



**ROTHESAY**  
COUNCIL MEETING  
Rothesay Town Hall Common Room  
**Monday, July 11, 2022**  
**7:00 p.m.**



**PRESENT:** MAYOR NANCY GRANT  
DEPUTY MAYOR MATT ALEXANDER  
COUNCILLOR HELEN BOYLE  
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 OPERATIONS (DO) BRETT McLEAN  
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN  
TREASURER DOUG MacDONALD  
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

**ABSENT:** COUNCILLOR DAVE BROWN

DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE

**Rothesay Land Acknowledgement**      **Deputy Mayor Alexander**  
Deputy Mayor Alexander read the Rothesay Land Acknowledgement.

Mayor Grant called the meeting to order at 7:00 p.m.

**1. APPROVAL OF AGENDA**

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

**CARRIED.**

**2. ADOPTION OF MINUTES**

➤ Regular Meeting      13 June 2022

**MOVED** by Counc. Mackay French and seconded by Counc. Boyle the Open Session Council minutes of June 13, 2022 be adopted as circulated.

**CARRIED.**

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

**3. OPENING REMARKS OF COUNCIL**

Mayor Grant noted the Canada Day celebration was a success, and thanked staff for organizing the event. She mentioned ongoing summer programs, such as: the Playground Program (three locations), Sunset Yoga (July 26<sup>th</sup>), Concert on the Common (Thursdays until August 25<sup>th</sup>), Through the Lens Photo Contest, and lifeguarded beaches.

**3.1 Declaration of Conflict of Interest**

Counc. Boyle declared a conflict of interest with respect to Item 7.3 Finance Committee recommendations.

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## 4. DELEGATIONS

### 4.1 Steele-Kennedy Park

Gillian Wallace (*see Item 9.1.1*)

Mayor Grant welcomed Mrs. Wallace. Mrs. Wallace introduced herself and noted she is in attendance to speak about the Steele-Kennedy Nature Park. She raised the following issue: a fence was erected to separate a 14,000 sq. ft. area from the park, which was renamed, and claimed to be sponsored by an entity called Emerald Forest. She shared the history of the park, noting the land was donated by her parents John and Peggy Steele in 2004, in memory of her grandmother Ethel B. Steele (née Kennedy) and great uncle Arthur Kennedy. Mrs. Wallace spoke of her family's history/community involvement in Rothesay since 1906, and how the land for the park transitioned through her family from its purchase in 1930. In 1999, her father offered 22 acres of land to the Town to be preserved as a nature park. She stated the Town was reluctant to accept and instead wished to see it developed. In 2004, the land was accepted by the Town with support from former Mayor Bill Bishop and the late Councillor Tom Young. A public dedication was held in August of 2004, and in attendance was the late Arthur Miller who was inspired by her parents to donate adjacent land to the Town.

Mrs. Wallace relayed how upset her mother was to learn that a section of the park had been fenced off, renamed Rothesay Community Park Forest, and claimed to have been sponsored by another party. She attended a meeting with her mother and Town Manager John Jarvie on January 24, 2020 to discuss the matter. She noted Mr. Jarvie agreed to investigate and report back. Following staff's investigation, she was informed the outcome was a result of a decision of Council. The Council minutes of May 27, 2013 mentioned a discussion of a proposed new playground on the adjacent school property, and Council approved "modest improvements on the Steele-Kennedy Park property to complement the playground". Further in the discussion it states there was an agreement between the donors and the Town regarding the park area, and the work would include some clearing of dead trees and an interpretive area for the children. She clarified there was never an agreement between her parents and the Town to have any portion of Steele-Kennedy Nature Park severed from the park. She noted she expressed interest in appearing before Council however delegations were limited to staff and developers during the pandemic. She read a thank you letter from former Mayor Bishop to her father, indicating their wishes would be maintained by current and future councils. She concluded by noting she promised her late mother that the matter would be resolved. She requested Council heed the former Mayor's words, and honour the wishes her parents made, by removing the fence and sign separating and renaming the 14,000 sq. ft. area.

Deputy Mayor Alexander thanked Mrs. Wallace for bringing the matter to Council's attention. He noted he was unaware but hopes the situation can be remedied.

Councils. Shea, Lewis, and McGuire noted they sat on Council at the time and do not recall the decision to separate any portion of Steele-Kennedy Park. Mrs. Wallace noted there was mention that installation of infrastructure such as pipes or power lines may occur but would impact the park as little as possible. Staff was asked about the rationale for the area of encroachment. Town Manager Jarvie noted he does not recall the decision, but it was contiguous with the playground developed behind the school. When questioned, he noted the matter should be brought to the attention of the school district for removal of the fence. Council thanked Mrs. Wallace and expressed interest in rectifying the issue.

**MOVED** by Council. McGuire and seconded by Council. Lewis Council direct staff to advise the School District to move the fence and remove the sign.

**CARRIED.**

Mayor Grant thanked Mrs. Wallace for her presentation. Mrs. Wallace thanked Council and left the meeting.

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### 5. CORRESPONDENCE FOR ACTION

5.1 14 June 2022 Letter from St. Paul's Church RE: Request for traffic calming measures on Church Avenue

**MOVED** by Counc. Mackay French and seconded by Deputy Mayor Alexander the letter from St. Paul's Church RE: Request for traffic calming measures on Church Avenue dated 14 June 2022 be referred to the Works and Utilities Committee.

**CARRIED.**

5.2 27 June 2022 Letter from resident RE: Woodland Avenue construction concerns

**MOVED** by Counc. Mackay French and seconded by Counc. McGuire the letter from resident RE: Woodland Avenue construction concerns dated 27 June 2022 be referred to staff.

**CARRIED.**

5.3 6 July 2022 Letter from Kennebecasis Park Limited RE: Lot J-36, Park Drive  
Municipal Services Easement

**MOVED** by Counc. Shea and seconded by Counc. Lewis the letter from Kennebecasis Park Limited RE: Lot J-36, Park Drive, Municipal Services Easement dated 6 July 2022 be referred to staff.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 14 June 2022 Thank you from St. Paul's Church

**MOVED** by Counc. Mackay French and seconded by Counc. Shea the thank you from St. Paul's Church dated 14 June 2022 be received/filed.

#### ON THE QUESTION:

Mayor Grant reported the Church raised \$1,700 for humanitarian aid in Ukraine during the community celebration for the Platinum Jubilee of Her Majesty, the Queen.

**CARRIED.**

### 7. REPORTS

7.0 July 2022 **Report from Closed Session**

➤ Private Lanes Policy

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the Private Lanes Policy be removed from the table.

**CARRIED.**

Mayor Grant reported the Works and Utilities Committee has worked on drafting a Private Lanes Policy to ensure equitable treatment of private lanes in Rothesay. There are two recommendations proposed by the Committee and staff before the draft policy is circulated for public consultation.

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire Council authorize an amendment to the list of private lanes receiving services (Appendix A) to remove Netherwood Lane, Knoll Lane, and Bartlett Road in the list to be circulated to the property owners.

#### ON THE QUESTION:

Counc. Mackay French stated she finds it problematic to discontinue services on streets that have received services in the past. She acknowledged public consultation will be sought but stated she will be voting against the policy.

**NAY vote recorded from Counc. Mackay French.**

**CARRIED.**

Mayor Grant proposed the policy once again be tabled until public comments are received.

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**MOVED** by Deputy Mayor Alexander and seconded by Counc. Lewis the Private Lanes Policy be tabled pending public consultation.

**CARRIED.**

- 7.1 13 April 2022 Kennebecasis Valley Fire Department (KVFD) Board meeting minutes  
28 February 2022 KVFD Statement of Expense with budget variance  
13 April 2022 KVFD Fire Chief's Report  
31 March 2022 KVFD Response Report

**MOVED** by Counc. Lewis and seconded by Counc. Shea the Kennebecasis Valley Fire Department (KVFD) Board meeting minutes dated 13 April 2022, the KVFD Statement of Expense with budget variance dated 28 February 2022, the KVFD Fire Chief's Report dated 13 April 2022, and the KVFD Response Report dated 31 March 2022 be received/filed.

### ON THE QUESTION:

Mayor Grant congratulated Chief Boyle on being a recipient of the Sir Howard Douglas Scholar Award for 2021-2022 from the University of New Brunswick. She proposed a congratulatory letter be sent.

**CARRIED.**

- 7.2 25 May 2022 Kennebecasis Regional Joint Board of Police Commissioners  
(KRJBPC) meeting minutes  
31 May 2022 KRJBPC Statement of Financial Position  
20 June 2022 KRJBPC Crime Statistics

**MOVED** by Counc. Mackay French and seconded by Counc. Lewis the Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) meeting minutes dated 25 May 2022, the KRJBPC Statement of Financial Position dated 31 May 2022, the KRJBPC Crime Statistics dated 20 June 2022 be received/filed.

**CARRIED.**

- 7.3 31 May 2022 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 May 2022 be received/filed.

**CARRIED.**

- 31 May 2022 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 May 2022 be received/filed.

**CARRIED.**

- 31 May 2022 Donation Summary

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the Donation Summary dated 31 May 2022 be received/filed.

**CARRIED.**

- 23 June 2022 Draft Finance Committee meeting minutes

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the draft Finance Committee meeting minutes dated 23 June 2022 be received/filed.

**CARRIED.**

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Counc. Boyle declared a conflict of interest and left the meeting.

- Shining Horizons Therapeutic Riding Association

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea Council approve a donation to Shining Horizons Therapeutic Riding Association in the amount of \$1,200 to sponsor two Rothesay residents.

**CARRIED.**

- Saint John Seafarers' Mission Golf Tournament

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea Council approve a donation to Saint John Seafarers' Mission golf tournament in the amount of \$200 as a "hole sponsor".

**CARRIED.**

- St. Joseph's Hospital Foundation

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea Council approve a donation to St. Joseph's Hospital Foundation in the amount of \$1,000.

**CARRIED.**

Counc. Boyle returned to the meeting.

7.4 21 June 2022 Draft Age Friendly Advisory Committee meeting minutes

**MOVED** by Counc. Boyle and seconded by Counc. Shea the draft Age Friendly Advisory Committee meeting minutes dated 21 June 2022 be received/filed.

ON THE QUESTION:

Mayor Grant highlighted that the Facebook group has grown to 460 members, and there are currently 90 memberships for the Rothesay Hive. She commented on the new addition of programming with the Saint John Newcomers Centre.

**CARRIED.**

7.5 22 June 2022 Draft Works and Utilities Committee meeting minutes

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the Draft Works and Utilities Committee Meeting Minutes dated 22 June 2022 be received/filed.

ON THE QUESTION:

Deputy Mayor Alexander summarized the minutes.

**CARRIED.**

- Private Lanes Policy  
**Dealt with above.**

7.6 22 June 2022 Draft Heritage Preservation Review Board meeting minutes

**MOVED** by Counc. Mackay French and seconded by Counc. Lewis the draft Heritage Preservation Review Board meeting minutes dated 22 June 2022 be received/filed.

**CARRIED.**

7.7 28 June 2022 Draft Climate Change Adaptation Committee meeting minutes

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the draft Climate Change Adaptation Committee meeting minutes dated 28 June 2022 be received/filed.

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### ON THE QUESTION:

Deputy Mayor Alexander summarized the minutes. Counc. Mackay French suggested informing residents of the ability to opt-out of receiving flyers from Canada Post, through the Town's social media.

**CARRIED.**

- New Brunswick Stewardship Plan for Packaging and Paper

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Boyle Council:

1. continue to monitor regulations regarding Extended Producer Responsibility (EPR);
2. acknowledge Committee concerns with collection, and the need to better understand the benefits to municipalities, residents, and waste reduction;
3. continue to work with the Fundy Regional Service Commission as the matter evolves;
4. support in principle, the idea of producer responsibility; and
5. encourage exploration of the option to collect materials from ICI's (Industrial, Commercial, and Institutional properties).

**CARRIED.**

7.8 4 July 2022

Draft Planning Advisory Committee meeting minutes

**MOVED** by Counc. Shea and seconded by Counc. Boyle the Draft Planning Advisory Committee Meeting Minutes dated 4 July 2022 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander asked if the Higginson Avenue application requires a public hearing. Counc. Shea noted the Committee tabled the application.

**CARRIED.**

- 122 Gondola Point Road and 2 & 4 Clark Road  
**See Item 9.3.**

7.9 June 2022

Monthly Building Permit Report

**MOVED** by Counc. Mackay French and seconded by Counc. Lewis the June 2022 Monthly Building Permit Report be received/filed.

### ON THE QUESTION:

Counc. Boyle commented on the different value of construction for 18 Beach Drive and 6 Frances Avenue. She mentioned she lives in the area, and it appears both homes are being resided thus the value of construction should be similar. Town Manager Jarvie mentioned the nature of construction can be broad but agreed to look into the matter.

**CARRIED.**

7.10 7 July 2022

Capital Projects Summary

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the Capital Projects Summary dated 7 July 2022 be received/filed.

### ON THE QUESTION:

Mayor Grant inquired about the Turnbull Court sewer project (pending WAWA approval). Town Manager Jarvie advised discussions are underway between the Director of Operations and the project consultant to overcome challenges pertaining to WAWA approval and timing.

**CARRIED.**

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### 8. UNFINISHED BUSINESS

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#### 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*

##### 8.3 Rothesay Arena Open House (Tabled September 2021)

*No action at this time*

##### 8.4 Private Lanes Policy (Tabled March 2022)

*Dealt with above.*

##### 8.5 Highland Avenue/Hillcrest Drive (Tabled May 2022)

*No action at this time*

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##### 8.6 Holland Hills Reapplication Request (Tabled June 2022)

8 June 2022 Recommendation from Planning Advisory Committee

1 June 2022 Staff report to Planning Advisory Committee

**MOVED** by Counc. Shea and seconded by Counc. Lewis the Holland Hills Reapplication Request be removed from the table.

**CARRIED.**

Mayor Grant clarified, contrary to media reports, a decision of Council did not occur. She explained the original application was denied by Council at its regular meeting of December 13, 2021. The developer has revised the application – two six storey buildings reduced to one five storey building – in hopes of re-applying for rezoning of the property before expiration of a one-year period. To grant this request, Council must be of the opinion there has been a significant change to warrant a reapplication before the expiration of a one-year period. She concluded by noting the Planning Advisory Committee accepts that the changes are significant, while staff do not.

**MOVED** by Counc. Shea and seconded by Counc. Lewis Council accept a revised application to rezone land located off Holland Drive from Single Family Residential to Multi-Unit Residential before the expiration of a one-year period ending in December 2022.

#### ON THE QUESTION:

Counc. Lewis noted the scope of the project was reduced by roughly 50%. He indicated the concerns regarding the height of the building (five storeys) pertain to fire protection – which are addressed through fire resistant building materials, a sprinkler system, and extension of the fire lane around the entire building. He asked if the extension of the fire lane was proposed by the developer or staff. Town Manager Jarvie noted it is likely there was discussion between the two parties however the final design was submitted by the developer. Counc. Lewis noted the property is suitable for accommodating a five-storey building without being considered a “monstrosity”. He stated he supports the changes.

Counc. Shea concurred with Counc. Lewis, noting the revised application has sufficient measures to address fire protection concerns. He acknowledged that a ladder truck cannot reach the height of a six storey building but noted this is not cause for concern in places such as New York with 90 storey buildings. He added the proposal may be the only apartment building with a fire lane that surrounds the entire building. He stated his support.

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Town Manager Jarvie clarified that the intent is to determine if the changes are significant enough to warrant a reapplication process, before the one year time period expires. If so, the development process will begin anew, for instance, another public hearing would be required.

Deputy Mayor Alexander cautioned, if the property is rezoned, it allows the developer to construct another apartment building, on the undeveloped portion, without Council approval. Town Manager Jarvie advised Council can include a requirement, in the development agreement, that any further development on the property is subject to the development application process.

Mayor Grant requested Deputy Mayor Alexander assume the Chair.

Mayor Grant spoke against the re-application request, noting Council's decision in December 2021 was largely based on opposition to the height of the buildings, citing concerns of setting a precedent. She explained that the Zoning By-law states a maximum building height of 15 meters (approx. 4 storeys) to minimize the impact to neighbouring properties. Buildings surrounding the subject property have a height of either one or two storeys. She concluded by noting that the height of the building is, and remains, an issue.

Mayor Grant resumed the Chair.

Counc. Mackay French contended that Council must decide if the revised proposal is significantly different from the original proposal – which may be the case regardless of building height. Mayor Grant stated it is her opinion that the revised proposal does not differ significantly from the original proposal.

Counc. McGuire agreed with Mayor Grant's comments about building height and precedent concerns.

Counc. Boyle agreed with Counc. McGuire, adding that the position of the building suggests there may be intent to construct a second building on the property – as originally planned.

**YEA votes recorded from:** Couns. Lewis, Mackay French, and Shea.

**NAY votes recorded from:** Deputy Mayor Alexander, and Couns. Boyle and McGuire.

A **NAY** vote was recorded from Mayor Grant to break the tie.

**DEFEATED.**

### 9. NEW BUSINESS

#### 9.1 BUSINESS ARISING FROM DELEGATIONS

##### 9.1.1 Steele-Kennedy Park

6 July 2022

Email from G. Wallace RE: Request to present

**Dealt with above.**

##### 9.2 Council appointment to the Kennebecasis Regional Joint Board of Police Commissioners

6 July 2022

Memorandum from Mayor Grant

**MOVED** by Counc. Mackay French and seconded by Counc. Lewis the memorandum from Mayor Grant RE: Council appointment to the Kennebecasis Regional Joint Board of Police Commissioners dated 6 July 2022 be received/filed.

**CARRIED.**

Counc. Mackay French thanked the Deputy Mayor for his remarkable service over the past ten years, especially with changes to the Board and position of Police Chief.



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**9.3 Public Hearing for 122 Gondola Point Road, 2 and 4 Clark Road (PIDs 30262448, 30262430, 00254912)**

- 6 July 2022 Memorandum from Town Clerk Banks
- 4 July 2022 Recommendation from Planning Advisory Committee
- 29 June 2022 Planning Advisory Committee Supplemental Staff Report

**MOVED** by Counc. McGuire and seconded by Counc. Shea Rothesay Council schedule a Public Hearing for Monday, August 15, 2022 at 7:00 p.m., to consider rezoning the lands located at 122 Gondola Point Road, 2 Clark Road, and 4 Clark Road (PIDs 30262448, 30262430, 00254912) to the Multi-Unit Residential Zone [R4] for a 24-unit apartment building subject to the execution of a Development Agreement.

**CARRIED.**

**9.4 Rothesay Annual Report 2021**

DRAFT Rothesay Annual Report

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Boyle the Draft 2021 Rothesay Annual Report be received/filed.

**ON THE QUESTION:**

Mayor Grant thanked staff for preparation of the report. She noted inclusion of the attendance record of Council occurred before requested by the Province. She highlighted the approval of multi-unit developments over the past six years, resulting in the addition of 321 units to help address the housing crisis.

**CARRIED.**

**10. NEXT MEETING**

The next meeting is scheduled as follows:

- Regular meeting** Monday, August 8, 2022
- Public Hearing** Monday, August 15, 2022

**11. ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 8:00 p.m.

*Original signed by Mayor*

*Original signed by Clerk*

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK