regional Fire Protection Agreement (Section 2.05(B)).

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Shea the letter from Kennebecasis Valley Fire Department to Quispamsis RE: RE: Regional Fire Protection Agreement (Section 2.05(B)) dated 15 July 2010 be received/filed.

### ON THE QUESTION:

Deputy Mayor MacDonald questioned what was involved with the proposal and where funding would come from. Counc. Cochrane advised it is an actual performance measurement and the Department must meet a standard which will require mutual aid equipment from other area fire departments. He noted it is basically an exercise to show the Department can meet the requirements. Quispamsis has lower water supply capabilities and therefore higher insurance costs.

**CARRIED.**

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6.5 16 July 2010 Memorandum from Town Clerk Banks RE: Stonehammer Geological Project Executive Summary.

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the memorandum from Town Clerk Banks RE: Stonehammer Geological Project Executive Summary dated 16 July 2010 be received/filed.

**CARRIED.**

6.6 23 July 2010 Letter from D. Stephenson, Stewart McKelvey RE: Breezes Subdivision.

6.6.1 28 July 2010 Letter to D. Stephenson RE: Breezes Subdivision.

6.6.2 4 August 2010 Letter from D. Stephenson RE: Breezes Subdivision.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Young the correspondence between Rothesay and D. Stephenson RE: Breezes Subdivision be received/filed.

**CARRIED.**

6.7 27 July 2010 Letter from Deputy Minister Hallett RE: Loan Amortization Flexibility.

6.7.1 2 July 2010 Letter to Department of Local Government RE: Loan Amortization Flexibility (previously distributed).

**MOVED** by Counc. Young and seconded by Counc. Cochrane the correspondence between Rothesay and the Department of Local Government RE: Loan amortization flexibility be received/filed.

**CARRIED.**

6.8 4 August 2010 Letter from Mayor Driscoll, Quispamsis RE: Rothesay 150 celebrations

**MOVED** by Counc. Mullett and seconded by Counc. Young the letter from Mayor Driscoll, Quispamsis RE: Rothesay 150 celebrations dated 4 August 2010 be received/filed.

**CARRIED.**

## 7. REPORTS

7.0 August 2010 Report from Closed Session

N/A

7.1 12 May 2010 Kennebecasis Public Library Board Meeting Minutes

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the Kennebecasis Public Library Board Meeting Minutes dated 12 May 2010 be received/filed.

### ON THE QUESTION:

Mayor Bishop advised a Request for Proposals had been distributed for architectural firms who may be interested in the project for the Library. He further noted a study is being undertaken but connecting to the former police station may not be a viable option.

**CARRIED.**

7.2 31 May 2010 Draft unaudited Kennebecasis Valley Fire Department Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Young the Draft unaudited Kennebecasis Valley Fire Department Financial Statements dated 31 May 2010 be received/filed.

**CARRIED.**

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7.3 30 June 2010 Unaudited Draft Rothesay General Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited Draft Rothesay General Fund Financial Statements dated 30 June 2010 be received/filed.

**CARRIED.**

30 June 2010 Unaudited Draft Utility Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited Draft Rothesay Utility Fund Financial Statements dated 30 June 2010 be received/filed.

**CARRIED.**

7.4 13 July 2010 Draft Water and Sewer Committee Meeting Minutes  
**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the draft Water and Sewer Committee Meeting Minutes dated 13 July 2010 be received/filed.

**CARRIED.**

7.5 20 July 2010 Draft Parks and Recreation Committee Meeting Minutes  
**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the draft Parks and Recreation Committee Meeting Minutes dated 20 July 2010 be received/filed.

**CARRIED.**

7.6 21 July 2010 Draft Public Works and Infrastructure Committee Meeting Minutes

**MOVED** by Counc. Mullett and seconded by Counc. Gallagher Jette the draft Public Works and Infrastructure Committee Meeting Minutes dated 21 July 2010 be received/filed.

### ON THE QUESTION:

Deputy Mayor MacDonald questioned the authority of committees and spending authority. Town Manager Jarvie noted there is an allowance in the budget for discretionary spending but it could be argued decisions should be recommendations to Council. Counc. Cochrane noted Item 4.1 requires an easement that will need to come to Council for approval and authorization for signature.

**CARRIED.**

7.7 23 July 2010 Operations Report

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the Operations Report dated 23 July 2010 be received/filed.

**CARRIED.**

➤ Oakville Acres Clearwater Sewer Project No. 10-TBD

**MOVED** by Counc. Cochrane and seconded by Counc. Shea Council award the tender for Oakville Acres Clearwater Sewer Project No. 10-TBD to the low tenderer, L. Halpin Excavating Limited for the tender price of \$316,425.03, inclusive of HST.

### ON THE QUESTION:

Counc. Shea asked if the commitment from the property owners was verbal or written. Grace Murphy advised (from the gallery) she signed a form provided by CBCL.

**CARRIED.**

Mrs. Murphy requested to speak. She asked when residents could look forward to the construction of the pond. Mayor Bishop advised the project is proceeding.

➤ 6 August 2010 Memorandum from Town Manager Jarvie RE: Oakville Acres

RECEIVED FOR INFORMATION.

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- Temporary Easement – Dunedin Road Project

**MOVED** by Counc. Young and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into the temporary easement agreement with Maxim Management Ltd. for a Temporary Access Road.

**CARRIED.**

7.8 July 2010 Building Permit Report

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Cochrane the July 2010 Building Permit Report be received/filed.

**CARRIED.**

7.9 3 August 2010 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Young and seconded by Counc. Shea the draft Planning Advisory Committee Meeting Minutes dated 3 August 2010 be received/filed.

### ON THE QUESTION:

The definition of a temporary suite was clarified and it was noted the use of the suite is tied directly to a named individual(s) and the suite becomes part of the main dwelling once the named individual(s) is no longer using the space.

**CARRIED.**

- Clermont Lane/Robertson Drive Development Agreement

**To be dealt with under Item 8.1.**

- Subdivision By-law

**To be dealt with under Item 9.1.**

- Chantale Street Development Agreement

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council authorize the Mayor and Clerk to enter into a development agreement for the land situate generally off Chantale Street, identified as PID# 00440479.

**CARRIED.**

- Zoning By-law amendments – 60 Grove Avenue and 1 Campbell Drive

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council schedule a Public Hearing, in accordance with the *Community Planning Act*, R.S.N.B. (1973) Chapter C-12 and amendments thereto, for By-law 2-02-43, for **Monday, September 13, 2010 commencing at 8:00 p.m.** to give consideration to an amendment to the Zoning By-law to rezone a portion of the subject property Parcel A, situate 60 Grove Avenue identified as a portion of PID# 30173660 from Single Family Residential – Large Serviced (R1a) to General Commercial (GC).

**CARRIED.**

**MOVED** by Counc. Young and seconded by Counc. Cochrane Council schedule a Public Hearing, in accordance with the *Community Planning Act*, R.S.N.B. (1973) Chapter C-12 and amendments thereto, for By-law 2-02-44, for **Monday, September 13, 2010 commencing at 8:00 p.m.** to give consideration to an amendment to the Zoning By-law to rezone the subject property situate 1 Campbell Drive, identified as PID# 30040547 from Single Family Residential – Large Serviced (R1a) to General Commercial (GC).

**CARRIED.**

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**8. UNFINISHED BUSINESS**

**8.1 Clermont Lane/Robertson Drive Municipal Plan and Zoning Amendment**

5 August 2010	Memorandum from Town Clerk Banks
4 August 2010	Memorandum from Planning Advisory Committee
DRAFT	By-law 1-10-01
DRAFT	By-law 2-02-38
DRAFT	Development Agreement

**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane Council give Reading in its Entirety, to By-law 1-10-01, "A By-law to Amend the Municipal Plan".

**YEA votes recorded from Mayor Bishop, Councs. Cochrane, Kilfoil, Shea and Young.**

**NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Mullett.**

**CARRIED.**

The Clerk read By-law 1-10-01 in its entirety.

**MOVED** by Counc. Cochrane and seconded by Counc. Young Council give 3<sup>rd</sup> Reading, by Title, and Enactment to By-law 1-10-01, "A By-law to Amend the Municipal Plan".

**YEA votes recorded from Mayor Bishop, Councs. Cochrane, Kilfoil, Shea and Young.**

**NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Mullett.**

**CARRIED.**

The Clerk read By-law 1-10-01 by title.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council give Reading in its Entirety, to By-law 2-02-38, "A By-law to Amend the Zoning By-law".

**YEA votes recorded from Mayor Bishop, Councs. Cochrane, Kilfoil, Shea and Young.**

**NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Mullett.**

**CARRIED.**

The Clerk read By-law 2-02-38 in its entirety.

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council give 3<sup>rd</sup> Reading, by Title, and Enactment to By-law 2-02-38, "A By-law to Amend the Zoning By-law".

**YEA votes recorded from Mayor Bishop, Councs. Cochrane, Kilfoil, Shea and Young.**

**NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Mullett.**

**CARRIED.**

The Clerk read By-law 2-02-38 by title.

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council authorize the Mayor and Clerk to enter into a Development Agreement for the development of the properties identified as PIDs 00257758, 30203798, 30199608 and 30199558 situate generally off Robertson Drive and Clermont Lane, to allow for a moderate density development of no more than 22 units constructed in townhouse style.

**YEA votes recorded from Mayor Bishop, Councs. Cochrane, Kilfoil, Shea and Young.**

**NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Mullett.**

**CARRIED.**

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- |     |                     |   |
|-----|---------------------|---|
| 8.2 | <b>4 Clark Road</b> | <b>Zoning By-law amendments</b>                 |
|     | 16 July 2010        | Letter to Granville Properties RE: 4 Clark Road |
|     | DRAFT               | By-law 2-02-39                                  |
|     | DRAFT               | By-law 2-02-40                                  |

**No action required.**

9. **NEW BUSINESS**  
**BUSINESS ARISING FROM THE PUBLIC HEARING**  
(See Public Hearing documentation)

- 9.1 Subdivision By-law 4-10  
4 August 2010 Memorandum from Planning Advisory Committee

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council give 1<sup>st</sup> Reading, by Title, to By-law 4-10, "Rothesay Subdivision By-law", as amended.

**CARRIED.**

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

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council give 2<sup>nd</sup> Reading, by Title, to By-law 4-10, "Rothesay Subdivision By-law", as amended.

**CARRIED.**

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

**DEVELOPMENT SERVICES**

- 9.2 Rothesay Dog Park  
4 August 2010 Memorandum from DDS Drescher

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald Council authorize staff to look into the costs associated with the development of a dog park, including signage, appropriate access, litter containers, and benches, at the property situate off Homestead Road, identified as PID# 30222129 and bring back a subsequent report to Council.

**CARRIED.**

- 9.3 Planning Appeal Board 106 Gibbon Road  
4 August 2010 Memorandum from DDS Drescher

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette the memorandum RE: 106 Gibbon Road Planning Appeal Board decision be received/filed.

**CARRIED.**

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, September 13, 2010 following Public Hearings.

11. **ADJOURNMENT**

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

The meeting adjourned at 9:20 p.m.

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MAYOR

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CLERK