



ROTHESAY COUNCIL

OPEN SESSION

Wednesday, October 15, 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
COUNCILLOR TOM YOUNG

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

PUBLIC HEARINGS

**140-142 Hampton Road (Sobeys) PID# 30248686
Municipal Plan Amendment By-law 1-02-8**

**140-142 Hampton Road (Sobeys) PID# 30248686
Zoning By-law Amendment By-law 2-02-32**

**20 Chapel Road (Buckley) PID# 30096994
Zoning By-law Amendment By-law 2-02-33**

DOCUMENTATION:

22 September 2008

6 October 2008

11 September 2008

9 October 2008

DRAFTS

Appearances:

Objections:

1st Section 68 Advertisement, Telegraph Journal

2nd Section 68 Advertisement, Telegraph Journal

Report from DDS Drescher without attachments

IOM from Planning Advisory Committee

By-law 1-02-8, By-law 2-02-32, By-law 2-02-33

Gay Drescher, Director of Development Services

David Wallace (on behalf of Applicant)

None received as of Thursday, 9 October 2008

**140-142 Hampton Road (Sobeys) PID# 30248686
Municipal Plan Amendment By-law 1-02-8**

**140-142 Hampton Road (Sobeys) PID# 30248686
Zoning By-law Amendment By-law 2-02-32**

Mayor Bishop indicated if there were no objections, the Public Hearings for By-law 1-02-8 and By-law 2-02-32 would be held concurrently. There being none, the Hearings commenced at 8:00 p.m. and Mayor Bishop 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 allow for the creation of two residential lots fronting on Chapel Road. It was clarified there will be a subdivision if the By-laws are enacted by Council.

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

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Mayor Bishop called three times for those 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 8:10 p.m.

20 Chapel Road (Buckley) PID# 30096994
Zoning By-law Amendment By-law 2-02-33

Mayor Bishop called the Public Hearing to order at 8:11 p.m. and gave instructions to those in attendance.

DDS Drescher noted the information related to By-law 2-02-33 is the same as that for By-law 1-02-8 and By-law 2-02-32. The proposal is to allow for the creation of two residential lots fronting on Chapel Road.

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

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

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

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

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Mayor Bishop presented the 2008 New Brunswick Day Merit Awards prior to the commencement of the Public Hearings. The recipients for 2008 in Rothesay are:

Arts & Culture	Saint David's United Church Men's Group
Community Leadership	Elaine Whitney
Sport & Recreation	Gilles Gautreau
Volunteer Service	Stewart Munroe
Business	Canadian Tire – Rothesay
Environment	Sandy MacKay

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

1. **APPROVAL OF MINUTES** Regular Meeting – 8 September 2008
MOVED by Counc. Young and seconded by Counc. Shea the minutes of 8 September 2008 be approved as circulated.

CARRIED.

2. **APPROVAL OF AGENDA**
MOVED by Counc. Cochrane and seconded by Counc. Shea the agenda be approved as circulated with the following changes:

Items 9.1, 9.2 and 9.3 be brought forward and dealt with as items 5.4, 5.5 and 5.6

Item 5.7 be added: 1 October 2008 Email from KV Crimestoppers RE: budget request

Addition to Item 6.5 Letter from R. Chiasson with attachments

Addition to Item 7.3 Fundy Region Solid Waste Commission 2009 Budget

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop advised he received a letter of thanks from Jill Logan, Special Events Co-ordinator for St. Joseph's Hospital Foundation, for in-kind contributions from Rothesay for the annual Dragon Boat Festival. He also noted he attended the opening of King Pie in the Fairvale Mall with Councils. Cochrane and Shea.

Mayor Bishop advised a letter of thanks had been received from Mr. and Mrs. Roy on Wedgewood Drive thanking the Town for their help in resolving their water issue.

Mayor Bishop advised those in attendance the location for the service for Arthur Miller has been changed to Our Lady of Perpetual Help at 2:30 p.m. on Thursday.

4. **DELEGATIONS**

4.1 Imperial Theatre Ron Outerbridge, Campaign Cabinet Member
Presentation (see Item 9.2)

Mr. Outerbridge appeared before Council and gave a presentation on behalf of the Imperial Theatre. He advised Council the Theatre had undertaken a \$2.5 million Capital Campaign in early spring to address the following: defective cladding on the stage house, outdated technology and repair and replacement of sections of the interior. Mr. Outerbridge noted a presentation had been made to the Greater Saint John Regional Facilities Commission, who advised capital funding requests need to be addressed directly to local municipal councils.

Mr. Outerbridge requested the support of Rothesay Council by committing to \$10,000

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over five years for a total commitment of \$50,000. Counc. Cochrane requested clarification on the use of the endowment fund which is from a surcharge on tickets. Mr. Peter Smith, General Manager, indicated the interest from the fund goes back to the theatre in operating and the fund itself is used for rental client assistant grants. He also noted the campaign is both a theatre and foundation campaign but government contributions will go to the theatre only.

Mayor Bishop thanked Mr. Outerbridge for his presentation.

4.2 Saint John Theatre Company Stephen Tobias

Presentation (see Item 9.3)

Stephen Tobias appeared before Council and gave a presentation on behalf of the Saint John Theatre Company. He noted the Company is the largest client of the Imperial Theatre and have been performing an annual main stage series since 1994. Mr. Tobias outlined the various projects supported by the Company, including: a guest artist program, mentorship and training program, strong outreach programs, annual literacy campaign and a recent partnership with the KVPlayers.

Mr. Tobias noted the organization has grown in scope in the past 18 years and needs infrastructure to support future growth and succession planning. A building was purchased which requires a \$1.4 million retrofit and the group has raised \$1.2 million. The Company is currently occupying the building in its unfinished state and requires an immediate investment of approximately \$40,000-\$50,000 to finish the ground floor. Mr. Tobias requested the support of Rothesay Council by committing to \$2,500 over the next three years for a total commitment of \$7,500.

Mayor Bishop thanked Mr. Tobias for his presentation and asked if Mr. Bob Doherty wished to make a comment. Mr. Doherty noted the goal is to ensure the theatre is not just for this generation but to ensure its longevity for our children and grandchildren.

4.3 Rothesay Recreation Committee Bill McGuire, Chair

Charles Jensen, Director of Recreation Services

Presentation (see Item 9.4)

Mr. Bill McGuire advised Council the Parks and Recreation Committee was proposing the Town undertake a review of recreation needs for the community to determine how best to resolve the existing issues of serving recreation needs with limited facilities. He introduced Mr. Charles Jensen, Director of Recreation Services who gave a presentation to Council. Mr. Jensen outlined the following: existing facilities, current demands, balancing demand and supply to meet various needs within the community, specific projects that are underway or recently completed and possible future projects. Mr. Jensen indicated the committee had a vision of "recreation and leisure opportunities for citizens of all ages, interests and abilities" and further outlined key reasons to invest in recreation projects, possible choices and recommendations of the committee. Mr. Jensen advised the committee was ready to move forward in establishing a five to ten year plan and was seeking Council's approval.

The following questions were raised by Council: partnering with other communities, requesting public input, a list of priorities, specific timeline for budgeting purposes and the use of a consultant. Mr. Jensen advised the committee is willing to look at partnering with other communities and organizations and will be seeking public input.

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He further indicated it is anticipated the assessment can be done internally and there will likely be no cost this year. He advised the intent is to have something together to present publicly in conjunction with the Municipal Plan. Council. Shea indicated the committee is seeking some direction from Council and is hoping to start working on the project immediately.

Mayor Bishop thanked Mr. McGuire and Mr. Jensen for the presentation.

5. CORRESPONDENCE - FOR ACTION

- 5.1 25 September 2008 Letter from Kennebecasis Valley Fire Department RE: Annual Budget 2009

MOVED by Council. Gallagher Jette and seconded by Deputy Mayor MacDonald the letter from Kennebecasis Valley Fire Department RE: Annual Budget 2009 be referred to the Finance Committee.

CARRIED.

- 5.2 4 October 2008 Letter from C. VanBuskirk RE: water connection fees
MOVED by Council. Cochrane and seconded by Council. Gallagher Jette the letter from C. VanBuskirk RE: water connection fees be referred to the Water and Sewer Committee.

CARRIED.

- 5.3 7 October 2008 Letter from J. Fraser RE: crosswalk on Clark Road
MOVED by Council. Mullett and seconded by Council. Shea the letter from J. Fraser RE: crosswalk on Clark Road be referred to the Public Works and Infrastructure Committee.

CARRIED.

9.0 BUSINESS ARISING FROM PUBLIC HEARINGS

(5.4) 9.1 Hampton Road (Sobeys) Municipal Plan and Zoning By-law Amendments

- 9 October 2008 Memorandum from Planning Advisory Committee
 - By-law 1-02-8 A By-law to Amend the Municipal Plan
 - By-law 2-02-32 A By-law to Amend the Zoning By-law
 - By-law 2-02-33 A By-law to Amend the Zoning By-law

MOVED by Council. Kilfoil and seconded by Council. Shea 1st Reading, by Title, be given By-law 1-02-8, "A By-law to Amend the Municipal Plan By-law".

CARRIED.

The Clerk read By-law 1-02-8 by title.

MOVED by Council. Kilfoil and seconded by Council. Shea 2nd Reading, by Title, be given By-law 1-02-8, "A By-law to Amend the Municipal Plan By-law".

CARRIED.

The Clerk read By-law 1-02-8 by title.

MOVED by Council. Cochrane and seconded by Council. Kilfoil 1st Reading, by Title, be given By-law 2-02-32, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-32 by title.

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MOVED by Counc. Cochrane and seconded by Counc. Kilfoil 2nd Reading, by Title, be given By-law 2-02-32, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-32 by title.

MOVED by Counc. Shea and seconded by Counc. Mullett 1st Reading, by Title, be given By-law 2-02-33, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-33 by title.

MOVED by Counc. Mullett and seconded by Counc. Shea 2nd Reading, by Title, be given By-law 2-02-33, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-33 by title.

BUSINESS ARISING FROM DELEGATIONS

(5.5) **9.2 Imperial Theatre Ron Outerbridge, Campaign Cabinet Member**

26 September 2008 Letter from Derek Oland, Chair Imperial Theatre

8 October 2008 Letter from Derek Oland, Chair Imperial Theatre

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the funding request from the Imperial Theatre be referred to the Finance Committee.

ON THE QUESTION:

Counc. Cochrane requested any comments Councillors may have be forwarded to his attention for discussion by the Finance Committee.

CARRIED.

(5.6) **9.3 Saint John Theatre Company Stephen Tobias**

9 October 2008 Letter from Stephen Tobias

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the funding request from the Saint John Theatre Company be referred to the Finance Committee.

ON THE QUESTION:

Counc. Cochrane requested any input from Council be directed to his attention for discussion by the Finance Committee.

CARRIED.

5.7 1 October 2008 Email request from G. Myles RE: KV Crimestoppers 2009 Budget request.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the email from G. Myles RE: KV Crimestoppers 2009 Budget request be referred to the Finance Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 10 September 2008 Letter from Minister Ed Doherty, Post-Secondary Education, Training and Labour RE: Kennebecasis Public Library tax exemption.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the letter from Minister Ed Doherty, Post-Secondary Education, Training and Labour RE: Kennebecasis Public Library tax exemption be received/filed.

CARRIED.

23 September 2008 Letter from Kennebecasis Public Library to Minister Ed Doherty.

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MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter from Kennebecasis Public Library to Minister Ed Doherty be received/filed.

CARRIED.

- 6.2 11 September 2008 Copy of letter from Minister Jamieson, Tourism and Parks to Minister Denis Landry, Transportation RE: Rothesay Western Collector alignment (Fox Farm Road interchange).

MOVED by Counc. Gallagher Jette and seconded by Counc. Mullett the copy of a letter from Minister Jamieson, Tourism and Parks to Minister Denis Landry, Transportation RE: Rothesay Western Collector alignment (Fox Farm Road interchange) be received/filed.

ON THE QUESTION:

Counc. Gallagher Jette requested clarification that the Town has not committed to the proposed road. Mayor Bishop advised discussions were in the preliminary stages and staff are preparing an information package for landowners.

CARRIED.

- 23 September 2008 Copy of letter from Minister Landry to Minister Jamieson.

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the copy of a letter from Minister Landry to Minister Jamieson be received/filed.

CARRIED.

- 6.3 12 September 2008 Email from R. Roscoe RE: ice availability.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the email from E. Roscoe RE: ice availability be received/filed.

CARRIED.

- 6.4 23 September 2008 Letter from MP Paul Zed RE: traffic concerns on Rothesay Park Road.

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the letter from MP Paul Zed RE: traffic concerns on Rothesay Park Road be received/filed.

ON THE QUESTION:

It was noted a traffic study had been done on Rothesay Park Road and no evidence of speeding had been found. Deputy Mayor MacDonald suggested "Children Playing" for the area. DO Hatcher indicated that type of signage is usually used in the area of parks and playgrounds and serves no regulatory value. Counc. Cochrane indicated subsequent requests would be received for numerous areas throughout the Town. DO Hatcher advised an amendment to the By-law would be required to reduce the speed along Rothesay Park Road, currently set at 40 Km/hr. He further noted it would then become an enforcement issue. The traffic study report was given to the Public Works and Infrastructure Committee and provided to Council last month. A request was made to forward the report to the residents in the area. Counc. Gallagher Jette indicated there are unique characteristics specific to Rothesay Park Road and further investigation should be undertaken and perhaps other streets in the community should be reviewed as well.

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MOVED by Counc. Gallagher Jette and seconded by Counc. Mullett further investigation be taken by staff with consideration to the specific uniqueness of Rothesay Park Road.

NAY votes recorded from Councs. Kilfoil and Young.

CARRIED.

- 6.5 26 September 2008 Letter from MP Paul Zed RE: speed limit on Hampton Road.
2 October 2008 Letter from R. Chiasson with attached correspondence from MP Paul Zed and MLA Margaret-Ann Blaney.

DO Hatcher advised Hampton Road is a provincially designated highway and the Department of Transportation has been reviewing speed limits for about a year, along with school zones. DO Hatcher advised a comprehensive study had been done in the late 1990s. There was discussion with respect to speeds imposed by the Department of Transportation, the possible standardization to 50Km/hr and whether the area of Hampton Road in front of Rothesay High School should be included as a school zone in similar fashion to Rothesay Park School and Quispamsis Elementary School.

MOVED by Counc. Mullett and seconded by Counc. Gallagher Council request a report from the Public Works and Infrastructure Committee with respect to the different speed zones along Hampton Road.

CARRIED.

- 6.6 7 October 2008 Memorandum from Town Clerk Banks.
3 October 2008 Letter from NB Provincial Capital Commission RE: *Lights Across the Province*.

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the memorandum from Town Clerk Banks and the letter from the NB Provincial Capital Commission RE: *Lights Across the Province* be received/filed.

CARRIED.

7. REPORTS

- 7.0 **October 2008 Report from Closed Session**
N/A

- 7.1 18 June 2008 Kennebecasis Valley Fire Department Board Meeting Minutes
MOVED by Counc. Gallagher Jette and seconded by Counc. Kilfoil the Kennebecasis Valley Fire Department Board Meeting Minutes be received/filed.

CARRIED.

- 7.2 25 June 2008 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes
31 August 2008 RRJBPC Draft Financial Statements
MOVED by Counc. Shea and seconded by Counc. Young the Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes and Draft Financial Statements be received/filed.

CARRIED.

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- 7.3 26 June 2008 Fundy Region Solid Waste Commission Annual Meeting Minutes
10 October 2008 Fundy Region Solid Waste Commission 2009 Budget
MOVED by Council. Gallagher Jette and seconded by Council. Mullett the Fundy Region Solid Waste Commission Annual Meeting Minutes be received/filed.

CARRIED.

MOVED by Council. Young and seconded by Council. Shea the Fundy Region Solid Waste Commission 2009 Budget be referred to the Finance Committee.

CARRIED.

- 7.4 31 July 2008 Kennebecasis Valley Fire Department (KVFD) Financial Statements
August 2008 KVFD Monthly Response Report
MOVED by Council. Cochrane and seconded by Council. Young the Kennebecasis Valley Fire Department (KVFD) Financial Statements and Monthly Response Report be received/filed.

CARRIED.

- 7.5 13 August 2008 Kennebecasis Public Library Inc. Board Meeting Minutes
MOVED by Council. Mullett and seconded by Council. Young the Kennebecasis Public Library Inc. Board Meeting Minutes be received/filed.

ON THE QUESTION:

Council. Mullett provided clarification with respect to staffing, indicating the proposed new library will include updated technology that will require fewer staff and new regulations are expected from the province on staffing levels.

CARRIED.

- 7.6 31 August 2008 Draft General Fund Financial Statements
MOVED by Council. Cochrane and seconded by Council. Shea the draft General Fund Financial Statements be received/filed.

CARRIED.

31 August 2008 Draft Utility Fund Financial Statements
MOVED by Council. Cochrane and seconded by Council. Kilfoil the draft Utility Fund Financial Statements be received/filed.

CARRIED.

- 7.7 22 September 2008 Draft Parks and Recreation Committee Meeting Minutes
MOVED by Council. Shea and seconded by Council. Gallagher Jette the draft Parks and Recreation Committee Meeting Minutes be received/filed.

CARRIED.

➤ Recreation Facilities

MOVED by Council. Shea and seconded by Council. Kilfoil Council explore all options to centralize recreation facilities in the area where the existing arena is located.

CARRIED.

- 7.8 September 2008 Monthly Building Permit Report
MOVED by Council. Young and seconded by Council. Mullett the Monthly Building Permit Report be received/filed.

CARRIED.

- 7.9 18 September 2008 Draft Public Works and Infrastructure Committee Meeting

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MOVED by Counc. Mullett and seconded by Counc. Shea the draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

CARRIED.

7.10 3 October 2008 Draft Finance Committee Meeting Minutes

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft Finance Committee Meeting Minutes be received/filed.

CARRIED.

➤ Change of Purpose for Borrowing Authority

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald BE IT RESOLVED THAT Council approve a change of purpose to Transportation for the following borrowing authority:

Environmental Development:	\$270,000
Recreation:	\$ 71,000
Protective Services:	\$400,000

CARRIED.

7.11 6 October 2008 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Cochrane the draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

➤ Development Agreement Woodland Avenue

To be dealt with under Item 8.1

➤ Hampton Road (Sobeys) Municipal Plan and Zoning By-law amendments

Dealt with above.

7.12 8 October 2008 Draft Water and Sewer Committee Meeting Minutes

MOVED by Counc. Kilfoil and seconded By Counc. Young the draft Water and Sewer Committee Meeting Minutes be received/filed.

ON THE QUESTION:

Counc. Kilfoil noted the Committee already reviewed and dealt with Item 5.2 as referred from above. Mayor Bishop noted there is a vacancy on the Committee to be filled if Council has any recommendations.

CARRIED.

7.13 8 October 2008 Operations Report

MOVED by Counc. Mullett and seconded by Counc. Young the Operations Report be received/filed.

CARRIED.

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- Disposal of surplus equipment

MOVED by Counc. Young and seconded by Counc. Mullett the surplus equipment be disposed of as follows and the funds be returned to the Equipment Reserve:

Equipment Description	Winning Bidder	Purchase Price (inclusive of HST)
Woods RM 59 Mover	Elzear Savoie	\$300.00
Swenson Spreader	Elzear Savoie	\$200.00
Ingersoll-Rand Compressor	Dave Campbell	\$423.72
Binks Compressor	Doug Graves	\$400.00
Kuhn Sickle Mower	Murray Hamilton	\$300.00

CARRIED.

- Oakville Acres CBCL Proposal

MOVED by Counc. Shea and seconded by Counc. Kilfoil Council authorize the expenditure of \$25,000 from Operating Reserves, to complete the initial study work by CBCL for Oakville Acres.

ON THE QUESTION:

It was noted any holdback from the Oakville Acres has been long since returned to the developer.

CARRIED.

- Project 014-159 CN Track Crossing and Utility Improvements

MOVED by Counc. Young and seconded by Counc. Mullett Council award the tender for Project 014-159 to the low tenderer, M. R. Martin Construction Inc. for the tender price of \$98,501.00 inclusive of HST.

ON THE QUESTION:

Deputy Mayor MacDonald requested clarification on recovery of funds from the property owners. It was noted three of the five property owners are interested in connections. Town Manager Jarvie indicated there is no legal agreement as yet but to get the work done the project needs to proceed.

CARRIED.

- Agreement CNR – Kingshurst Road Pipe Crossing Mile 79.03 Sussex Subdivision

MOVED by Counc. Cochrane and seconded by Counc. Shea Council authorize the execution of the agreement with CNR, Kingshurst Road Pipe Crossing, Mile 79.03 Sussex Subdivision to initiate construction of Project 014-159.

CARRIED.

Counc. Cochrane commented on the loss of a staff member in the Water Operations Department and suggested if the Town pays for the training, staff be required to reimburse the Town if they do not stay for a certain length of time. DO Hatcher indicated premiums are being paid by other employers. Mayor Bishop indicated the Personnel Committee will consider the request.

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8. **UNFINISHED BUSINESS**

8.1 Woodland Avenue Rezoning

➤ **By-law 2-02-31 A By-law to Amend the Zoning By-law**

15 September 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Kilfoil By-law 2-02-31, "A By-law to Amend the Zoning By-law" be read in its entirety.

ON THE QUESTION:

Counc. Shea indicated he walked the property and believed the bend in the building infringes on the adjacent property owners and is to safeguard the second apartment building along Hampton Road. He advised he would be voting against the motion.

NAY vote recorded from Counc. Shea.

CARRIED.

The Clerk read By-law 2-02-31 in its entirety.

MOVED by Counc. Young and seconded by Counc. Kilfoil 3rd Reading and Enactment be given By-law 2-02-31, "A By-law to Amend the Zoning By-law".

NAY vote recorded from Counc. Shea.

CARRIED.

➤ **Development Agreement Woodland Avenue (B/A Realty)**

8 October 2008 Memorandum from DDS Drescher RE: drainage

8 October 2008 Letter from Gail and Charles Greer RE: development agreement

9 October 2008 Memorandum from Planning Advisory Committee with attached development agreement

MOVED by Counc. Young and seconded by Counc. Kilfoil Council amend the Development Agreement for the property situate generally Woodland Avenue, identified as PID# 30256093 to include the concerns outlined by Mr. Greer in his letter dated 8 October 2008, more specifically: winter maintenance and refuse removal be restricted between the hours of midnight and seven a.m.

ON THE QUESTION:

Counc. Gallagher Jette requested staff be extra vigilant on this property based on the existing issues and to ensure drainage issues are not to the detriment of residents. Mayor Bishop indicated the project will be required to meet today's standards. Town Manager Jarvie advised staff are cognizant of the situation on this property and the carrying capacity of the soil will be part of the required engineering information.

NAY vote recorded from Counc. Shea.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Cochrane Council authorize the Mayor and Clerk to enter into the Development Agreement, as amended, for the property situate generally at Woodland Ave, identified as PID# 30256093, to allow for the addition to a building situate at 83 Hampton Road, identified as PID 246793, subject to the following properties being consolidated: PID#s 00100198, 00242362, 00246793, 30256093 and FURTHER subject to the removal of the existing apartment building situate 85 Hampton Road, identified as PID# 00242362.

NAY vote recorded from Counc. Shea.

CARRIED.

8.2 7 Alexander Avenue (Blanchet)

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8 October 2008 Memorandum from DDS Drescher with attached correspondence

MOVED by Counc. Cochrane and seconded by Counc. Mullett the memorandum from DDS Drescher with respect to 7 Alexander Avenue be received/filed.

CARRIED.

8.3 Bill 82 – Access to Information and Protection of Privacy Act

9 October 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Counc. Mullett staff prepare a brief for submission to the Committee by October 31, 2008.

CARRIED.

8.4 Lawn Care and Landscape – Pesticide Use – Discussion Paper

10 October 2008 Memorandum from Town Manager Jarvie with attached comments

MOVED by Counc. Young and seconded by Counc. Kilfoil a letter be written to the Department describing the responses received and indicating Option 4 (providing a role for municipalities) would not be acceptable.

ON THE QUESTION:

It was noted there would be several difficulties with enforcement at the municipal level, particularly with respect to inconsistencies, lack of knowledge, increased costs and less effectiveness. Counc. Gallagher Jette indicated she favoured a role for municipalities in enforcement. Deputy Mayor MacDonald indicated he favoured province-wide enforcement.

NAY vote recorded from Counc. Gallagher Jette.

CARRIED.

8.5 qPlex Funding Request

8 October 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the motion be removed from the table.

CARRIED.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Cochrane that Rothesay Council make a counter-offer to the town of Quispamsis in the amount of \$2.8 million in response to the letter of 6 August 2008, with all other terms to be similar as outlined in the letter of August 6th, except that Rothesay's contribution of 10% of the deficit of the total facility to a maximum of \$40,000 per year be subject to re-negotiation if Rothesay constructs an additional ice surface at some future date.

ON THE QUESTION:

Counc. Kilfoil indicated he would be voting against the motion, indicating Rothesay residents do not want their tax dollars spent in another community and the presentation from the Recreation Committee this evening to complete an assessment on needs makes more sense. Counc. Young indicated he would be voting against the motion as he is not prepared to spend that large an investment in another municipality. Counc. Gallagher Jette advised she would be supporting the motion and sees it as an opportunity to work in the spirit of collaboration, as indicated in the presentation by the Recreation Committee, and as an opportunity to resolve some issues with Quispamsis. Deputy Mayor MacDonald indicated he would be supporting the motion because hockey players in Rothesay need ice time and if that need can be fulfilled for \$2.8 million rather than

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\$15 million, it makes sense. Counc. Shea advised he would be voting against the motion for the reasons already stated, noting Quispamsis has already indicated they would not accept the offer so why make it. Counc. Mullett advised she would be voting against the motion because the proposal did not include a board to oversee the facility so Quispamsis would build, own and operate the facility with no input from Rothesay. Counc. Cochrane noted he seconded the motion in September but the subsequent discussions in the media were insulting and he would be voting against the motion. Deputy Mayor MacDonald indicated the offer was intended to be a counter-offer and not the end of negotiations.

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

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

MOTION DEFEATED.

9. NEW BUSINESS

BUSINESS ARISING FROM PUBLIC HEARINGS

9.1 Hampton Road (Sobeys) Municipal Plan and Zoning By-law Amendments

- 9 October 2008 Memorandum from Planning Advisory Committee
 - By-law 1-02-8 A By-law to Amend the Municipal Plan
 - By-law 2-02-32 A By-law to Amend the Zoning By-law
 - By-law 2-02-33 A By-law to Amend the Zoning By-law

Dealt with above.

BUSINESS ARISING FROM DELEGATIONS

9.2 Imperial Theatre Ron Outerbridge, Campaign Cabinet Member

- 26 September 2008 Letter from Derek Oland, Chair Imperial Theatre
- 8 October 2008 Letter from Derek Oland, Chair Imperial Theatre

Dealt with above.

9.3 Saint John Theatre Company Stephen Tobias

- 9 October 2008 Letter from Stephen Tobias

Dealt with above.

9.4 Rothesay Recreation Committee Bill McGuire, Charles Jensen

- 9 October 2008 Letter from Bill McGuire, Chair Recreation Committee

MOVED by Counc. Shea and seconded by Counc. Mullett Council authorize the Recreation Committee to proceed with a study of recreation needs for Rothesay.

ON THE QUESTION:

Counc. Gallagher Jette requested clarification on associated costs. Town Manager Jarvie advised there would be no cost consequences at this stage and if funding is required, the request would come back to Council.

CARRIED.

DEVELOPMENT SERVICES

9.5 Rothesay Landings Subdivision Security Release

- 7 October 2008 Memorandum from DDS Drescher

Counc. Kilfoil advised he was not satisfied all the work in the area had been done to the satisfaction of property owners.

ROTHESAY COUNCIL

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MOVED by Deputy Mayor MacDonald and seconded by Counc. Kilfoil the request to release \$50,000 of the security provided to the Town in the form of an Irrevocable Letter of Credit, 3107 in conjunction with the development of Phase 1 of Rothesay Landings, generally situate Bel-Air Avenue, be deferred pending further clarification from staff.

ON THE QUESTION:

DDS Drescher advised confirmation had been received from the Director of Operations that the infrastructure meets the development requirements. She noted the security was mainly for the infrastructure with a small allocation to hydro-seeding and indicated there has been ongoing work with one property owner on a regular basis. DO Hatcher indicated all earmarks meet the spirit of the agreement but understands there is one issue for one property owner. Town Manager Jarvie indicated there are two issues – the infrastructure is in the Town’s interest however an issue between the developer and a property owner is a private issue. Counc. Kilfoil indicated he is not happy with the drainage problems and hydro-seeding and if there is water running between houses, it is a concern.

CARRIED.

ADMINISTRATIVE SERVICES

9.6 UMNb Conference Standardized Specifications

6 October 2008

Memorandum from Town Manager Jarvie

MOVED by Counc. Mullett and seconded by Counc. Shea Council forward the letter to UMNb with respect to Standardized Infrastructure Specifications that was raised at the annual conference in October.

CARRIED.

10. **NEXT MEETING**

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the next regular meeting of Council be moved to Monday, November 17, 2008.

CARRIED.

11. **ADJOURNMENT**

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

CARRIED.

The meeting adjourned at 10:35 p.m.

MAYOR

CLERK