



# ROTHESAY

COUNCIL MEETING  
Rothesay Town Hall  
Monday, September 13, 2021  
7:00 p.m.



**PRESENT:** MAYOR NANCY GRANT  
DEPUTY MAYOR MATT ALEXANDER  
COUNCILLOR HELEN BOYLE  
COUNCILLOR DAVE BROWN  
COUNCILLOR PETER J. LEWIS  
COUNCILLOR TIFFANY MACKAY FRENCH  
COUNCILLOR BILL McGUIRE  
COUNCILLOR DON SHEA

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  
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

## **SPECIAL PRESENTATION**

### **The Honourable Graydon Nicholas**

Rothesay Land Acknowledgement

Mayor Grant noted Council has made a decision to precede each Council meeting with a Land Acknowledgement. She welcomed the Honourable Graydon Nicholas, and his wife Beth. Deputy Mayor Alexander introduced Justice Nicholas noting he was: born in the Tobique First Nation of New Brunswick; the first aboriginal person in New Brunswick to obtain a law degree; a lawyer that began working with the union of New Brunswick Indians rising to the position of Chairman and President; selected as Chair of the St. Thomas Native Studies Program where he lectured part time; appointed a Provincial Court Judge in 1991, and subsequently the co-facilitator of New Brunswick's Aboriginal Task Force; an advocate for justice for First Nations and other peoples, particularly in the area of logging rights; appointed as the first Aboriginal Lieutenant Governor of New Brunswick in 2009, and held that position until 2014; and is a member of the Order of New Brunswick and the Order of Canada. He explained staff reached out to Justice Nicholas to prepare the Land Acknowledgement for Rothesay which will be read for the first time this evening. Deputy Mayor Alexander concluded by welcoming Justice Nicholas to the meeting.

Justice Nicholas thanked Mayor Grant and Deputy Mayor Alexander for the welcome and introduction. He thanked Town Manager Jarvie for contacting him to develop the Rothesay Land Acknowledgement. He noted it is an honour to attend the meeting, commenting his wife hails from Saint John and they are familiar with Rothesay, more specifically the Villa Madonna Retreat House.

Justice Nicholas read the inaugural Land Acknowledgement for Rothesay as follows:

“We would like to respectfully acknowledge that our town of Rothesay exists on the traditional lands of the Wolastoqiyik /Maliseet and Mi’Kmaq whose ancestors, along with the Passamaquoddy / Peskotomuhkati Tribes / Nations signed Peace and Friendship Treaties with the British Crown in the 1700s.

We respectfully acknowledge that the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations on September 13, 2007 and enshrined in law in Canada by Parliament on June 21, 2021 as Bill C-15.

We respectfully endorse the Calls to Action of the Truth and Reconciliation Commission of 2015 as it applies to our Municipal Government of the town of Rothesay.”

# ROTHESAY

Regular Council Meeting  
Minutes

-2-

13 September 2021

Counc. Mackay French expressed appreciation noting it is a privilege to have Justice Nicholas attend the meeting. Mayor Grant thanked Justice Nicholas for drafting the Rothesay Land Acknowledgement and presented him with a token of appreciation on behalf of the Town. Justice Nicholas thanked Council and staff and he and his wife left the meeting.

Mayor Grant called the meeting to order at 7:00 p.m. Members of the public are encouraged to view the live stream, or register and wear a mask if attending in-person.

## 1. APPROVAL OF AGENDA

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the agenda be approved as circulated, with the following amendment:

- Item 9.1.1 be brought forward to follow Item 4.1.

**CARRIED.**

## 2. ADOPTION OF MINUTES

- Regular Meeting 9 August 2021

**MOVED** by Counc. Lewis and seconded by Counc. Shea the Open Session Council minutes of August 9, 2021 be adopted as circulated.

**CARRIED.**

- Public Hearing 16 August 2021

**MOVED** by Counc. Mackay French and seconded by Counc. Brown the Public Hearing minutes of August 16, 2021 be adopted as circulated.

**CARRIED.**

- Special Meeting 16 August 2021

**MOVED** by Counc. Shea and seconded by Counc. Boyle the Special Council Meeting minutes of August 16, 2021 be adopted as circulated.

**CARRIED.**

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

## 3. OPENING REMARKS OF COUNCIL

**PRESENTATION:** Through the Lens Photo Contest Winner – Maddy Titus

Mayor Grant explained the annual Through the Lens Photo Contest receives roughly 40-50 submissions which are posted to the Town's social media, and a winner is chosen by the most number of "likes". She congratulated Maddy Titus, winner of the 2021 Through the Lens Photo Contest, for her photograph of a boat on a mooring at the Renforth Wharf. Mayor Grant presented Ms. Titus with a gift and a certificate, and noted the photograph will be hung on the wall in the front office of Town Hall. Ms. Titus thanked Council and left the meeting.

Mayor Grant extended congratulations to Rothesay native, Colin Higgins, for his participation as a member of the Canada Paralympic Basketball Team.

Mayor Grant reported the AA Under-18 Baseball Championships were held at the Bicentennial Field in Rothesay. A newspaper article and photograph caption misidentified the location of the field noting it was in either Saint John or Quispamsis. She commended Parks and Recreation staff on their hard work to ensure the field was playable despite the heavy rainfall the day prior. The work was acknowledged by the teams and organization.

Mayor Grant notified the public of vacancies on Town committees and encouraged interested individuals to submit applications – the form is available on the Town website.

**3.1 Declaration of Conflict of Interest**

Deputy Mayor Alexander declared a conflict of interest for Item 7.7 Planning Advisory Committee Meeting Minutes and Item 8.3 Chapel Road.

**4. DELEGATIONS**

**4.1 Gautreau Road**

Nevin Mullin

Mayor Grant welcomed Mr. Mullin. Mr. Mullin, 4 Gautreau Road, circulated various photographs of his property and the surrounding area. He noted over the years there has been a lack of maintenance on the road. For seven years, he stated, the Town has not addressed the water issue which has impacted his property. He spoke of a significant volume of water visible in the area currently under construction. He indicated his intent is not to battle with the Town but to invite Council to tour the area. He explained the area is located on a hill but there are no ditches; one culvert exists but it is ineffective. He noted Gautreau Road is the second oldest road in French Village and contributes a considerable portion of taxes. He welcomed Council to visit the area and see for themselves.

Mayor Grant thanked Mr. Mullin. Mr. Mullin left the meeting.

**Item brought forward.**

**9.1 BUSINESS ARISING FROM DELEGATIONS**

9.1.1 *Various*

Email thread on behalf of Nevin Mullin RE: Gautreau Road

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the email thread on behalf of Nevin Mullin RE: Gautreau Road be referred to staff.

**ON THE QUESTION:**

Mayor Grant explained the recommendation to refer to staff is intended to expedite the matter. Counc. Lewis asked what that entails. Town Manager Jarvie advised a crew is ready to pave the road and install curb as soon as possible. The intent of the curb is to prevent water from the road from flowing onto Mr. Mullin's property. However, the property may still be at risk of water flowing from neighbouring private properties. Counc. Lewis noted a photograph was circulated of a catch basin surrounded by water. Town Manager Jarvie advised the project is not complete, the curb will be installed at an elevation conducive to directing the water to the catch basin. Additionally, the road will be sloped so that water will flow to the opposite side. Counc. Brown noted an 8 inch curb may block water from the road but it could also trap water flowing from other directions onto Mr. Mullin's property. He suggested a ditch may be more effective. Town Manager Jarvie advised Town staff suggested an alternative solution which would require water running onto the property be directed toward a low-lying area near Albertine. This may alleviate the issues caused by runoff from surrounding properties, however Mr. Mullin was not amenable to this solution. Town Manager Jarvie reiterated the current project will prevent water runoff on Gautreau Road from entering the property. Counc. Brown asked if, perhaps, a rollover curb would be better to prevent water from Gautreau Road while also allowing runoff from Mr. Mullin's property to flow over the curb. Town Manager Jarvie advised the curb will be of a sufficient size and the road will be sloped to direct the water to the opposite side of the road. Counc. Brown noted this may negate the need for the catch basin.

**CARRIED.**

**5. CORRESPONDENCE FOR ACTION**

5.1 18 August 2021

Email from resident RE: Request for speed bumps on Sierra Avenue

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the email from resident RE: Request for speed bumps on Sierra Avenue dated 18 August 2021 be referred to the Works and Utilities Committee.

## ROTHESAY

Regular Council Meeting  
Minutes

-4-

13 September 2021

### ON THE QUESTION:

Counc. McGuire inquired about the rationale for the Town's standard practice not to install speed bumps. DO McLean explained speed bumps can prove ineffective and cause more issues than they solve. For instance, permanent speed bumps can damage snow plows, and temporary speed bumps must be drilled into the asphalt which allows water to permeate into the surface resulting in quicker deterioration. Drivers can revert back to unsafe behaviour once temporary speed bumps are removed, which increases the risk to pedestrians by creating a false sense of security. Speed bumps can also cause damage to vehicles, create noise issues, add to signage pollution, and are ineffective when drivers accelerate quickly to compensate for the obstacle. Counc. McGuire noted there are a considerable amount of speed bumps in a community in Antigonish, Nova Scotia which appears to slow traffic down.

Counc. McGuire commented on the work done on James Renforth Drive. He expressed concern the bricks are level with the road which acts more like a crosswalk than an obstacle to slow down vehicles. DO McLean advised the project is unfinished but once complete it will create a depression in the road intended to slow vehicles down. Counc. Shea noted there are speed bumps on Pettingill Road in Quispamsis that appear to be effective without damaging the road.

**CARRIED.**

5.2 26 August 2021 Email from resident RE: Speeding on Charles Crescent  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the email from resident RE: Speeding on Charles Crescent dated 26 August 2021 be referred to the Works and Utilities Committee.

### ON THE QUESTION:

Counc. Mackay French inquired about the effectiveness, and cost of the flashing speed radar signs as a solution to speeding. DO McLean advised units purchased thus far are not inexpensive (roughly \$8,000 – 9,000 per pair) but are effective, and less expensive and easier to operate and relocate than other models. Town staff review the data collected by the signs and believe the signs are effective for the duration of their presence (usually 2 – 6 weeks). DO McLean explained cars parked on Gondola Point Road – near the flashing speed signs – are more effective because they force vehicles to slow down by constricting the roadway. He noted landscaping can also produce this effect for a lower cost than restructuring the road. Counc. Mackay French asked what options (ex. moving the signs) are discussed by the Works and Utilities Committee to resolve speed related concerns. Deputy Mayor Alexander listed examples such as narrowing streets (Eriskay Drive), and the installation of stop signs (Highland Avenue). He noted the Committee also explores options that have not been applied in Rothesay such as “S” curves/sharp turns. Counc. Brown asked if this is a police matter, suggesting police presence may solve the issue. Mayor Grant noted police presence is requested on occasion, and individuals are encouraged to submit concerns via an online traffic complaint form on the Kennebecasis Regional Police Force website. She added some people are reluctant to report their neighbours. Town Manager Jarvie advised it is standard practice to forward correspondence such as this to the police.

**CARRIED.**

5.3 1 September 2021 Letter from resident RE: Request for stop sign at Riverside Country Club  
**MOVED** by Counc. Lewis and seconded by Counc. Boyle the letter from resident RE: Request for stop sign at Riverside Country Club dated 1 September 2021 be referred to the Works and Utilities Committee.

### ON THE QUESTION:

Mayor Grant explained it is not standard practice for the Town to install stop signs on private driveways. Counc. Shea asked if signs could be placed in public road right-of-way, near private driveways.

## ROTHESAY

Regular Council Meeting  
Minutes

-5-

13 September 2021

Town Manager Jarvie advised this has been done but suggested Town staff discuss the concerns with the Club to explore all options. In response to an inquiry, Town Manager Jarvie advised it would be reasonable to install a stop sign at both driveways, on the property, if this is deemed the best solution. Council. Lewis proposed sending an email from the Town to the Club to apprise its members of the issue to allow the matter to resolve itself. Council. Mackay French requested the concerns be forwarded to the Riverside Country Club so they are aware of the complaint.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 7 August 2021 Email from resident RE: 3188 Rothesay Road and 20 Goldie Court (Maiden Lane/Goldie Court/Brock Court Drainage Study)

**MOVED** by Council. Mackay French and seconded by Council. McGuire the email from resident RE: 3188 Rothesay Road and 20 Goldie Court (Maiden Lane/Goldie Court/Brock Court Drainage Study) dated 7 August 2021 be received/filed.

**CARRIED.**

6.2 17 August 2021 Thank you letter from the Saint John Theatre Company

**MOVED** by Council. Lewis and seconded by Council. Shea the thank you letter from the Saint John Theatre Company dated 17 August 2021 be received/filed.

**CARRIED.**

6.3.1 7 September 2021 Email from resident RE: Elizabeth Parkway Water Leak

**See Item 9.5**

6.3.2 7 September 2021 Letter from resident RE: 51 Elizabeth Parkway

7 April 2021 Letter from resident (*see Item 9.5*)

**See Item 9.5**

### 7. REPORTS

7.0 September 2021 Report from Closed Session

➤ National Day for Truth and Reconciliation (September 30)

**MOVED** by Deputy Mayor Alexander and seconded by Council. McGuire:

On 30 September 2021, the inaugural National Day for Truth and Reconciliation will occur. The town of Rothesay recognizes the intergenerational harm that residential schools have caused to Indigenous families and communities. In 2021, the Town will explore this new day of reflection by educating staff on issues that Indigenous peoples have faced and continue to face. The Town will work towards commemorating the National Day for Truth and Reconciliation in 2022 and beyond through community education and celebrations. When the Province declares 30 September as a statutory holiday it will also become a civic holiday.

**CARRIED.**

7.1.1 28 June 2021 Fundy Regional Service Commission (FRSC) Minutes

7.1.2 26 July 2021 FRSC Minutes

**MOVED** by Council. Mackay French and seconded by Council. McGuire the Fundy Regional Service Commission (FRSC) Minutes dated 28 June 2021, and 26 July 2021 be received/filed.

**CARRIED.**

7.1.3 7 September 2021 2022 FRSC Proposed Operating Budget

**MOVED** by Deputy Mayor Alexander and seconded by Council. Mackay French the Fundy Regional Service Commission (FRSC) 2022 Proposed Operating Budget dated 7 September 2021 be received/filed.

## ROTHESAY

Regular Council Meeting  
Minutes

-6-

13 September 2021

### ON THE QUESTION:

Mayor Grant explained the proposed budget was provided to Council, in accordance with the Regional Service Delivery Act. She reviewed the budget highlights provided, in detail. She concluded by noting Rothesay's 2022 contribution will increase minimally (\$13 approx.) over the 2021 budget. Mayor Grant requested Council send any comments to her before the budget is approved.

**CARRIED.**

7.2 21 July 2021 Kennebecasis Public Library (KPL) Board Meeting Minutes  
**MOVED** by Counc. Shea and seconded by Counc. Lewis the Kennebecasis Public Library (KPL) Board Meeting Minutes dated 16 June 2021 be received/filed.

### ON THE QUESTION:

Counc. Shea noted a copy of the July 21<sup>st</sup> agenda was mistakenly provided with a copy of the June 16, 2021 Board meeting minutes.

**CARRIED.**

7.3 31 July 2021 Draft unaudited Rothesay General Fund Financial Statements  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the draft unaudited Rothesay General Fund Financial Statements dated 31 July 2021 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander noted most of the variances are consistent with the month prior. Other transfers increased due to the receipt of funds from the Province related to assessment changes. This increase was not expected when the budget was drafted so it was represented as a positive variance. He further noted insurance expenses have increased due to a vehicle claim, and special event expenses are lower than budgeted primarily owing to the cancellation of the annual Canada Day event. Capital expenditures include the cost of technology upgrades such as the audio/visual upgrades to the Common Room.

**CARRIED.**

31 July 2021 Draft unaudited Rothesay Utility Fund Financial Statements  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the draft unaudited Rothesay Utility Fund Financial Statements dated 31 July 2021 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander noted there are no significant changes to report from last month. The expenditure variances are primarily related to timing.

**CARRIED.**

27 August 2021 Draft Finance Committee Meeting Minutes  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the draft Finance Committee Meeting Minutes dated 27 August 2021 be received/filed.

**CARRIED.**

#### ➤ Debt Refinancing

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea 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 \$956,000 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.

**ROTHESAY**

Regular Council Meeting  
Minutes

**ON THE QUESTION:**

Treasurer MacDonald explained it is a refinancing of a project completed in 2000. The monies received at the time were subject to a 30 year amortization, but a 10 year term. This is a renewal for the final 10 years of an existing debenture. He confirmed it can be described as a routine refinancing.

**CARRIED.**

➤ Debt Application

**MOVED** by Deputy Mayor Alexander and seconded by Council. Sheathe Municipality of Rothesay submit to the Municipal Capital Borrowing Board an application for authorization to borrow money in an amount not to exceed \$800,000 for the following:

Purpose	Term	Amount
NAME OF FUND: Utility		
“Turnbull Court” Sewer project	30 YRS	\$800,000

**ON THE QUESTION:**

Treasurer MacDonald advised the item relates to Phase II of the Turnbull Court sewer project approved in the capital budget. Before the work can proceed, an application must be submitted to the Municipal Capital Borrowing Board.

**CARRIED.**

31 July 2021 Donation Summary

**MOVED** by Deputy Mayor Alexander and seconded by Council. Sheathe Donation Summary dated 31 July 2021 be received/filed.

**ON THE QUESTION:**

Deputy Mayor Alexander reported donations were approved in the amount of \$1,000 for the St. Joseph’s Hospital Foundation, and \$500 for the Brighten Group.

**CARRIED.**

Mayor Grant clarified a resolution of Council is not required for the St. Joseph’s Hospital Foundation or Brighten Group donations as these were approved under the authority of the Mayor.

7.4 17 August 2021 Draft Age Friendly Advisory Committee Meeting Minutes

**MOVED** by Council. Boyle and seconded by Council. McGuire the Draft Age Friendly Advisory Committee Meeting Minutes dated 17 August 2021 be received/filed.

**CARRIED.**

7.5 17 August 2021 Draft Parks and Recreation Committee Meeting Minutes

**MOVED** by Council. McGuire and seconded by Council. Lewis the Draft Parks and Recreation Committee Meeting Minutes dated 17 August 2021 be received/filed.

**CARRIED.**

➤ Rothesay Arena

**MOVED** by Council. McGuire and seconded by Council. Lewis a public open house/presentation be scheduled to show appropriate financials and plans on a renovated arena vs. new arena in order to allow the public and stakeholders to provide meaningful and direct input on how they would like the Town to proceed regarding the arena.

## ROTHESAY

Regular Council Meeting  
Minutes

-8-

13 September 2021

### ON THE QUESTION:

Counc. Mackay French suggested it would be prudent to table an open house or any public discussion about the arena until Council has set priorities for the term, the effects of Local Government reform (Green Paper) are determined and Council has held a special session of Council to discuss the matter.

**MOVED** by Counc. Mackay French and seconded by Counc. Shea a public open house/presentation and any public discussion on the arena be tabled until Council:

- 1) has held its priority-setting session;
- 2) learns of the final Green Paper (Local Government reform) impact on our community and
- 3) has held a special session to discuss this important matter.

**NAY votes recorded from Deputy Mayor Alexander and Counc. McGuire.**

**CARRIED.**

7.6 18 August 2021 Draft Works and Utilities Committee Meeting Minutes

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire the Draft Works and Utilities Committee Meeting Minutes dated 18 August 2021 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander summarized the minutes. Counc. McGuire suggested the “Welcome to Rothesay” sign does not need to be located inside the “Clear Recovery Zone (CRV)” as this will create an easier process for approval.

**CARRIED.**

Deputy Mayor Alexander declared a conflict of interest and left the meeting.

7.7 7 September 2021 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Shea and seconded by Counc. Mackay French the Draft Planning Advisory Committee Meeting Minutes dated 7 September 2021 be received/filed.

**CARRIED.**

- Chapel Road PID 30206882  
**See Item 8.3**

Deputy Mayor Alexander returned to the meeting.

7.8 August 2021 Monthly Building Permit Report

**MOVED** by Counc. Lewis and seconded by Counc. Mackay French the August 2021 Monthly Building Permit Report be received/filed.

**CARRIED.**

7.9 7 September 2021 Capital Projects Summary

**MOVED** by Counc. Boyle and seconded by Counc. Lewis the Capital Projects Summary dated 7 September 2021 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander relayed a question from residents asking when Summer Haven Crescent will be repaved. Town Manager Jarvie advised work is expected to be done by the end of the week or early next week. He acknowledged the patience of residents in the area.

**CARRIED.**



# ROTHESAY

Regular Council Meeting  
Minutes

-9-

13 September 2021

7.10 Recycle NB 2020 Annual Report  
(full report available online at <https://recyclenb.com/publications>)

**MOVED** by Counc. McGuire and seconded by Counc. Shea the Recycle NB 2020 Annual Report be received/filed.

**CARRIED.**

## 8. UNFINISHED BUSINESS

---

### TABLED ITEMS

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

*No action at this time*

**8.2 Strong Court Sidewalk – Anglophone South School District** (Tabled April 2021)

*No action at this time*

---

Deputy Mayor Alexander declared a conflict of interest and left the meeting.

According to the Public Hearing Policy, Council members who were not in attendance at the public hearing shall be precluded from voting on the subject matter of the hearing. For this reason, Counc. McGuire left the meeting for the duration of the discussion.

**8.3 Chapel Road PID 30206882 – 48 Unit Apartment Building**

9 September 2021 Memorandum from Town Clerk Banks

8 September 2021 Recommendation from Planning Advisory Committee

7 September 2021 Staff Report to Planning Advisory Committee

DRAFT By-law 2-10-28

AMENDED Draft Development Agreement – Chapel Road (PID 30206882)

**MOVED** by Counc. Mackay French and seconded by Counc. Shea Council give 2<sup>nd</sup> Reading by Title, to By-law 2-10-28, “A By-law to Amend the Zoning By-law”.

**CARRIED.**

Town Clerk Banks read By-law 2-10-28, “A By-law to Amend the Zoning By-law” by title.

**MOVED** by Counc. Mackay French and seconded by Counc. Shea Council give Reading in its Entirety to By-law 2-10-28, “A By-law to Amend the Zoning By-law”.

**CARRIED.**

Town Clerk Banks read By-law 2-10-28, “A By-law to Amend the Zoning By-law” in its entirety.

**MOVED** by Counc. Mackay French and seconded by Counc. Shea Council give 3<sup>rd</sup> Reading by Title and Enactment, to By-law 2-10-28 “A By-law to Amend the Zoning By-law”.

**CARRIED.**

Town Clerk Banks read By-law 2-10-28, “A By-law to Amend the Zoning By-law” by title.

**MOVED** by Counc. Mackay French and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into the developer’s agreement, as amended, to allow for the development of a 48-unit apartment building on land located off Chapel Road (PID 30206882); more specifically with the amended Section 5 as recommended by the Planning Advisory Committee at its meeting on Tuesday, September 7, 2021.

# ROTHESAY

Regular Council Meeting  
Minutes

-10-

13 September 2021

## ON THE QUESTION:

DPDS White advised the amendment recommended by the Planning Advisory Committee relates to tenant selection. He explained the recommendation stemmed from Council's interest, at the public hearing on August 16<sup>th</sup>, to ensure affordable and accessible units are occupied by low to moderate income people and disabled persons. Section 5 of the Development Agreement requires the Town and developers enter into a memorandum of understanding (MOU) regarding tenant selection.

He noted the proposed amendment relates to a revision to Section 5, provided by the developer, ensuring vacant units can be occupied by the general public if eligible tenants do not submit applications.

**CARRIED.**

Mayor Grant explained the purpose of the incentives provided in the Municipal Plan is to ensure affordable units are available to those who require them. She added the MOU will be reviewed by Council, and the Town will remain vigilant on this issue. Mayor Grant addressed the traffic concerns related to the Marr Road/Chapel Road intersection, and requests for a crosswalk on Marr Road. She relayed there is a general agreement that signalization is required but noted it is to be dealt with as a separate matter.

**MOVED** by Counc. Mackay French and seconded by Counc. Lewis signalization of the Marr Road/Chapel Road intersection be referred to the 2022 budget process.

**CARRIED.**

Counc. Shea asked if it is within Council's purview to request a marketing plan, from developers, for accessible and affordable units. He expressed concern eligible tenants may not be aware such units are available if an appropriate marketing plan is not utilized. DPDS White advised this can be discussed when developing the MOU. Counc. Shea suggested, moving forward, marketing plans be requested from all developers, with plans for accessible or affordable units. DPDS White advised staff will reach out to provincial authorities regarding appropriate methodologies.

Deputy Mayor Alexander and Counc. McGuire returned to the meeting.

## 9. NEW BUSINESS

### 9.1 BUSINESS ARISING FROM DELEGATIONS

9.1.1 *Various* Email thread on behalf of Nevin Mullin RE: Gautreau Road

**Dealt with above.**

### 9.2 Contract S-2021-007 Seville Row Sewer Replacement

8 September 2021 Report prepared by DO McLean

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Lewis Council award Contract S-2021-007 Seville Row Sewer Replacement to Galbraith Construction Ltd. at their quoted price of \$98,296.25 (including HST), as calculated based on estimated quantities and further that the Director of Operations be authorized to execute a purchase order in that regard.

**CARRIED.**

### 9.3 Contract T-2021-004 Spruce Street Extension and Intersection Improvements

8 September 2021 Report prepared by DO McLean

**MOVED** by Counc. Shea and seconded by Deputy Mayor Alexander Council award Contract T-2021-004 Spruce Street Extension and Intersection Improvements to Galbraith Construction Ltd. at their tendered price of \$484,178.75 (including HST), as calculated based on estimated quantities and further that the Mayor and Town Clerk be authorized to execute the necessary contract documents.

## ROTHESAY

Regular Council Meeting

Minutes

-11-

13 September 2021

### ON THE QUESTION:

Mayor Grant explained the scope, and cost, of the project has increased beyond signalization of the intersection. DO McLean expanded by noting a developer has committed to undertake construction of a subdivision between Dobbin Street and Clark Road. The development agreement for the project was approved roughly 6-7 years ago and recently renewed with some changes. He explained the original plan was to build a public road with a sidewalk from the end of Dobbin Street to Clark Road at the upper entrance of Salmon Crescent.

Concurrently, the Town had contemplated the signalization of the Clark Road/Spruce Street intersection. Town staff spoke with the developer and asked that rather than extend out through Salmon Crescent – the only option at the time of the original development agreement – Lennox Drive be upgraded, and include a sidewalk. This increased the overall scope of the developer's project as Lennox Drive is roughly twice as long as the original plan to exit near Salmon Crescent. The developer was amenable owing to the benefit a signalized intersection will provide to the flow of traffic to/from the development. The scope of the Town's project (to signalize the intersection) was increased to extend Spruce Street to connect to Lennox Drive (with sidewalk). He advised, currently there is a heavily utilized pathway that students from Rothesay High School and Harry Miller Middle School use to access the neighborhoods on Lennox Drive and Dobbin Street. Through this project there will be a sidewalk connection through a signalized intersection, safe access to Clark Road, more sight distance than at Salmon Crescent, and it establishes a pedestrian network from Clark Road through new, and existing, neighborhoods on Spruce Street, Lennox Drive and Dobbin Street. Staff will recommend during 2022 budget deliberations, an extension of sidewalk along Dobbin Street to create a full pedestrian connection to Hampton Road. He added Dobbin Street is on the 5 Year Plan for sidewalk expansion. It is recommended sidewalk expansion on Scribner Crescent/Chapel Road be deferred pending completion of development in the area. Instead, staff recommend Dobbin Street be moved forward in its stead.

Mayor Grant commented on the importance of the project from a safety standpoint – it will accommodate traffic from a new development and create a pedestrian network throughout the area. She reviewed the change in cost for the benefit of the public. She noted the original cost was \$300,000, and the proposed cost will be roughly \$439,000 which will be covered by deferring 2021 expenditures which are unavailable (owing to COVID-19 related supply chain shortages) to 2022. The remaining cost of \$64,000 will be managed within the overall approved General Fund Budget envelope.

Counc. Mackay French inquired about ownership of the land directly adjacent to the proposed connection on Spruce Street to Lennox Drive. She noted there is a house that appears to be encroaching on land for the connection. DO McLean clarified a portion of the property (a driveway and pathway with a fence) is situated on Town owned right-of-way. The property owner is amenable to the installation of a fence (included in the proposed cost) outside of the hedge adjacent to the building.

Counc. Brown asked if there are measures in place to ensure projects are completed as designed before contractors are compensated. He commented on curb on Marr Road, noting it does not direct runoff into the municipal stormwater system. Town Manager Jarvie explained consulting engineers are engaged by the Town, before projects, to develop specifications and confirm that work is completed in accordance with the designs. These engineers assume some liability as they must sign off that the work was completed as specified. Town Manager Jarvie added there is another benefit of the project in the form of an alternative route for residents, more specifically students, on Sierra Avenue via a sidewalk connection to the schools. In response to an inquiry, Town Manager Jarvie advised there will be plans in the future to complete further sidewalk expansion in the surrounding area.

**CARRIED.**

**ROTHESAY**

Regular Council Meeting  
Minutes

**9.4 Geo Stackhouse – Winter Maintenance Contract Extension**

8 September 2021 Report prepared by DO McLean

**MOVED** by Counc. Lewis and seconded by Counc. McGuire the two year extension of Contract T-2017-012 ending April 15, 2023 be awarded to Geo W. Stackhouse & Sons Ltd. in the amount of \$870,389.50 plus HST and further that the Mayor and Town Clerk be authorized to execute an updated agreement in that regard.

**CARRIED.**

**9.5 Elizabeth Parkway Emergency Watermain Repair**

8 September 2021 Report prepared by DO McLean

- 6.3.1 7 September 2021 Email from resident RE: Elizabeth Parkway Water Leak
- 6.3.2 7 September 2021 Letter from resident RE: 51 Elizabeth Parkway
- 7 April 2021 Letter from resident

RECEIVED FOR INFORMATION (items 6.3.1 and 6.3.2)

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire Council accept the quote from Galbraith Construction in the amount of \$76,353.00 (plus HST) to replace 120 meters of deteriorated watermain along Elizabeth Parkway and further that the Director of Operations be authorized to issue a purchase order in that regard.

**ON THE QUESTION:**

In response to an inquiry, DO McLean advised the item relates to concerns voiced under items 6.3.1 and 6.3.2. Deputy Mayor Alexander requested staff follow up with the property owners.

**CARRIED.**

**10. NEXT MEETING**

The next meeting is scheduled as follows:

**Regular meeting TUESDAY, October 12, 2021 at 7:00 p.m. (Common Room)**

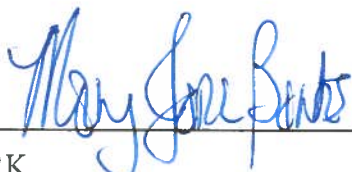
**11. ADJOURNMENT**

**MOVED** by Counc. Shea and seconded by Counc. Boyle the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 8:19 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK