

OPEN SESSION Monday, September 8, 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 OPERIONS (DO) SCOTT HATCHER

DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

ABSENT: TREASURER SUSAN JOHNSON

PUBLIC HEARING Zoning By-law Amendment By-law 2-02-31 Woodland Avenue PID# 30256093 (Bamford)

Documentation

14 August 2008 1st Section 68 Advertisement, <u>Telegraph Journal</u> 2nd Section 68 Advertisement, <u>Telegraph Journal</u>

20 August 2008 Report from DDS Drescher with attached documentation

4 September 2008 IOM from Planning Advisory Committee

DRAFT By-law 2-02-31

Appearances: Gay Drescher, Director of Development Services

Tony Bamford, Developer

Objections: 28 August 2008 Mr. and Mrs. Dufour (14 Woodland Ave)

2 September 2008
2 September 2008
2 September 2008
3 September 2008
4 Mr. and Mrs. Greer (16 Woodland Ave)
5 Innis McCready (12 Woodland Ave)
6 Petition from Woodland Avenue residents

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

DDS Drescher gave a brief presentation, noting the legislative process to be followed for the application. The proposal is to allow for an expansion of approximately 900 square metres to the existing Fairvale Mall at 83 Hampton Road. One of the existing apartment buildings on Hampton Road will be demolished to accommodate the expansion. DDS Drescher advised the development agreement will come forward with a recommendation from the Planning Advisory Committee prior to third reading.

Mr. Bamford advised the four unit apartment building will be removed to accommodate parking for the expansion. He indicated he has been a good corporate neighbour, noting there are no deliveries after 5:00 p.m., on weekends or holidays, garbage containers are hidden by an eight foot fence, actions have been taken to prevent skateboarding on the property and a substantial drainage plan to Woodland Avenue has been proposed.

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DDS Drescher advised access to the property will be from Hampton Road and not from Woodland Avenue. The lots on Woodland Avenue will be used for parking and green space as well.

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

Larry Greer, 16 Woodland Avenue spoke and raised the following concerns: properties used to be marshy and were filled in by the owner in the 1990s and created drainage issues that need to be addressed, infringement on residential properties by commercial development, noise pollution, foot and vehicular traffic increase, plowing operations and garbage collection, existing Municipal Plan (Section 8.2.1) refers to commercial activity on properties fronting on Hampton Road, participated in development of Municipal Plan, and suggestion the expansion occur along Hampton Road with the removal of the two existing apartment buildings.

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

Don Rushton, Hampton Road and Stephen Goddard, Pomodori Pizza spoke in favour of the proposal. Mr. Rushton indicated he had been trying to get the area cleaned up for a number of years and the proposed development would not affect him. Mr. Goddard advised the development would be beneficial for his business and also increase the tax base, noting he would like to see additional development along Hampton Road.

Counc. Shea asked Mr. Bamford to respond to the concerns. Mr. Bamford indicated a substantial drainage plan had been prepared by Fundy Engineering and the alternative to remove both apartment buildings and expand that way would not permit ample room for parking.

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

The Public Hearing adjourned at 8:20 p.m.

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Mayor Bishop called the Open Session to order at 8:20 p.m.

APPROVAL OF MINUTES Regular Meeting – 11 August 2008 MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the minutes of 11 August 2008 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

N/A

2. **APPROVAL OF AGENDA**

MOVED by Counc. Gallagher Jette and seconded by Counc. Young the agenda be approved as circulated with the following change:

Item 9.1 be brought forward and dealt with following Item 5.1

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop advised he has received numerous complaints about speeding in Rothesay. He further noted he has spoken with the Chief of Police and the matter will be addressed by the police department.

4. **DELEGATIONS**

4.1 Kennebecasis Valley Basketball Association Mike Tilley

21 July 2008 Letter from M. Tilley, Director - Planning September 2008 Presentation

Mr. Mike Tilley appeared before Council and gave a brief presentation on behalf of the Kennebecasis Valley Basketball Association (KVBA). He noted the following: the organization was established in 1973, incorporated as a not-for-profit organization in 1992, basketball is growing globally, association has a waiting list, limits on facilities in the Kennebecasis Valley which affects ability to serve players past the high school age, school facilities are booked, inability to host tournaments, association makes financial contributions to the community, increasing health concerns for children, desire to enhance programs and include more children. Mr. Tilley concluded by requesting Council to address the lack of indoor recreation facilities in the Valley by considering development of a multi-sport facility and better coordination and utilization of current facilities.

Upon questioning, Mr. Tilley clarified the association deals with the schools on an individual basis both for booking space and to allocate contributions and they have good working relationship. He indicated the association would like to have a five year plan but the schools can only commit from year to year. It was noted the high school gyms are not accessible on a regular basis.

Mayor Bishop thanked Mr. Tilley for his presentation.

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4.2 KV3C Kathy English

26 August 2008 Letter from Gail Brown, Chair September 2008 Presentation

Kathy English appeared before Council and gave a brief presentation on KV3C. She thanked Council and Charles Jensen, Recreation Director, for their past support and noted the KidFest held on the Rothesay Common this summer had over 600 participants. Ms. English noted the following: the not-for-profit organization has been in existence since 2000, provides programs to children under the age of five, early years are critical to learning with only 10% occurring in the classroom, limited services in the Valley for non-school age children, programs provide an opportunity for children and parents to learn, socialize and connect with the community, opportunity to provide support to parents and early childhood education through strong community networks. Ms. English concluded by noting the Town currently provides staff support in the equivalent of \$1400. She advised the group is requesting Council consider providing additional financial support in the amount of \$2200 or consider a gift in-kind by eliminating the existing \$200 monthly rent charge.

Mayor Bishop thanked Ms. English for her presentation and noted he has attended functions held by KV3C and is impressed by the number of people who attend.

5. **CORRESPONDENCE - FOR ACTION**

5.1 Various Correspondence RE: sidewalk – 259 Gondola Point Road (ten letters)

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the correspondence
RE: sidewalk at 259 Gondola Point Road be referred to the Public Works and
Infrastructure Committee.

CARRIED.

Brought Forward

BUSINESS ARISING FROM PUBLIC HEARING

9.1 By-law 2-02-31 A By-law to Amend the Zoning By-law (Bamford)

> 1st and 2nd Reading by Title

MOVED by Counc. Kilfoil and seconded by Counc. Mullett 1st Reading, by Title, be given to By-law 2-02-31, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-31 by title.

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

ON THE QUESTION:

It was noted the development agreement would be brought to Council prior to 3rd Reading.

CARRIED.

The Clerk read By-law 2-02-31 by title.

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6. **CORRESPONDENCE - FOR INFORMATION**

6.1 11 August 2008 Memorandum from Chief Greer RE: Ambulance NB and Medical First Responders dispatch.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the memorandum from Chief Greer RE: Ambulance NB and Medical First Responders dispatch be received/filed.

CARRIED.

6.2 12 August 2008 Letter to Quispamsis RE: Rothesay Participation in Q-Plex project.

MOVED by Counc. Mullett and seconded by Counc. Shea the letter to Quispamsis RE: Rothesay Participation in Q-Plex project be received/filed.

CARRIED.

6.3 12 August 2008 Letter to Kennebecasis Public Library RE: New Library Funding. **MOVED** by Counc. Young and seconded by Counc. Mullett the letter to Kennebecasis Public Library RE: New Library Funding be received/filed.

ON THE QUESTION:

Counc. Mullett advised the Board is working on a response.

CARRIED.

6.4 12 August 2008 Letter to Minister Doherty RE: Elimination of Provincial Taxation of Public Libraries (w/o attachment).

MOVED by Counc. Young and seconded by Counc. Kilfoil the letter to Minister Doherty RE: Elimination of Provincial Taxation of Public Libraries (w/o attachment) be received/filed.

CARRIED.

25 August 2008 Letter from Quispamsis to Minister Doherty RE: exemption for public libraries.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter from Quispamsis to Minister Doherty RE: exemption for public libraries be received/filed.

CARRIED.

6.5 27 August 2008 Email from R. Malcolm RE: ComeX, Quispamsis arena, Post Office hours.

MOVED by Counc. Young and seconded by Counc. Shea the email from R. Malcolm RE: ComeX, Quispamsis arena, Post Office hours be received/filed.

CARRIED.

6.6 28 August 2008 Email from M. Burchill RE: QPlex funding.

MOVED by Counc. Young and seconded by Counc. Mullett the email from M. Burchill RE: QPlex funding be received/filed.

CARRIED.

6.7 29 August 2008 Email from J. Clark RE: QPlex.

MOVED by Counc. Young and seconded by Counc. Kilfoil the email from J. Clark RE: QPlex be received/filed.

CARRIED.

6.8 2 September 2008 Letter from KVMHA RE: ice surface in the KValley.

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MOVED by Counc. Kilfoil and seconded by Counc. Young the letter from KVMHA RE: ice surface in the KValley be received/filed.

CARRIED.

7. **REPORTS**

7.0 September 2008 Report from Closed Session

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the town of Rothesay be authorized to borrow up to \$50,000 by way of a Scotia VISA business card.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Mayor and/or Town Manager and/or Treasurer be authorized to sign the updated documents from the Bank of Nova Scotia reflecting the addition of a Scotia VISA business card.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Town terminate the contract with Service New Brunswick (SNB) for online utility payments, effective January 1, 2009.

ON THE QUESTION:

It was noted payment can be made in person, by mail or by online banking through the individual's bank. The number of residents using the SNB service is not overwhelming and the cost for the service is \$5000. Counc. Cochrane advised residents will be notified the service will be discontinued and of the other options available.

CARRIED.

Counc. Young left the meeting room.

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 renegotiation if Rothesay constructs an additional ice surface at some future date.

ON THE QUESTION:

Deputy Mayor MacDonald noted this is in response to the letter from Quispamsis dated 6 August 2008 which was sent to the Finance Committee. The figure of \$2.8 million was calculated based on projected population in 2016. More specifically, the projected population split in 2016 will be roughly 61% Quispamsis and 39% Rothesay. The calculations indicate Rothesay should be providing 1.17 rinks and the related cost would be 17% of \$16,459,474 or approximately \$2.8 million.

Counc. Young returned to the meeting room.

Counc. Cochrane noted 2016 was chosen based on the knowledge the QPlex will not open until 2010, the debenture will be taken in 2011 and 2016 would be five years into a twenty year debenture.

MOVED by Counc. Young and seconded by Counc. Kilfoil the matter be tabled until a special meeting of Council or the next regular meeting of Council.

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YEA votes recorded from Councs. Kilfoil, Mullett, Shea and Young. NAY votes recorded from Deputy Mayor MacDonald and Counc. Cochrane. Counc. Gallagher Jette abstention recorded as negative vote.

CARRIED.

7.1 11 June 2008 Kennebecasis Public Library Board Meeting Minutes

MOVED by Counc. Mullett and seconded by Counc. Shea the Kennebecasis Public
Library Board Meeting Minutes be received/filed.

CARRIED.

7.2 31 July 2008 Draft Unaudited General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft
Unaudited General Fund Financial Statements be received/filed.

CARRIED.

31 July 2008 Draft Unaudited Utility Fund Financial Statements **MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the draft Unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

7.3 July 2008 Kennebecasis Valley Fire Department Monthly Response Report

31 May 2008 KVFD Draft Financial Statements 30 June 2008 KVFD Draft Financial Statements

MOVED by Counc. Kilfoil and seconded by Counc. Cochrane the Kennebecasis Valley Fire Department Monthly Response Report and draft Financial Statements dated 31 May 2008 and 30 June 2008 be received/filed.

ON THE QUESTION:

Counc. Cochrane noted the quint truck had been ordered. He further advised the Board will be meeting on September 24th and the budget may be approved at that time.

CARRIED.

7.4 21 August 2008 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 be received/filed.

CARRIED.

- ➤ Chipseal Roads in Rothesay (S. Gould/Chantale Street)

 It was noted a response had been sent to Ms. Gould by the Director of Operations.
- 7.5 25 August 2008 Draft Parks and Recreation Committee Meeting Minutes **MOVED** by Counc. Shea and seconded by Counc. Cochrane the draft Parks and Recreation Committee Meeting Minutes be received/filed.

CARRIED.

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> Zero Tolerance Policy

MOVED by Counc. Shea and seconded by Counc. Kilfoil Council adopt the Zero Tolerance Policy for all recreational facilities owned and operated by Rothesay.

ON THE QUESTION:

Counc. Shea indicated the initial request for a policy was for the Rothesay Arena but the Committee thought it appropriate for all Town facilities. It was noted signs would be placed in all facilities.

CARRIED.

7.6 August 2008 Monthly Building Permit Report

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

CARRIED.

7.7 2 September 2008 Draft Planning Advisory Committee Meeting Minutes **MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

Development Agreement 259 Gondola Point Road

To be dealt with under Item 8.1

➤ Zoning By-law amendment Woodland Avenue (see Item 9.1)

Dealt with following Item 5.1

- ➤ Municipal Plan Amendment/Zoning By-law Amendments Sobeys/Buckley
 - ➤ 18 July 2008 Letter from Mr. and Mrs. Hoogeveen
 - ➤ 10 August 2008 Letter from B. Oliver

MOVED by Counc. Young and seconded by Counc. Kilfoil Council schedule the Public Hearings, in accordance with the *Community Planning Act, RSNB, Chapter C-12 and amendments thereto*, to give consideration to a Municipal Plan amendment and Zoning By-law amendment for a portion of the property situate generally 140 Hampton Road, identified as PID# 30248686 to create two residential lots fronting on Chapel Road, for **Wednesday, October 15, 2008,** commencing at 8:00 p.m.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Mullett Council schedule the Public Hearing, in accordance with the *Community Planning Act, RSNB, Chapter C-12 and amendments thereto*, to give consideration to a Zoning By-law amendment for a portion of the property situate generally 134 Hampton Road, identified as PID# 30096994 to create two residential lots fronting on Chapel Road, for **Wednesday, October 15, 2008,** commencing at 8:00 p.m.

CARRIED.

➤ S. Brittain Subdivision – Burpee Avenue

MOVED by Counc. Young and seconded by Counc. Kilfoil Council assent to the tentative subdivision plan, identified as Drawing No. T-0261, prepared by Kierstead Quigley and Roberts Ltd., May 2008 for the subdivision of the property identified as PID# 30192009, situate generally off Burpee Avenue.

CARRIED.

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MOVED by Counc. Young and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into the Development Agreement for the subdivision of the Brittain Subdivision, identified as PID# 30192009, to create two residential lots.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Kilfoil Council accept cash in lieu of land for public purposes equivalent to \$750.00 for the subdivision of the Brittain Subdivision, identified as PID# 30192009 for the creation of two residential lots.

ON THE QUESTION:

Deputy Mayor MacDonald requested clarification on the options available for land or cash in lieu of for public purposes. Town Manager Jarvie advised the legislation permits up to ten percent of the land or eight percent of the value of the land prior to subdivision. and it has been the practice of Council to accept \$750.00 per lot. Town Manager Jarvie advised recommendations will be forthcoming from the DDS Drescher.

CARRIED.

7.8 3 September 2008 Operations Report

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

ON THE QUESTION:

DO Hatcher advised there had been several wash-outs and weak road shoulders as a result of the heavy rain on the weekend. He noted several private properties in the Town were impacted.

CARRIED.

8. UNFINISHED BUSINESS

8.1 259 Gondola Point Road Rezoning (daycare)

> By-law 2-02-29 A By-law to Amend the Zoning By-law

5 September 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Counc. Kilfoil Reading in its Entirety be given to By-law 2-02-29, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-29 in its entirety.

MOVED by Counc. Cochrane and seconded by Counc. Mullett 3rd Reading, by Title and Enactment be given By-law 2-02-29, "A By-law to Amend the Zoning By-law".

CARRIED.

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

> By-law 2-02-30 A By-law to Amend the Zoning By-law

5 September 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Cochrane and seconded by Counc. Shea Reading in its Entirety be given to By-law 2-02-30, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-30 in its entirety.

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MOVED by Counc. Kilfoil and seconded by Counc. Mullett 3rd Reading, by Title and Enactment be given By-law 2-02-30, "A By-law to Amend the Zoning By-law".

CARRIED.

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

> Development Agreement

4 September 2008 Memorandum from Planning Advisory Committee

DRAFT Development Agreement

MOVED by Counc. Shea and seconded by Counc. Cochrane Council authorize the Mayor and Clerk to enter into the development agreement to permit a daycare centre to proceed at 259 Gondola Point Road, identified as PID# 00098467.

ON THE QUESTION:

Town Manager Jarvie noted Item 5.1 dealt with a request for a sidewalk at 259 Gondola Point Road and Council may wish to wait for a report from the Public Works and Infrastructure Committee. There was a brief discussion with respect to approximate costs and whether the developer should be required to cover the costs of installation as part of the development agreement. It was suggested they could be approached should the Public Works and Infrastructure Committee recommend installation of a sidewalk.

CARRIED.

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

5 September 2008 Memorandum from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Kilfoil the memorandum from Town Clerk Banks RE: Bill 82 be received/filed.

CARRIED.

8.3. 7 Alexander Avenue (Blanchet)

3 September 2008 Memorandum from DDS Drescher

MOVED by Counc. Young and seconded by Counc. Kilfoil the memorandum from DDS Drescher RE: 7 Alexander Avenue be received/filed.

ON THE OUESTION:

DDS Drescher advised she and DO Hatcher were working together to resolve any future issues.

CARRIED.

8.4 Lawn Care and Landscape – Pesticide Use – Discussion Paper

3 September 2008 Memorandum from Town Manager Jarvie

MOVED by Counc. Young and seconded by Counc. Gallagher Jette an item be included in the September issue of the Rothesay Reader describing the proposals and inviting comments from Rothesay property owners on pesticide use and the responses be incorporated into the response to New Brunswick Environment.

CARRIED.

9. **NEW BUSINESS**

BUSINESS ARISING FROM PUBLIC HEARING (see Public Hrg documentation)

9.1 By-law 2-02-31 A By-law to Amend the Zoning By-law (Bamford)

> 1st and 2nd Reading by Title

Dealt with following Item 5.1 above.

BUSINESS ARISING FROM DELEGATIONS

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9.2 KVBA Mike Tilley

21 July 2008 Letter from M. Tilley, Director - Planning

September 2008 Presentation

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the information from the Kennebecasis Valley Basketball Association be referred to the Parks and Recreation Committee for a recommendation.

CARRIED.

9.3 KV3C Kathy English

26 August 2008 Letter from Gail Brown, Chair

September 2008 Presentation

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the request from KV3C be referred to the Finance Committee for consideration during budget deliberations.

CARRIED.

FINANCE

9.4 NB Municipal Finance Corporation Application

3 September 2008 Memorandum from Treasurer Johnson

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald BE IT RESOLVED THAT the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of Rothesay debenture in the principal amount of \$1,129,000 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Rothesay agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

CARRIED.

10. **NEXT MEETING**

Mayor Bishop noted the next regular meeting of Council is scheduled for Tuesday, October 14, 2008 which is the date for the federal election.

MOVED by Counc. Young and seconded by Counc. Mullett the next regular meeting of Council be held Wednesday, October 15, 2008, immediately following two public hearings.

CARRIED.

11. **ADJOURNMENT**

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

CARRIED.

The meeting adjourned at 9:45 p.m.		
MAYOR	CLERK	