



ROTHESAY COUNCIL

OPEN SESSION

Monday, February 13, 2012

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
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN

PUBLIC HEARING

Amending Development Agreement

Hillcrest Gardens – Clermont Lane/Robinson Drive

PID #30279137

Documentation

19 January 2011	1 st Section 68 advertisement
8 February 2011	2 nd Section 68 advertisement
30 November 2011	Staff Report from DDS Drescher
8 December 2011	Memorandum from Town Clerk Banks
DRAFT	Amending Development Agreement

Appearances:

G. Drescher, Development Officer, Director of Development Services
Pat Shea

Objections:

None received

Mayor Bishop called the Public Hearing to order and gave instructions to those in attendance, noting the legislative process had been followed and the hearing was duly advertised.

DDS Drescher gave a presentation with respect to the proposal and noted the following: current request is an amendment to the existing development agreement that was approved by Council following a municipal plan amendment and rezoning approval, original approval was R3 zone and 22 units – semi-detached (townhouse style) with condominium ownership and stormwater management and continuation of Robertson Drive approved with original agreement. The current proposal will reduce density from 22 to a maximum of 19 units and sideyard setbacks will be met. There will be covenants attached to the deeds and owners will be required to be part of a homeowners association. The current concept plan contains an above-ground stormwater pond, a new lot configuration and the creation of a new proposed street “Edgemont Lane”. The developers are in negotiations with the Province for a land swap at the entrance to Rothesay Elementary School to create a new entrance and this will potentially create new building lots but that property will require a rezoning when transferred. DDS Drescher noted the pond will be “trustee lands”, owned and maintained by the homeowners association and covenants will be regulated within the subdivision. She advised there will be easements but the final locations have not been determined. Pat Shea, Jr. advised the proposal includes 2100 square foot single family homes with 1500-1600 sq. ft. living space and 500 sq. ft. garages and no variances will be required.

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On questioning from Council, Mr. Shea advised the concept plan shows 13 buildings, with 5 – 2 unit buildings and 8 – 1 unit buildings (excluding the additional 3 – 1 unit properties on the current Department of Education property). He advised the change from the initial proposal takes into consideration the value people place on ownership of the property rather than a condominium-style development. Mr. Shea advised he had met with some of the neighbours but a group meeting was declined. He further noted they had been advised Friday, February 3 the proposed land swap with the Department of Education had been approved. Mr. Shea advised the stormwater pond will collect stormwater from Arthur Avenue and Rosalie Court that is currently piped onto the property and then free flows. DDS Drescher advised to the best of her knowledge all infrastructure costs will be developer-funded.

Mayor Bishop called three times for those wishing to speak against the proposal. The following people spoke: George Teed 69 Highland Avenue, Stephen Maltby 16 Arthur Avenue, Rod Malcolm 96 Highland Avenue, James Ashfield 3 Rosalie Court, David Hudson 17 Silverton Crescent. The following comments were made or clarified: the sanitary sewer is piped and stormwater is managed over land, the homeowner association will be covered in the covenant and the resident will own the property, the development agreement requirements are still applicable if the entire property is sold, the Planning Advisory Committee (PAC) recommended against the proposal as the change is from high-end condominiums to compact houses on small lots, the current development in the general area is R1A and the lots are half-acre, the concept plan for development has changed since the original application and is different from the one presented to the PAC in December, previously advised this development would not alter the neighbourhood, existing property at the corner of Rosalie Court will now have 6 buildings abutting, issues with existing stormwater management in the area, wetland designations, the pond capacity and absorption and if this proposal is approved it will negate the previous proposal.

DDS Drescher advised the developers have taken the topography into consideration and are suggesting the pond be constructed in the low land area. She further advised the Town does not have any authority to regulate condominium development but subdivisions are regulated by the Town and the Zoning By-law regulates development in different zones. DDS Drescher clarified the development agreement can specify the particulars of the development as determined by Council. There was a brief discussion with respect to restrictions to be included in the amending development agreement as it was noted the current agreement is more flexible. Reference was made to limiting the number of buildings, adding green space and placing tighter restrictions on the development.

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

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

CARRIED.

The Public Hearing adjourned at 7:55 p.m.

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Mayor Bishop called the meeting to order at 8:00 p.m.

1. APPROVAL OF MINUTES Regular Meeting – 9 January 2012

MOVED by Counc. Kilfoil and seconded by Counc. Shea the minutes of 13 January 2012 be approved as circulated.

CARRIED.

Business Arising

N/A

2. APPROVAL OF AGENDA

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the agenda be approved as circulated.

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop noted there will be an Open House at the Rothesay Arena in honour of Ron Roberts, who is retiring after many years of service. The event will be held from 1:00 p.m. to 4:00 p.m. on Friday, February 24, 2012.

Counc. Shea noted Rothesay resident Don Shaw recently gave his 700th blood donation.

MOVED by Counc. Shea and seconded by Counc. Mullett a congratulatory letter be sent to Mr. Shaw.

CARRIED.

4. DELEGATIONS

4.1 Organ and Tissue Donation Awareness

(See Item 9.2)

Sue Arseneault, RN

Betty Anne Waugh, RN CNN

Sue Arseneault and Betty Anne Waugh were in attendance. Ms. Waugh gave a brief presentation to Council with respect to the Green Porch Light Community Challenge. She noted the following: there are over 4000 people waiting for organ donations; goal is to create awareness; request for Council assistance in promoting Awareness Week; contact has been made with NBPower and Saint John Energy, along with Kent Building Supplies. Ms. Waugh noted Quispamsis has agreed to use green spotlights around the community to promote awareness. It was noted there is no age limit to be a donor but unfortunately only about 2-8% of the population can do so because typical causes are motor vehicle accidents, aneurysms or strokes. Ms. Waugh also noted there are recipients waiting with HIV and hepatitis. There was a brief discussion with respect to assumed consent, which does not exist in Canada. Mayor Bishop thanked Ms. Waugh for her presentation and suggested she contact the Town Clerk to determine how the Town can assist in creating awareness.

4.2 Active Transportation

(See Item 9.3)

Brian Gillis

Mr. Brian Gillis was in attendance. He gave a brief presentation with respect to active transportation and noted the following: Quispamsis and Saint John have both spent \$60,000 for Active Transportation studies, regional cooperation, references to active transportation in the Rothesay Municipal Plan and Rothesay Recreation Master Plan including trails recommendations and strategies, connectivity in new development and possible areas for improvement. Mr. Gillis offered to create a glyph for the Town to use on routes, and noted his requests with respect to signage, inclusion of active transportation plans in future development, road sweeping and an endorsement by Council of active transportation in the community. Mayor Bishop thanked Mr. Gillis for his presentation.

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5. CORRESPONDENCE FOR ACTION

- 5.1 31 January 2012 Letter from P. Stull, Regional Director, Department of Environment RE: Hillside Waterline – Environmental Requirements.
- 23 September 2011 Letter to P. Stull, Regional Director, Department of Environment RE: Hillside Waterline – Environmental Requirements.

MOVED by Counc. Shea and seconded by Counc. Mullett the correspondence between Rothesay and P. Stull, Department of Environment be referred to the Town Manager for a report.

ON THE QUESTION:

Deputy Mayor MacDonald noted the trail is being widely used and residents will be upset if it has to be removed.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

MOVED by Counc. Kilfoil and seconded by Counc. Young the Correspondence for Information, as follows, be received/filed:

- 6.1 10 January 2012 Letter from Education Minister Carr RE: Re-alignment of Rothesay Elementary School access.
- 6.2 19 January 2012 Copy of letter from Transportation Minister Williams to Quispamsis RE: expansion of Quispamsis comEX.
- 6.3 19 January 2012 Letter from Ken Thompson, 1222 Manawagonish Road RE: lost Saint John projects.
- 6.4 30 January 2012 New Brunswick Public Libraries Statistics Report for 2009-2012 (available online).
- 6.5 2 February 2012 Letter to NB Medical Education Trust RE: \$10,000 scholarship.
- 6.6 5 February 2012 Letter from Richard Walsh RE: crosswalk on Hampton Road.
- 6.7 7 February 2012 Copy of letter from I. MacKenzie to Premier Alward et al RE: Scott Avenue properties.
- 6.7.1 7 February 2012 Copy of letter from I. MacKenzie to Premier Alward et al RE: Scott Avenue properties.
- 6.7.2 7 February 2012 Copy of letter from J. Clowater to Mayor Bishop RE: Scott Avenue properties.
- 6.7.3 31 January 2012 Copy of email from T. Wetmore to Premier Alward et al RE: Scott Avenue properties.

CARRIED.

7. REPORTS

7.0 February 2012

Report from Closed Session

7.1 31 August 2011

Kennebecasis Valley Fire Department (KVFD) Board Meeting Minutes

MOVED by Counc. Kilfoil and seconded by Counc. Cochrane the Kennebecasis Valley Fire Department (KVFD) Board meeting minutes dated 31 August 2011 be received/filed.

CARRIED.

12 October 2011 Kennebecasis Valley Fire Department note (no quorum)
Received for information.

13 October 2011 Kennebecasis Valley Fire Department Board Meeting Minutes
MOVED by Counc. Kilfoil and seconded by Counc. Shea the Kennebecasis Valley Fire Department Board meeting minutes dated 13 October 2011 be received/filed.

CARRIED.

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7 December 2011 Kennebecasis Valley Fire Department note (no quorum)

Received for information.

30 November 2011 Kennebecasis Valley Fire Department unaudited Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Shea the Kennebecasis Valley Fire Department unaudited Financial Statements dated 30 November 2011 be received/filed.

CARRIED.

2011 Kennebecasis Valley Fire Department Response Summary by month

MOVED by Counc. Kilfoil and seconded by Counc. Shea the 2011 Kennebecasis Valley Fire Department Response Summary by month be received/filed.

CARRIED.

7.2 16 November 2011 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the Rothesay Regional Joint Board of Police Commissioners meeting minutes dated 16 November 2011 and the Rothesay Regional Joint Board of Police Commissioners Financial Statements dated 30 November 2011 be received/filed.

ON THE QUESTION:

It was noted Peter McGill is the new Chair for the Board of Police Commissioners.

CARRIED.

7.3 31 December 2011 Draft unaudited Rothesay Utility Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft unaudited Rothesay Utility Financial Statements dated 31 December 2011 be received/filed.

CARRIED.

31 December 2011 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft unaudited Rothesay General Fund Financial Statements dated 31 December 2011 be received/filed.

CARRIED.

7.4 10 January 2012 Draft Parks and Recreation Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Deputy Mayor MacDonald the draft Parks and Recreation Committee meeting minutes dated 10 January 2012 be received/filed.

CARRIED.

➤ Fieldhouse Sub-Committee

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the following representatives be appointed to the Fieldhouse sub-committee:

Counc. Don Shea
Jonathan Smith
Roy Marr
Robin Harvey
Joanne Gormley

CARRIED.

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7.5 18 January 2012 Draft Rothesay Heritage Preservation Review Board Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the draft Rothesay Heritage Preservation Review Board meeting minutes dated 18 January 2012 be received/filed.

CARRIED.

7.6 January 2012 Monthly Building Permit Report

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the January 2012 Monthly Building Permit Report be received/filed.

CARRIED.

8. OLD BUSINESS

8.1 Oakville Acres Detention Pond

10 February 2012

Memorandum from Town Manager Jarvie

13 January 2012

Letter from Expropriations Advisory Officer

Expropriation Resolutions

MOVED by Counc. Cochrane and seconded by Counc. Shea:

WHEREAS Council, by Resolution dated March 14, 2011 authorized the commencement of expropriation proceedings and the filing with the Expropriations Advisory Officer of a Notice of Intention to Expropriate the lands and premises hereinafter described;

AND WHEREAS a Notice of Intention to Expropriate the hereinafter described lands and premises was filed with the Expropriations Advisory Officer on May 4, 2011;

AND WHEREAS a Notice of Objection was filed on June 10, 2011, and which was subsequently withdrawn on January 10, 2012;

AND WHEREAS Council wishes to confirm the Notice of Intention to Expropriate;

NOW THEREFORE BE IT RESOLVED that Council does hereby confirm the Notice of Intention to Expropriate and does hereby authorize the expropriation of the lands and premises described as:

Parcel 2011-2 – Portion of PID 441998

and the registration of Notice of Expropriation of the lands and premises hereinbefore described in the New Brunswick Land Titles Office.

CARRIED.

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MOVED by Counc. Cochrane and seconded by Counc. Shea:

WHEREAS Council has by resolution immediately preceding these presents authorized the expropriation of certain lands and premises and whereas Section 22(1) of the *Expropriation Act*, Chapter E-14 of the Revised Statutes of New Brunswick 1973 as amended, allows an Expropriating Authority to take physical possession of expropriated lands and premises and occupation as an owner as of the date of registration of the Notice of Expropriation, if at that time no owner is in occupation of the land;

AND WHEREAS the following lands and premises:

Parcel 2011-2 – Portion of PID 441998

are not occupied by the owner;

NOW THEREFORE Council does hereby authorize the taking of physical possession by Rothesay, the Expropriating Authority, of the lands and premises:

Parcel 2011-2 – Portion of PID 441998

on the date of registration of the Notice of Expropriation.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Shea:

WHEREAS Council, by Resolution dated March 14, 2011 authorized the commencement of expropriation proceedings and the filing with the Expropriations Advisory Officer of a Notice of Intention to Expropriate the lands and premises hereinafter described;

AND WHEREAS a Notice of Intention to Expropriate the hereinafter described lands and premises was filed with the Expropriations Advisory Officer on May 4, 2011;

AND WHEREAS a Notice of Objection was filed on June 10, 2011, and which was subsequently withdrawn on January 10, 2012;

AND WHEREAS Council wishes to confirm the Notice of Intention to Expropriate;

NOW THEREFORE BE IT RESOLVED that Council does hereby confirm the Notice of Intention to Expropriate and does hereby authorize the expropriation of the lands and premises described as:

Parcel 2011-3 – Portion of PID 30021539

and the registration of Notice of Expropriation of the lands and premises hereinbefore described in the New Brunswick Land Titles Office.

CARRIED.

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MOVED by Counc. Cochrane and seconded by Counc. Shea:

WHEREAS Council has by resolution immediately preceding these presents authorized the expropriation of certain lands and premises and whereas Section 22(1) of the *Expropriation Act*, Chapter E-14 of the Revised Statutes of New Brunswick 1973 as amended, allows an Expropriating Authority to take physical possession of expropriated lands and premises and occupation as an owner as of the date of registration of the Notice of Expropriation, if at that time no owner is in occupation of the land;

AND WHEREAS the following lands and premises:

Parcel 2011-3 – Portion of PID 30021539

are not occupied by the owner;

NOW THEREFORE Council does hereby authorize the taking of physical possession by Rothesay, the Expropriating Authority, of the lands and premises:

Parcel 2011-3 – Portion of PID 30021539

on the date of registration of the Notice of Expropriation.

CARRIED.

9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARING

9.1 Amending Development Agreement (*Refer to Public Hearing documentation*)

Hillcrest Gardens – Clermont Lane/Robinson Drive PID #30279137

30 November 2011 Staff Report from DDS Drescher (partial)

8 December 2011 Memorandum from Town Clerk Banks

5 December 2011 Excerpt from Planning Advisory Committee Meeting Minutes

DRAFT Amending Development Agreement

MOVED by Counc. Kilfoil and seconded by Counc. Cochrane Council approve the request for a development agreement amendment.

ON THE QUESTION:

Counc. Cochrane requested the agreement be more restrictive with respect to a maximum number of units per building and the inclusion of the revised tentative subdivision plan.

Amending motion:

MOVED by Deputy Mayor MacDonald and seconded by Counc. Mullett the proposed amending agreement be changed to replace Schedule B and to reflect a maximum of two (2) units per building.

ON THE QUESTION:

Counc. Shea requested further clarification that there be no more than five (5) 2 unit buildings. Counc. Cochrane requested the inclusion of the concept plan to indicate the placement of the buildings on the individual properties. Town Manager Jarvie noted the proposal has to be referred back to the Planning Advisory Committee for a recommendation with respect to the location and name of the proposed road “Edgemont Lane”. He suggested the agreement be revised and returned to Council at its next meeting, along with the recommendation from the Planning Advisory Committee with respect to the dedication of the proposed road only.

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MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette both motions related to the amending development agreement for Hillcrest Gardens be tabled until the next meeting to incorporate the changes as noted, and in conjunction with the recommendation from the Planning Advisory Committee with respect to the road dedication.

YAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette, Mullet and Shea.

NAY votes recorded from Councs. Cochrane, Kilfoil and Young.

Point of Order – the Clerk read Section 54 of the Procedural By-law wherein the Mayor votes in the case of a tie or where required under the Community Planning Act.

CARRIED.

DELEGATIONS

9.2 Organ and Tissue Donation Awareness

11 January 2012 Letter from Organ Donation Program and brochure

MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette Council endorse the Green Porch Light Community Challenge for National Organ and Tissue Donor Awareness Week and provide its support.

CARRIED.

9.3 Active Transportation

25 January 2012 Letter and additional documentation from Brian Gillis (weblinks)

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the request from Brian Gillis RE: Active Transportation, be referred to staff for a recommendation for next month's meeting.

ON THE QUESTION:

Town Manager Jarvie noted there is money in the budget in 2012 for an Active Transportation Study.

CARRIED.

BY-LAW ENFORCEMENT

9.4 Draft Animal Control By-law 1-12

10 February 2012 Memorandum from Town Manager Jarvie

2 February 2012 Memorandum from DDS Drescher

DRAFT Animal Control By-law

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea Council give 1st Reading, by Title, to By-law 1-12, "A By-law of the town of Rothesay Respecting Animal Control".

CARRIED.

The Clerk read By-law 1-12 by title.

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea Council schedule a Public Hearing for Monday, March 12, 2012 for By-law 1-12, "A By-law of the town of Rothesay Respecting Animal Control".

CARRIED.

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DEVELOPMENT SERVICES

9.5 Building By-law Fee Structure Amendment

- 10 February 2012 Memorandum from Town Manager Jarvie
- 1 February 2012 Memorandum from DDS Drescher
- DRAFT Proposed Fee structure

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council rescind the fee structure for By-law 4-99 Building By-law, Schedule A and replace it with Rothesay Building By-law 4-99 Schedule “A” Fees as shown on page 4 of the memorandum from the Director of Development Services dated 1 February 2012.

CARRIED.

9.6 Rothesay Zoning By-law Fee Structure Amendment

- 10 February 2012 Memorandum from Town Manager Jarvie
- 1 February 2012 Memorandum from DDS Drescher
- DRAFT Proposed Fee structure

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council rescind Fee Schedule “B” for Rothesay Zoning By-law 02-02 and replace it with Rothesay Zoning By-law 02-10, Schedule B – Fee Schedule as shown on page 3 of the memorandum from the Director of Development Services dated 1 February 2012.

CARRIED.

FINANCE

9.7 Rothesay Water Expansion and Dunedin Upgrades Summary

- 8 February 2012 Memorandum from Treasurer Johnson

MOVED by Counc. Young and seconded by Counc. Shea the memorandum from Treasurer Johnson RE: Rothesay Water Expansion and Dunedin Upgrades Summary dated 8 February 2012 be received/filed.

CARRIED.

9.8 Local Improvement Levy – Kennebecasis Park

- 9 February 2012 Memorandum from Town Clerk Banks
- Warrant of Assessment

MOVED by Counc. Cochrane and seconded by Counc. Shea:

Whereas projects were undertaken as local improvements in accordance with the pertinent By-Laws, Rothesay Council hereby directs that a special warrant be issued for the sum set out in the local improvement assessment roll for 2012 and further directs the Clerk to cause such special assessments to be collected in accordance with By-Law 3-00.

Local Improvement By-Law #	Amount to be collected
By-Law 4-00	\$59,268.53

CARRIED.

OPERATIONS

9.9 Engineering Consultants

- 10 February 2012 Memorandum from Town Manager Jarvie
- 8 February 2012 Memorandum from DO McLean

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the methodology for consultant selection set out in the memorandum from the Director of Operations dated 10 February 2012 be followed for the 2012 capital program and further authorize staff to conduct negotiations for engineering design and construction management services with the proposed consultants identified in the report.

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ON THE QUESTION:

There was a brief discussion with respect to the methodology followed on past projects; whether through the RFP process or by sole-sourcing. It was noted the intent is a firm will be selected and negotiations will done to keep costs in line with fixed prices and project costs.

CARRIED.

10. NEXT MEETING

The next regular meeting of Council will be held Monday, March 12, 2012, following a Public Hearing.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:06 p.m.

MAYOR

CLERK