



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, May 10, 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

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

**PUBLIC PRESENTATION Municipal Plan Amendment (Clermont St/Robertson Drive)  
PID#s 00257758, 30199558, 30199608 & 30203798**

28 April 2010 Section 25 advertisement  
30 March 2010 Staff Report with attachments  
Conceptual Plans

**Appearances: G. Drescher, Director of Development Services  
Pat Shea & Ted Harley (619699 NB Inc.)**

Mayor Bishop called the Public Presentation to order and gave instructions to those in attendance. He noted comments would be received by the Town Clerk until Wednesday, June 9, 2010 at 4:00 p.m. DDS Drescher gave a presentation and outlined the legislative process. The proposal is re-designate the properties from Low Density Residential to Moderate Density Residential for the five acre area to accommodate a moderate density development.

Mr. Pat Shea and Mr. Ted Harley gave a presentation, outlining the many projects they have undertaken in the community. This project will allow for up to 24 high end, single family condominium units that will incorporate the current land topography into the development. They have spoken with Town staff, area residents and potential purchasers to determine what fits best with the area for development. The developers noted they pride themselves on curb appeal and advised they would meet with architects and surveyors to accommodate proposed designs to the site. It was further noted the infrastructure design would be done by experts in that field. They advised they had been looking for a property within Rothesay to develop for this type of housing, which is in demand. Deputy Mayor MacDonald requested further detail with respect to stormwater management. DDS Drescher advised this would be governed by a development agreement. The developers advised the infrastructure would be designed by an expert and the goal would be to retain as much vegetation as possible to minimize run-off. They further advised they have reviewed the existing drainage on the properties and the existing system requires some maintenance but their plan would include picking up drainage from Arthur Avenue. There was a brief discussion with respect to "wet areas", "wet spots" and "wetland".

**MOVED** by Counc. Shea and seconded by Counc. Mullett the Public Presentation be adjourned.

**CARRIED.**

The Public Presentation adjourned at 8:31 p.m.

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Mayor Bishop called the regular session to order at 8:32 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting – 12 April 2010  
**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the minutes of 12 April 2010 be approved as circulated.

**CARRIED.**

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

N/A

2. **APPROVAL OF AGENDA**  
**MOVED** by Counc. Kilfoil and seconded by Counc. Gallagher Jette the agenda be approved as circulated.

**CARRIED.**

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

Mayor Bishop advised Spring Clean-up Week will be held the week of May 17<sup>th</sup> and the Organics Pass will be the week of May 24<sup>th</sup>. He also noted Enterprise Saint John held a public session at Rothesay High School on May 6<sup>th</sup> to meet with residents to discuss plans and strategies.

Counc. Cochrane advised the Kennebecasis Valley Chamber of Commerce will be holding its 2<sup>nd</sup> Annual Food Drive on Saturday, May 29<sup>th</sup> and the Chamber is seeking volunteers. Residents can leave items on their doorsteps to be collected. There was consensus amongst Council to provide Town resources again this year to assist with the Food Drive.

### 4. **DELEGATIONS**

#### **4.1 Rothesay Area Heritage Trust** Peter Buckley

Mr. Buckley thanked Council for the opportunity. He advised the Rothesay Area Heritage Trust started in 1976 and currently has 50 members. They are actively seeking more members. Mr. Buckley advised the group is interested in becoming involved in the planning process, recognizing it is a challenge for the Town to get feedback. The group fully supports the consultations undertaken by the Town on the Dunedin Road and looks forward to future discussions.

#### **4.2 Oakville Acres**

Shawn Doody (See Item 5.1)

Grace Murphy (See Item 5.1.1)

Mr. Shawn Doody and Mrs. Grace Murphy appeared before Council. Mr. Doody noted residents in Oakville Acres have been patient over the past three years and cooperated with the Town. He advised the CBCL report had been reviewed and residents were aware there was no federal or provincial funding. Mr. Doody advised residents of Oakville Acres are looking for answers and a definite timeline for action on the project. Mrs. Murphy noted she was before Council again to ask when something will be done and when construction will start on the project.

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett Council authorize detailed design and tendering of the clear water sewer including a review of possible improvements for Aries Court properties.

**CARRIED.**

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It was noted this will not be 100% solution but it will alleviate some of the issues and the Town will continue to pursue other avenues of funding. Town Manager Jarvie advised the clear water sewer was part of the CBCL Report and will be installed in the Town right-of-way on Monaco Drive and will provide the opportunity to connect storm drains to the Town system. Mr. Doody commented it was not the water on his house and property that was causing the problem but the water coming toward his house from other areas. Mayor Bishop noted improvements had been made on Campbell Drive. Clarification was provided on the design work and there would likely be a recommendation before Council in 60 days, following the tender process. Residents expressed frustration over the property damage and inability to use their basements, the increase in property assessment and being dropped by the insurance company.

Mayor Bishop noted 50% of the water comes from outside Rothesay and the Town has taken steps to make improvements on Campbell Drive and is now proceeding with the tender for a clear water sewer. Mr. Doody noted residents had been patient and if legal action was required, he would pursue it. Jeremiah Miller, 15 Monaco Drive commented on sustainability practices, citing examples from other areas and noted that knowledge emerges as things change. He commented the dynamics have changed in the area with development over the past 40 years, along with weather changes and he appreciated the opportunity to speak to Council. Ian Jones asked for clarification on the tender process. DO Hatcher advised it takes 60 days and the work could likely be done in three weeks. He noted the preliminary design was outlined in the CBCL Report.

### 5. CORRESPONDENCE - FOR ACTION

5.1 2 May 2010 Letter (via email) from Dawn and Shawn Doody RE: Oakville Acres.

5.1.1 6 May 2010 Email from Grace Murphy RE: Oakville Acres.

**Dealt with above.**

5.2 3 May 2010 Letter from Quispamsis RE: Deer Issue.

Mayor Bishop noted the request from Quispamsis was to appoint a councillor to a regional forum to discuss the overpopulated deer situation.

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the letter from Quispamsis RE: Deer Issue be received/filed.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 12 April 2010 Email from J. Miller RE: Oakville Acres.

**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter from J. Miller RE: Oakville Acres, dated 12 April 2010 be received/filed.

**CARRIED.**

19 April 2010 Letter to Quispamsis RE: Flood Mitigation.

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea the letter to Quispamsis RE: Flood Mitigation, dated 19 April 2010 be received/filed.

**ON THE QUESTION:**

It was noted no response had been received from Quispamsis.

**CARRIED.**

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- 6.2 19 April 2010 Letter of support to Cherry Brook Zoo RE: Regional Facilities.  
**MOVED** by Council. Shea and seconded by Council. Mullett the letter of support to Cherry Brook Zoo RE: Regional Facilities, dated 19 April 2010 be received/filed.  
**CARRIED.**
- 6.3 20 April 2010 Letter from K. Staal, Community Schools District 6 Coordinator  
RE: Marigold Magic in the Valley.  
**MOVED** by Council. Shea and seconded by Deputy Mayor MacDonald the letter from K. Staal, Community Schools District 6 Coordinator RE: Marigold Magic in the Valley, dated April 20, 2010 be received/filed.  
**CARRIED.**
- 6.4 5 May 2010 Letter from Quispamsis to Kennebecasis Public Library RE:  
Library Proposal.  
**MOVED** by Council. Shea and seconded by Council. Mullett the letter from Quispamsis to Kennebecasis Public Library RE: Library Proposal, dated May 5, 2010 be received/filed and further that Council agree to the Town Manager attending the Kennebecasis Public Library Planning Committee meetings as a resource person.  
**CARRIED.**

## 7. REPORTS

### 7.0 May 2010 Report from Closed Session

#### Notices of Intent to Expropriate

**MOVED** by Council. Kilfoil and seconded by Council. Shea WHEREAS Council, by Resolution dated December 14, 2009, 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 December 22, 2009;

AND WHEREAS a Notice of Objection to the proposed expropriation was filed with the Expropriations Advisory Officer;

AND WHEREAS the said Notice of Objection was withdrawn and the Expropriations Advisory Officer has advised that it is in order for Rothesay to confirm the said Notice of Intention to Expropriate;

AND WHEREAS Council wishes to confirm the said 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 FS-1 – Portion of PID 139493.

**CARRIED.**

**MOVED** by Council. Kilfoil and seconded by Council. 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;

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AND WHEREAS Parcel FS-1 – Portion of PID 139493 is not occupied by the owner;

NOW THEREFORE Council does hereby authorize the taking of physical possession by Rothesay, the Expropriating Authority, of Parcel FS-1 – Portion of PID 139493 on the date of registration of the Notice of Expropriation.

**CARRIED.**

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett WHEREAS Council, by Resolution dated February 8, 2010, authorized the commencement of expropriation proceedings and the filing with the Expropriations Advisory Officer of Notices of Intention to Expropriate the lands and premises hereinafter described;

AND WHEREAS Notices of Intention to Expropriate the hereinafter described lands and premises were filed with the Expropriations Advisory Officer on March 12, 2010;

AND WHEREAS no Notice of Objection to the proposed expropriation was filed with the Expropriations Advisory Officer within the time prescribed by statute;

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

NOW THEREFORE BE IT RESOLVED that Council does hereby confirm the Notices of Intention to Expropriate and does hereby authorize the expropriation of the lands and premises described as Parcel FS-12 – Portion of PID 239632 and the registration of Notice of Expropriation of the lands and premises hereinbefore described in the Office of the Registrar of Deeds in and for the County of Kings/Land Titles Office New Brunswick, as the case may be.

**CARRIED.**

**MOVED** by Counc. Kilfoil 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 Parcel FS-12 – Portion of PID 239632 is not occupied by the owner;

NOW THEREFORE Council does hereby authorize the taking of physical possession by Rothesay, the Expropriating Authority, of Parcel FS-12 – Portion of PID 239632 on the date of registration of the Notice of Expropriation.

**CARRIED.**

7.1 31 December 2009 Kennebecasis Valley Fire Department Audited Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett the Kennebecasis Valley Fire Department Audited Financial Statements, dated December 31, 2009 be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald asked why there is no reference Note in the audited statements with respect to the Municipal Employees Pension Plan participation. Counc.

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Cochrane will inquire and report back to Council.

**CARRIED.**

31 January 2010 Unaudited Kennebecasis Valley Fire Department Financial Statements

February 2010 Kennebecasis Valley Fire Department Monthly Response Report

March 2010 Kennebecasis Valley Fire Department Monthly Response Report

10 February 2010 Kennebecasis Valley Fire Department Board Meeting Minutes

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the Unaudited Kennebecasis Valley Fire Department Financial Statements dated January 31, 2010, the February and March 2010 Monthly Response Reports and Board Meeting minutes dated February 10, 2010 be received/filed.

**CARRIED.**

7.2 10 March 2010 Kennebecasis Public Library Meeting Minutes

**MOVED** by Counc. Shea and seconded by Counc. Mullett the Kennebecasis Public Library Meeting minutes dated March 10, 2010 be received/filed.

**CARRIED.**

7.3 24 March (typo)2010 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes

31 March 2010 Draft RRJBPC Financial Statements

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners Meeting minutes for March 24, 2010 and the draft Financial Statements dated March 31, 2010 be received/filed.

**CARRIED.**

7.4 31 March 2010 Unaudited Rothesay General Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited Rothesay General Fund Financial Statements dated March 31, 2010 be received/filed.

**CARRIED.**

31 March 2010 Unaudited Rothesay Utility Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited Rothesay Utility Fund Financial Statements dated March 31, 2010 be received/filed.

**CARRIED.**

7.5 13 April 2010 Draft Parks and Recreation Committee Meeting Minutes

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Mullett the draft Parks and Recreation Committee Meeting minutes dated April 13, 2010 be received/filed.

**CARRIED.**

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

**MOVED** by Counc. Mullett and seconded by Counc. Shea the draft Public Works and Infrastructure Committee Meeting minutes dated April 21, 2010 be received/filed.

**CARRIED.**

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➤ Curbside Recycling

6 May 2010 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Mullett and seconded by Counc. Gallagher Jette Fundy Region Solid Waste Commission be asked to clarify its position with respect to processing of recyclable materials from sources other than the Blue Box system.

**CARRIED.**

7.7 27 April 2010 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 dated April 27, 2010 be received/filed.

**CARRIED.**

➤ Utility Account #128655

**MOVED** by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the consumption charge of \$750.60 be reduced to \$200.00 on account number 128655 and it be noted this is a one time adjustment.

**CARRIED.**

7.8 April 2010 Monthly Building Permit Summary Report

**MOVED** by Counc. Shea and seconded by Counc. Cochrane the April 2010 Monthly Building Permit Summary Report be received/filed.

**CARRIED.**

7.9 3 May 2010 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft Planning Advisory Committee Meeting minutes dated May 3, 2010 be received/filed.

**CARRIED.**

➤ 2 and 4 Clark Road Public Hearings

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-39, for Monday, June 14, 2010 commencing at 8:00 p.m. to give consideration to an amendment to the Zoning By-law, to rezone a portion of the property identified as PID 30262430 from Single Family Residential (R1b) to Neighbourhood Commercial (NC), for the property situate 4 Clark Road.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-40, for Monday, June 14, 2010 immediately following a Public Hearing, to give consideration to an amendment to the Zoning By-law, to rezone the remainder of the portion of the property identified as PID 30262430 from Single Family Residential (R1b) to Two Family Residential (R2), for the property situate 4 Clark Road.

**CARRIED.**

➤ 45 and 49 Clark Road Public Hearings

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-41, for Monday, June 14, 2010 immediately following a Public Hearing, to give consideration to an amendment to the Zoning By-law, to rezone the property identified as PID 00242040 from Single Family Residential (R1b) to Central Commercial (CC), for the property situate 45 Clark Road.

**CARRIED.**

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**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-42, for Monday, June 14, 2010 immediately following a Public Hearing, to give consideration to an amendment to the Zoning By-law, to rezone the property identified as PID 00242073 from Single Family Residential (R1b) to Central Commercial (CC), for the property situate 49 Clark Road.

**CARRIED.**

➤ Sign By-law Public Hearing

**MOVED** by Counc. Cochrane and seconded by Counc. Shea Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for the draft Rothesay Sign By-law, for Monday, June 14, 2010 immediately following a Public Hearing.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council give consideration to the inclusion of Institutional Uses in Commercial Zones.

**CARRIED.**

7.10 4 May 2010 Operations Report

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the Operations Report dated May 4, 2010 be received/filed.

**CARRIED.**

➤ CNR Agreement Mile 80.53

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil Council authorize execution by the Mayor and Clerk of Mile 80.53 CNR agreement to initiate construction of storm sewer improvement on James Renforth Drive.

**CARRIED.**

➤ Project No. 2010-1 Watermain Extension

**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane Council award the tender for Project No. 2010-1 Watermain Extension to the low tenderer Fairville Construction Ltd. for the tender price of \$3,347,319.90, inclusive of HST.

**CARRIED.**

➤ CNR Agreement Mile 80.89

**MOVED** by Counc. Mullett and seconded by Counc. Cochrane Council authorize execution by the Mayor and Clerk of Mile 80.89 CNR agreement to initiate construction of water main extension from Dunedin to Kennebecasis Park.

**CARRIED.**

➤ CNR Agreement Mile 80.68

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett Council authorize execution by the Mayor and Clerk of Mile 80.68 CNR agreement to initiate construction of water main extension from Dunedin to Kennebecasis Park.

**CARRIED.**

➤ CNR Agreement Mile 79.9 to 80.9

**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane Council authorize execution by the Mayor and Clerk of Mile 80.89 CNR agreement to initiate construction of water main extension from Dunedin to Kennebecasis Park.

**CARRIED.**

➤ CNR Agreement Mile 79.9 to 80.9

**MOVED** by Counc. Mullett and seconded by Counc. Cochrane Council authorize execution by the Mayor and Clerk of Mile 80.89 CNR agreement to initiate construction of sewer main extension from Dunedin to Kennebecasis Park.

**CARRIED.**



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8. **UNFINISHED BUSINESS**

- 8.1 **By-law 2-02-36 23 Marr Road** (High density residential proposal)  
➤ 3 March 2010 Memorandum from Town Clerk Banks

**No action required.**

9. **NEW BUSINESS**

- 9.1 **Gentleman Subdivision – Maple Crescent**  
6 May 2010 Memorandum from DDS Drescher

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil Mayor and Council assent to the plan of subdivision for the extension of Maple Crescent as a public road, as shown on the Tentative Subdivision Plan T-0349 prepared by Kierstead, Quigley and Roberts, May 2010.

**CARRIED.**

10. **NEXT MEETING**

The next regular meeting will be held on Monday, June 14, 2010 following Public Hearings.

11. **ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 9:42 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK