

August 9, 2010

The regular meeting of Town Council was held in the Council Chambers beginning at 7:02 p.m. with the following members present: Mayor John Craig, Councillors Kate Akagi, Edie Bishop, Michael Craig, Mary Myers, and Stan Choptiany. Also present were staff members Tim Henderson, Town Manager, Chris Spear, Treasurer, and Gail McLaughlin, Administrative Assistant. Deputy Mayor Roger McNabb was not in attendance.

DISCLOSURE OF CONFLICT OF INTEREST IF ANY

None

PRESENTATIONS

MINUTES

It was moved by Councillor Bishop, seconded by Councillor Choptiany and carried that Council adopt the minutes of the July 5, 2010 regular meeting as presented.

It was moved by Councillor Myers, seconded by Councillor Bishop and carried that Council adopt the minutes of the Special Meeting of Council held on July 26, 2010.

STAFF REPORTS

It was moved by Councillor Myers, seconded by Councillor Craig and carried that Council accept the Staff Reports as presented.

Town Manager's Report

Councillor Craig moved to grant permission to Leona Golding/Fundy Bay Real Estate to encroach on the front property line of 233 Water Street with a 4 foot fence and/or a 7 foot x 6 foot display sign. With no offer to second the motion, the motion was defeated. It was then moved by Councillor Myers, seconded by Councillor Choptiany and carried to address this issue during a Council working session.

It was moved by Councillor Myers, seconded by Councillor Bishop and carried to approve the Development Agreement for the Quoddy Shores Incorporated Subdivision that is attached to the Town Manager's Report for the minutes of August 9, 2010 Council Meeting.

DRAFT

Development Agreement

By virtue of the Community Planning Act of the Province of New Brunswick and the Town of Saint Andrews Subdivision By-law No. 69 Section (6.b)

Town of Saint Andrews, a town duly incorporated, organized and subsisting under and by virtue of the Municipalities Act, revised Statutes of New Brunswick, 1973 Chap. M22 (the "Town");

and

Quoddy Shores Incorporated, a company duly incorporated in the Province of New Brunswick and having its registered office at Rothesay, NB., (the "Developer").

WHEREAS the Developer intends to subdivide certain lands within the Town solely for construction of single family dwellings as shown on the plan hereunto annexed entitled Quoddy Shores Incorporated Development;

AND WHEREAS by a resolution dated January 11, 2010, Town Council has given approval to the subdivision plan for Quoddy Shores Inc contingent on the Developer fulfilling additional conditions to the satisfaction of the Town and to be accepted by the Town;

AND WHEREAS the Developer, as a condition of approval of the Town's Subdivision plan, is required to provide certain services, utilities and facilities in order to service the said lands and the Town requires from the Developer a written agreement providing for the installation of such services, utilities and facilities, the observance of certain conditions with respect to the development of the said lands and the payment in lieu of setting aside of land for public purposes.

NOW THEREFORE THIS AGREEMENT WITNESSETH that for and in consideration of the premises and the mutual covenants and agreements herein expressed and contained, the parties hereto hereby covenant and agree as follows:

1. The Developer has submitted or will submit for approval by the Town, in accordance with the requirements of the Town Subdivision Bylaw No.69, prior to further development of the subdivision,

the following plans:

- A. The Subdivision Plan;
- B. Engineering Plan and Storm Water Management Plan;
- C. Environmental Engineers Plan

And has delivered or otherwise agrees to deliver the relevant plans to the New Brunswick Power Corporation, Aliant Ltd., and Rogers Cable to initiate proposed layouts for these services and shall, if requested by the Town, confirm in writing such delivery.

2. In the approved subdivision, the Developer, while ensuring compliance with the Town by- laws and subject to inspection and approval by Town representatives, shall carry out and pay the entire costs of the following:
 - A. Survey and staking of lots;
 - B. Construction of the private roadway; and,
 - C. Installing communications and electricity infrastructure.
3. The Developer agrees to develop a storm water management and retention plan and said plan has been prepared by Nantech Engineering and approved by PAC.
4. The Developer agrees to undertake a traffic assessment to determine the effects of the proposal on Cemetery Road and said assessment has been completed by A.D. Fiander and Associates Ltd. and approved by PAC.
5. The Developer agrees to create a Home Owner's Group / Private Road Association dealing with maintenance, insurance and other upkeep of the private road.
6. The Developer agrees to provide a report on potable water quality to the Town and said report has been completed by Fundy Engineering and approved by PAC
7. The Developer agrees to comply to the Provincial Guidelines and Requirements regarding the setback from all saltwater courses.
8. The Developer agrees that the septic system capacity and flow will be investigated and said investigation has been completed by Fundy Engineering and approved by PAC.
9. The Developer agrees to the importance of the preservation of existing trees and the planting of new trees in the general vicinity where existing trees have been removed to allow for construction of buildings, roadways, gardens, aesthetic considerations, etc.
10. The Town shall, at no cost to the developer, have its works department staff make any required inspections.
11. The Developer agrees to pay the Town \$117,946.47 pursuant to the provisions of the Town in accordance with the requirements of the Town Subdivision Bylaw No.69 and as per the resolution by Town Council dated January 11, 2010.
12. Nothing in this agreement shall be deemed to take precedence over any provision of the Municipalities Act, Community Planning Act, Town Zoning By-law, Town Subdivision By-Law and any other by-law of the Town.
13. This agreement contains the whole agreement between the parties hereto and supersedes any prior development agreement as regards to the lands outlined on the Final Subdivision Plan.
14. This agreement shall endure to the benefit of and be binding upon the parties hereto, and their respective Successors and Assigns.

COMMUNICATIONS -- NIL

COMMITTEE REPORTS & RESOLUTIONS

Business, Recreation and Special Events Committee

Councillor Akagi read her report to Council regarding the Charlotte County Multicultural Association activities this past month.

Councillor Akagi also reported that the following were recipients of the New Brunswick Day Merit Awards: Sport & Recreation (Active Living) St. Andrews Community Tennis Association; Environment & Community Leadership, St. Andrews Tree Committee for special recognition of the Veteran Tree Program along Reed Avenue; Environment & Community Leadership to Save Passamoquoddy Bay (Canada) for their efforts against LNG development.

Finance and Administration Committee

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried to award Fundy BayKeeper a grant in the amount not to exceed \$300.00 to be used to subsidize the wharf fee. Funding is to come from the Civic promotions code of accounts.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried to award Hospice of Charlotte County a grant in the amount of \$500.00. Funding is to come from the Waycott Trust.

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried to award a grant in the amount of \$125.00 to the Multicultural Association of Charlotte County. Funding is to come from the Assistance Grant code of accounts.

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

None

NEW BUSINESS

None

QUESTION PERIOD

None

ADJOURNMENT

It was moved by Councillor Akagi, that the meeting adjourn. The meeting adjourned at 8:05 p.m.

Mayor

Clerk