



ROTHESAY

PUBLIC HEARING – Amending Water By-law 1-18-01
Rothesay Town Hall Common Room
Tuesday, November 12, 2019
Immediately following a public hearing



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR GRANT BRENNAN
COUNCILLOR PETER J. LEWIS
COUNCILLOR BILL McGUIRE
COUNCILLOR DON SHEA

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN
TREASURER DOUG MacDONALD
ADMINISTRATIVE ASSISTANT LIZ POMEROY

ABSENT: COUNCILLOR TIFFANY MACKAY FRENCH
COUNCILLOR MIRIAM WELLS

PUBLIC HEARING **Amending Water By-law 1-18-01**

Introduction **Mayor Grant**

Documentation

17 October 2019	Public Hearing Notice posted to website
7 November 2019	Memorandum from Town Clerk Banks
DRAFT	By-law 1-18-01
	Appendix A

Appearances: Treasurer Doug MacDonald, CPA CA

Comments/Appearances: 5 November 2019 Email from 84 Hampton Road owner
6 November 2019 Email/letter from Homestar Inc.

Mayor Grant called the public hearing to order at 7:15 p.m. and gave instructions to those in attendance. She noted the hearing had been duly advertised and Treasurer Doug MacDonald would be giving a presentation on the proposed draft Amending Water By-law 1-18-01.

Treasurer MacDonald provided background noting By-law 7-04 (adopted in 2005) allowed property owners the option to not connect to the municipal water system; whereas By-law 1-18, adopted in January 2019, stipulates that all commercial, institutional, and residential apartment complexes situated on land abutting a street, right-of-way, or public place in which there is a watermain shall connect to the main and use such watermain as its sole source of water. Similar to By-law 7-04, By-law 1-18 requires that all property owners connecting to the system shall pay a meter connection permit and water system access fee prior to the issuance of a building permit. However, By-law 1-18 extends the time period in which the water system access fee and water meter rental charge are payable by owners of commercial, industrial, and residential apartment complexes; and no connection is required until March 2022.

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Treasurer MacDonald advised on July 2, 2019 a meeting was held with owners of residential apartment complexes required to connect under By-law 1-18. The requirement was intended to ensure a safe and reliable source of water for tenants as municipal water is tested daily and procedures are in place to handle incidents such as a power outage or contamination. Property owners at the July meeting indicated an amenableness to providing assurances such as regular water testing and resources in the event of a power outage. By-law 1-18-01 exempts residential apartment complexes constructed prior to January 1, 1998 from the requirement to connect subject to meeting various conditions set out in Appendix A as referenced at the July meeting. Further, the Appendix can be amended by resolution of Council without an amendment to the by-law. He added By-law 1-18-01 also includes a process that allows developers to appeal the connection fee deadline.

Deputy Mayor Alexander noted he believes By-law 1-18-01 and the conditions included in Appendix A reflect the discussion at the July 2nd meeting pertaining to a back-up power source, water testing, the fixed charge, and liability concerns.

Counc. Brennan commented he cannot recall if a waiver was discussed at the July meeting. Treasurer MacDonald noted a waiver was suggested as a means to address liability concerns. Town Manager Jarvie advised the stipulations are intended to act as similar assurances as if the property was serviced by municipal water. There was discussion with respect to the purpose of a waiver, and implications if a waiver is not signed. Town Manager Jarvie clarified the waiver is meant to provide a means to clearly identify the property owner's responsibility for the water supplied to tenants.

Counc. Shea inquired if staff have prepared responses to Mr. Hatfield's inquiries as requested, and if similar testing schedules are required in other municipalities, or establishments with high usage of water such as restaurants. Town Manager Jarvie advised restaurants are not regulated by the Town but are likely required to abide by standards established by the Department of Public Health. Counc. Shea inquired about the addition of emergency lighting. Treasurer MacDonald suggested the inclusion of emergency lighting was likely intended to ensure all concerns are addressed in the event of an emergency. Counc. Shea expressed concern that two apartment buildings adjacent to each other, but fronting different streets, may be subject to different requirements with respect to connecting to the municipal water system.

Counc. Lewis commented on the community well shared by residents of the Barsa subdivision. He questioned if similar conditions apply to the owner of the community well in Barsa. Town Manager Jarvie advised the owner of the community well is likely expected to abide by regulations set by the Department of Public Health.

Mayor Grant called three times for those wishing to speak against the proposal.

Cheryl Kennedy, 84 Hampton Road, expressed concern that signing a waiver indicates the Town is responsible in some way for the water supplied to tenants from a private source. Town Manager Jarvie reiterated the purpose of the waiver is to clarify that the onus is on the property owner for the supply of water. Ms. Kennedy noted she does not believe the waiver will be well received as it may be viewed as an opportunity for the Town to avoid any and all future liability.

Mark Hatfield, Kingsview Court, made the following comments: the matter has been ongoing for roughly five years; conditions were included in Appendix A that were not discussed at the July meeting such as the frequency of testing and the provision of affidavits which are expected to result in additional costs; water testing for private properties is a provincial responsibility rather than municipal; owners are amenable to resolving the issues through water testing and securing a back-up power source; other facilities such as daycares require a less frequent testing schedule; the onus is on property owners to act

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in a short period of time; little responsibility falls to the Town; and policing compliance will put a strain on Town staff. Mr. Hatfield suggested the Town may be employing the requirement to connect to municipal water as a means to generate revenue. He noted he feels the requirement is discriminatory as similar regulations are not required for other wells including the communal well in Barsa, or wells on single family properties.

Andrew Baskin, Scribner Crescent, questioned if the Town intended to supply a two-unit property, recently purchased by the Town on Fox Farm Road, with municipal water. Town Manager Jarvie clarified the subject property was renovated and is now a single family residence.

Mayor Grant called three times for those wishing to speak against the proposal.

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

There being none, Mayor Grant thanked all in attendance and noted the matter will be discussed further in Open Session.

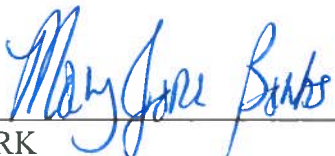
MOVED by Counc. McGuire and seconded by Counc. Lewis the public hearing be adjourned.

CARRIED.

The public hearing adjourned at 7:40 p.m.



MAYOR



CLERK