

ROTHESAY

COUNCIL MEETING BY VIDEOCONFERENCE

Pursuant to the *Local Governance Act* and

the Province of New Brunswick

State of Emergency (declared 19 March 2020)

Monday, January 11, 2021 at 4:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR GRANT BRENNAN
COUNCILLOR PETER J. LEWIS
COUNCILLOR TIFFANY MACKAY FRENCH (*joined the videoconference at 4:15 p.m.*)
COUNCILLOR BILL McGUIRE
COUNCILLOR DON SHEA
COUNCILLOR MIRIAM WELLS

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN
TREASURER DOUG MacDONALD
FINANCIAL OFFICER ELLEN STEEVES (*left the videoconference at 4:10 p.m.*)
ADMINISTRATIVE ASSISTANT LIZ POMEROY

Mayor Grant called the meeting to order at 4:00 p.m. noting she, Town Manager Jarvie, and Town Clerk Banks are present in the Sayre Room at Rothesay Town Hall, observing physical distancing requirements, and wearing masks. Council members and staff were connected remotely.

1. APPROVAL OF AGENDA

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire the agenda be approved as circulated.

CARRIED.

2. ADOPTION OF MINUTES

➤ Regular Meeting 14 December 2020

MOVED by Counc. Lewis and seconded by Counc. Shea the Open Session Council minutes of December 14, 2020 be adopted as circulated.

CARRIED.

➤ Public Meeting Notes 15 December 2020

MOVED by Deputy Mayor Alexander and seconded by Counc. Brennan the Public Meeting Notes of December 15, 2020 be received/filed.

CARRIED.

➤ **Business Arising from Minutes**
N/A

3. OPENING REMARKS OF COUNCIL

ANNOUNCEMENT: Retirement of Ellen Steeves, Financial Officer

Mayor Grant reported Ellen Steeves, Financial Officer for Rothesay, will be retiring later this month after a career of 26 years in local government. She explained Mrs. Steeves began her career on January 24, 1995 as the Financial Officer for the former village of Renforth, and transitioned to a Rothesay employee following amalgamation in 1998. Mayor Grant added that she, herself, was a member of Renforth Council at the time. Mayor Grant noted it has been a pleasure working with Mrs. Steeves over the years.

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Mayor Grant, on behalf of the Association of Municipal Administrators of New Brunswick (AMANB), (*virtually*) presented Mrs. Steeves with a certificate recognizing her 25 years of dedicated service to local government. She congratulated Mrs. Steeves noting the presentation was scheduled for the 2020 AMANB Annual General Meeting but was cancelled due to the COVID-19 pandemic. She added AMANB recognizes service in 5 year increments which is why the certificate states 25, rather than 26, years. She thanked Mrs. Steeves for her years of service and noted she will miss her.

Mayor Grant thanked members of Council and staff that donated turkeys to the Kennebecasis Valley Food Basket over the holidays.

Council Wells commended the Parks and Recreation Department for their work opening the Rothesay Common ice surface. She noted despite mild weather and mechanical issues with the zamboni, Town staff worked hard to ensure the facility was open during the holidays. Council Lewis echoed Council Wells, noting he was pleased to see the facility was well utilized over the weekend. Mayor Grant added she too echoes Council Wells' comments.

Deputy Mayor Alexander reported Kenneth Pike, a Rothesay resident, was recently appointed to the Order of New Brunswick for his contribution to progressive social policy in New Brunswick. Mayor Grant noted a congratulatory letter was sent to Mr. Pike.

3.1 Declaration of Conflict of Interest

Council Shea declared a conflict of interest for Item 8.2 Sagamore Heights – 55 Lot Subdivision.

Council Wells declared a conflict of interest for Item 7.3 Works and Utilities Committee – Alexander Avenue.

Council Lewis declared a conflict of interest for Item 5.2 20 Gibbon Road.

4. DELEGATIONS

N/A

5. CORRESPONDENCE FOR ACTION

5.1 14 December 2020 Email from Epilepsy Association of the Maritimes RE: Purple Day – March 26, 2021

MOVED by Council Shea and seconded by Council McGuire purple ribbons be requested from the Epilepsy Association of the Maritimes.

ON THE QUESTION:

Mayor Grant suggested the purple lights from the Hestia House Purple Light campaign be used to light up Town Hall on Purple Day.

CARRIED.

Council Lewis declared a conflict of interest and left the videoconference.

Council Mackay French joined the videoconference.

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5.2 18 December 2020 Letter from resident RE: 20 Gibbon Road

MOVED by Deputy Mayor Alexander and seconded by Counc. Brenan the letter from resident RE: 20 Gibbon Road dated 18 December 2020 be referred to staff for a report.

ON THE QUESTION:

Counc. Wells noted she was surprised when the houses in question were constructed, noting they were not included in the original plan for the Summer Haven subdivision. She expressed concern regarding the narrow width of the street and the large size of the houses.

CARRIED.

Counc. Lewis returned to the videoconference.

5.3 23 December 2020 Letter from Fundy Regional Service Commission RE: Plastic Bag Reduction By-law

Mayor Grant provided background noting: in December 2019 the Fundy Regional Service Commission (FRSC) requested municipalities prepare and enact a Plastic Bag Reduction By-law by January 2021; a six month extension (June 30, 2021) was requested, and granted, following the onset of the pandemic; a letter was then received from the Retail Council of Canada expressing concerns that the deadline and the obligation to charge for paper bags was unfair to businesses; and since then the FRSC has reconsidered the mandatory charge for paper bags but held firm on the June 30, 2021 deadline.

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the letter from Fundy Regional Service Commission RE: Plastic Bag Reduction By-law dated 23 December 2020 be referred to staff for preparation of a Plastic Bag Reduction By-law.

CARRIED.

Counc. Lewis apologized for the delay in declaring a conflict of interest for 20 Gibbon Road. He noted his agenda package is missing some pages but he was unaware they related to a declared conflict of interest.

6. CORRESPONDENCE - FOR INFORMATION

6.1 2019 Excerpt from RCMP 2019 Annual Report (*full copy available by request*)

MOVED by Counc. Wells and seconded by Counc. Shea the excerpt from the RCMP 2019 Annual Report be received/filed.

CARRIED.

7. REPORTS

7.0 **January 2021** Report from Closed Session
N/A

7.1 23 November 2020 Fundy Regional Service Commission (FRSC) Meeting Minutes

MOVED by Counc. Brenan and seconded by Counc. McGuire the Fundy Regional Service Commission (FRSC) Meeting Minutes dated 23 November 2020 be received/filed.

ON THE QUESTION:

Mayor Grant summarized the minutes, and added the debris from the unsecured load in Item 6 was cleared from the highway.

CARRIED.

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7.2 30 November 2020 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Counc. Brenan and seconded by Counc. McGuire the draft unaudited Rothesay General Fund Financial Statements dated 30 November 2020 be received/filed.

ON THE QUESTION:

Counc. Shea commented on the funds spent to date for the Stormwater Master Plan at the end of November 2020 (\$20,053), and December 2020 (\$53,091). He asked what has been done to incur the cost to the end of December. Treasurer MacDonald advised the project is well underway with significant progress to date. He added the cost is reflective of the most recent invoice received; and an amount was carried forward to reflect the cost anticipated in 2021.

CARRIED.

30 November 2020 Draft unaudited Rothesay Utility Fund Financial Statements

MOVED by Counc. Brenan and seconded by Counc. Shea the draft unaudited Rothesay Utility Fund Financial Statements dated 30 November 2020 be received/filed.

ON THE QUESTION:

Counc. Shea requested clarification regarding "Water Purchased". Treasurer MacDonald advised, due to its location, there is a single property in Rothesay that requires the Town to purchase water from Saint John.

CARRIED.

30 November 2020 Donation Summary

MOVED by Counc. Brenan and seconded by Counc. Shea the donation summary dated 30 November 2020 be received/filed.

CARRIED.

Counc. Wells declared a conflict of interest and left the videoconference.

7.3 23 December 2020 Draft Works and Utilities Committee Meeting Minutes

MOVED by Deputy Mayor Alexander and seconded by Counc. Brenan the Draft Works and Utilities Committee Meeting Minutes dated 23 December 2020 be received/filed.

ON THE QUESTION:

Counc. Shea inquired if a floating walkway is utilized in other communities. Deputy Mayor Alexander noted while such an amenity is not used in neighbouring communities, there are other municipalities that utilize floating walkways. He explained raising the elevation of Alexander Avenue would significantly impact residential driveways and create problems for residents. A floating walkway allows emergency personnel access and egress in the area. In response to an inquiry, Deputy Mayor Alexander reported there have been discussions with the Director of Recreation with respect to use of the amenity during the summer, more specifically, use in a swimming area or as a floating trail. Counc. McGuire commented on the benefit of utilizing the floating walkway over two seasons. Counc. Brenan asked how the walkway would be anchored. Deputy Mayor Alexander noted the intent is to use portable anchors. Counc. Brenan expressed concern that deploying the walkway before flooding occurs could be problematic as it may block driveways. It was noted the walkway can be prepared and set up in sections so as not to hinder access to properties.

CARRIED.

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- Alexander Avenue: Emergency Access – Flooding Event
18 December 2020 Report prepared by DO McLean
6 January 2021 Report prepared by DO McLean

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the reports prepared by DO McLean dated 18 December 2020 and 6 January 2021 be received for information as part of a broader discussion regarding flood mitigation measures for the Alexander Avenue neighbourhood.

ON THE QUESTION:

Counc. Lewis inquired about installation, questioning if additional equipment is necessary or if Town staff can set up the walkway with existing resources. Deputy Mayor Alexander noted additional equipment is not necessary as the walkway is designed to be easily separated and reconfigured as desired.

CARRIED.

Town Manager Jarvie advised the next step is to discuss the option with residents of Alexander Avenue.

Counc. Wells returned to the videoconference.

7.4 December 2020 Monthly Building Permit Report

MOVED by Counc. Brenan and seconded by Counc. Shea the December 2020 Monthly Building Permit Report be received/filed.

CARRIED.

7.5 6 January 2021 Capital Projects Summary

MOVED by Counc. Brenan and seconded by Counc. Mackay French the Capital Projects Summary dated 6 January 2021 be received/filed.

ON THE QUESTION:

Counc. Mackay French asked why a considerable amount of trees were removed for the College Hill waterline project. Town Manager Jarvie advised trees were removed to create space for equipment, such as excavators. He added revegetation is under discussion by Rothesay Netherwood School.

CARRIED.

8. UNFINISHED BUSINESS

TABLED ITEMS

8.1 Wiljac Street Reconstruction and Extension – Design (Tabled March 2019)

No action at this time

Counc. Shea declared a conflict of interest and left the videoconference.

8.2 Sagamore Heights – 55 Lot Subdivision (Tabled November 2020)

(PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318)

8 January 2021 Memorandum from Town Manager Jarvie

8 January 2021 Report prepared by DPDS White

6 January 2021 Memorandum from Deputy Mayor Alexander

MOVED by Deputy Mayor Alexander and seconded by Counc. Brenan Sagamore Heights – 55 Lot Subdivision be removed from the table.

CARRIED.

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Mayor Grant summarized the process to date noting: Council considered the application for a 55 lot subdivision on November 9, 2020; a recommendation to approve the application was provided by the Planning Advisory Committee on November 2, 2020; the proposal complies with all Town by-laws and no variances are required; Council tabled the application at its November 9, 2020 meeting requesting a supplemental report answering resident inquiries; at the December 14, 2020 meeting, Council reviewed the report and tabled any decisions until the January 11, 2021 Council meeting; a Public Meeting was held on December 15, 2020 to allow residents to further voice their concerns; and staff have prepared another report with recommendations to approve the application with an amended subdivision agreement that addresses concerns pertaining to phasing, lighting, stormwater management, and traffic. She clarified the January 8, 2021 staff report erroneously indicates a left hand turn pocket (lane) is to be constructed on Maliseet Drive, however the correct location (River Road) is identified in the Subdivision Agreement.

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire Council hereby authorizes the Mayor and Clerk to enter into a subdivision development agreement, **as amended**, with 619699 N.B. Inc. to subdivide vacant land accessed off Maliseet Drive to allow for 55 single-family home building lots with new public road connections to Maliseet Drive and River Road.

ON THE QUESTION:

Deputy Mayor Alexander applauded the process undertaken acknowledging the cooperation between Town staff, Council, the applicants, and the public. He commended the developers and Town staff for working to incorporate details into the agreement reflective of the public feedback received.

Counc. Lewis questioned if there is intent to immediately clear cut the roads, if approved. DPDS White advised the developers indicated they do not intend to clear all the trees from the road right-of-way. In response to an inquiry, DPDS White advised, once approved, the agreement is attached to the title of the land despite if the land is sold.

Counc. Brenan noted he lived in the area for 18 years and can attest to the problems identified on Maliseet Drive. He noted the existing infrastructure is not sufficient. He asked who owns the existing wastewater infrastructure in the area. Town Manager Jarvie advised it is a publicly, rather than privately, owned system. Counc. Brenan commented on Section 21 of the proposed agreement, and questioned why the developers would be asked to develop stormwater management solutions for pre-existing offsite stormwater issues. Town Manager Jarvie advised it is anticipated the stormwater management systems onsite will be designed to flow into existing infrastructure, and if so, the infrastructure may require upgrades to handle the additional water. He added it is mutually beneficial for both the Town and the developers to work in collaboration to resolve issues.

Counc. Wells expressed concern regarding the small size of the park included for Land for Public Purposes (LPP). She explained the inclusion of the water lot in the total contribution for LPP may be shortchanging residents if the Town intends to acquire the water lot regardless of the outcome of the application. Town Manager Jarvie advised there is an existing easement across the water lot permitting Town access, therefore acquiring the water lot is advantageous but not mandatory. There was discussion with respect to mitigating construction traffic concerns by designating Greenbrier Street as the access point for construction vehicles. Town Manager Jarvie advised there are plans to construct a future street that will create a connection through River Road establishing a secondary access/egress point for residents. Counc. Wells suggested the connection through River Road be developed as soon as possible citing the importance of secondary access points in the event of emergencies. She added this concern was identified during discussions regarding dead end streets such as Dunedin Road and Appleby Drive.

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MOVED by Deputy Mayor Alexander and seconded by Council. Brenan Council hereby assents, as per Section 88(2) of the Act, to the creation of public streets Sage Street, Greenbrier Street, Juneberry Court, and Goldenrod Lane with connections to Maliseet Drive and a future street connection to River Road and as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).

CARRIED.

MOVED by Deputy Mayor Alexander and seconded by Council. Brenan Council hereby assents, as per Section 88(3) of the Act, to setting aside of land for public purposes as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).

CARRIED.

MOVED by Deputy Mayor Alexander and seconded by Council. Brenan Council hereby assents, as per Section 88(7) of the Act, to the creation of a Local Government Service Easement as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).

CARRIED.

Council. Shea returned to the videoconference.

8.3 Municipal Plan

8 January 2021

Memorandum from Town Manager Jarvie

6 January 2021

Report prepared by DPDS White

Various

Public Comments received following Public Presentation (26)

Council. Wells questioned if the Public Hearing will follow a similar procedure as the meeting held regarding the Sagamore Heights proposal. She expressed concern that this format did not provide an opportunity for Council members to provide input. DPDS White explained the special meeting for the Sagamore Heights proposal was intended to solely act as a forum for residents to voice their concerns. The Public Hearing for the draft Municipal Plan will follow the normal hearing process and allows for input from Council, Town staff, and the public. He added Council can discuss, and request amendments to, the draft Municipal Plan until it has been enacted by Council.

Council. Wells expressed concern Council has not had many opportunities to comment on the draft Plan. Council. Mackay French agreed with Council. Wells. Mayor Grant reiterated that Council can request amendments to the by-law following 1st, 2nd, and 3rd Reading prior to enactment. Council. Brenan inquired further about the specific procedure for a virtual Public Hearing. Town Manager Jarvie advised Council members will have the opportunity to ask questions throughout the duration of the Public Hearing. Council. Wells asked when it would be appropriate to provide remarks regarding the points raised in the correspondence received from the public. Town Manager Jarvie advised the optimal time for discussion is at Council’s discretion. He added, if necessary, Council can direct staff to schedule a special meeting to discuss the correspondence.

Council. Shea asked about registration, and if there will be a limit to the number of participants for the Public Hearing. Town Manager Jarvie advised individuals must register to participate, however there will not be a limit to the number of participants. Each individual will have a maximum of ten minutes to speak, however in the interest of time Council may wish to schedule an additional meeting if significant interest is received.

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Counc. McGuire noted the focus should be on creating an opportunity for the public to provide input since Council has several opportunities to do so prior to enactment.

MOVED by Counc. Shea and seconded by Counc. Lewis Council schedule a virtual (Webex) Public Hearing for Tuesday February 2, 2021 at 6:00pm for By-law No. 1-20, "Rothesay Municipal Plan 2020-2030".

ON THE QUESTION:

Deputy Mayor Alexander reiterated if there is overwhelming interest it may be beneficial to divide the Public Hearing into two meetings.

CARRIED.

MOVED by Counc. Mackay French and seconded by Counc. Lewis Council endorse a public service announcement strategy for the Municipal Plan public hearing that targets various demographic audiences in the community.

ON THE QUESTION:

Counc. Mackay French asked if the announcements will include the possibility of dividing the Public Hearing into two meetings. Mayor Grant cautioned that proper notice must be provided with respect to scheduling another Public Hearing. She suggested Council defer consideration for an additional meeting until the registration period has concluded. This will help determine if another meeting is required.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Mackay French the Municipal Plan comments (26) be received for information.

ON THE QUESTION:

Town Manager Jarvie advised staff will prepare a report with respect to comments received from the public. The report will be provided to Council in advance of the Public Hearing. Council debated a suggestion to schedule a special meeting to discuss public comments regarding the draft Municipal Plan. It was noted a special meeting can be scheduled following 1st Reading of the by-law. Counc. Wells noted she would prefer not to give 1st Reading to the by-law without a general discussion beforehand. Town Manager Jarvie advised Council is not obligated to give the by-law 1st Reading; instead the matter can be tabled until either the next regular, or special, Council meeting. Deputy Mayor Alexander added Council can also submit written comments to be included on Council meeting agendas.

CARRIED.

9. NEW BUSINESS

9.1 Assent for Public Street – Parcel Acquisition 30 Fox Farm Road

5 January 2021

Report prepared by DPDS White

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis Council hereby assents to the plan of subdivision prepared by land surveyors Kierstead Quigley and Roberts Ltd. labelled as the Anderson Subdivision (Drawing No. 3965) to create a parcel "PS-1" to be vested as a public street in Rothesay in accordance with the Community Planning Act.

CARRIED.

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10. NEXT MEETING

The next meetings are scheduled as follows:

Virtual Public Hearing (Municipal Plan)	Tuesday, February 2, 2021 at 6:00 p.m.
Regular meeting	Monday, February 8, 2021 at 4:00 p.m.

11. ADJOURNMENT

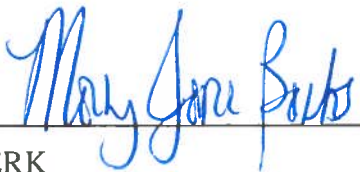
MOVED by Counc. Mackay French and seconded by Counc. Lewis the meeting be adjourned.

CARRIED.

The meeting adjourned at 5:10 p.m.



MAYOR



CLERK