



**ROTHESAY COUNCIL**  
OPEN SESSION  
Monday, February 9, 2015  
**MINUTES**



**PRESENT:** MAYOR WILLIAM J. BISHOP  
COUNCILLOR MATT ALEXANDER  
DEPUTY MAYOR NANCY GRANT  
COUNCILLOR PAT GALLAGHER JETTE  
COUNCILLOR PETER LEWIS  
COUNCILLOR PETER LEWIS  
COUNCILLOR BLAIR MacDONALD  
COUNCILLOR BILL McGUIRE  
COUNCILLOR MIRIAM WELLS

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

Mayor Bishop called the meeting to order at 7:05 p.m.

**1. APPROVAL OF AGENDA**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Wells the agenda be approved as circulated with the following addition:

9.6 30 January 2015 Contract T-2014-005: Oakville Acres Flood Detention Pond  
**CARRIED.**

**2. APPROVAL OF MINUTES** Regular meeting 12 January 2015

**MOVED** by Counc. McGuire and seconded by Counc. Gallagher Jette the minutes of 12 January 2015 be adopted as circulated.

**CARRIED.**

**Business Arising from Minutes**

n/a

**3. OPENING REMARKS OF COUNCIL**

Deputy Mayor Grant advised Rothesay would be featured in a Globe and Mail article on Monday, February 16, 2015 as one of the top six retirement communities in Canada.

**3.1 DECLARATION OF CONFLICT OF INTEREST**

Counc. Alexander declared a conflict of interest on Item 9.6 Contract T-2014-005: Oakville Acres Detention Pond.

**4. DELEGATIONS**

n/a

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### **5. CORRESPONDENCE FOR ACTION**

5.1 27 January 2015 Letter from NB Medical Education Trust RE: scholarship funding  
**MOVED** by Counc. Wells and seconded by Deputy Mayor Grant the letter from NB Medical Education Trust RE: scholarship funding dated 27 January 2015 be referred to the Finance Committee.

**CARRIED.**

### **6. CORRESPONDENCE - FOR INFORMATION**

6.1 15 January 2015 Letter from Quispamsis resident RE: Indoor pool  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Wells the letter from Quispamsis resident RE: Indoor pool dated 15 January 2015 be received/filed.

**CARRIED.**

6.2 15 January 2015 Letter from Kennebecasis Public Library to Quispamsis RE:  
Yield sign Landing Court/Hampton Road  
**MOVED** by Counc. Alexander and seconded by Counc. McGuire the letter from Kennebecasis Public Library to Quispamsis RE: Yield sign Landing Court/Hampton Road dated 15 January 2015 be received/filed.

**CARRIED.**

6.3 22 January 2015 Letter from Kennebecasis Public Library to Quispamsis resident  
RE: Digital Messaging Board use  
**MOVED** by Deputy Mayor Grant and seconded by Counc. Wells the letter from Kennebecasis Public Library to Quispamsis resident RE: Digital Messaging Board use dated 22 January 2015 be received/filed.

**CARRIED.**

6.4 26 January 2015 Email RE: Development of Rothesay Common  
**MOVED** by Counc. Wells and seconded by Counc. McGuire the email RE: Development of Rothesay Common dated 26 January 2015 be received/filed.

**CARRIED.**

### **7. REPORTS**

7.0 February 2015 **Report from Closed Session**  
n/a

7.1 26 November 2014 Kennebecasis Regional Joint Board of Police Commissioners  
(KRJBPC) meeting minutes  
30 November 2014 KRJBPC Statement of Financial Position  
**MOVED** by Counc. Alexander and seconded by Counc. McGuire the Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) meeting minutes dated 26 November 2014 and the KRJBPC Statement of Financial Position dated 30 November 2014 be received/filed.

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### **ON THE QUESTION:**

Counc. Alexander noted that Quispamsis Counc. Gary Clark is the new Chair of the Police Commission.

**CARRIED.**

7.2 20 January 2015 Draft Parks and Recreation Committee meeting minutes  
**MOVED** by Counc. Wells and seconded by Counc. McGuire the draft Parks and Recreation Committee meeting minutes dated 20 January 2015 be received/filed.

### **ON THE QUESTION:**

There was a lengthy discussion with respect to hockey being permitted on the Rothesay Common ice surface. Counc. MacDonald questioned if there is a demand for hockey, why is the Common Upgrade project being designed for skating. Counc. Wells advised DRP Jensen is being responsive to residents to accommodate those who may wish to play scrimmage hockey by scheduling certain times it will be permitted. Hockey is currently not permitted although it is being used and those wishing to skate are not using the rink because of this. She also noted the proposed design is not much different than what exists now except for the addition of the oval skating loop. Counc. MacDonald questioned the role of the Committee in approving the request from Vitos to hang banners for the Jazz Fest. Town Manager Jarvie advised it is a recommendation to Council. Counc. Gallagher Jette commented permitting hockey on the Rothesay Common ice surface is germane to the issue as residents in the area are not happy with the proposed project and the length of day use of the facility needs to be considered. It was noted there is no programming associated with the ice surface at this time and it will be reviewed further by the Committee at its next meeting. There was discussion with respect to determining the demand for hockey and skating through marketing and possibly a survey on the Town website. Mayor Bishop noted scheduling will need to be done to accommodate all user groups. Counc. Lewis requested clarification on the Vitos banners. Town Manager Jarvie advised there are different sets of banners installed on the poles depending on events/seasons and the Jazz Fest banners would be another set.

**CARRIED.**

7.3 21 January 2015 Draft Public Works and Infrastructure Committee meeting minutes  
**MOVED** by Counc. Alexander and seconded by Counc. Lewis the draft Public Works and Infrastructure Committee meeting minutes dated 21 January 2015 be received/filed.

### **ON THE QUESTION:**

Counc. Alexander advised a meeting has been scheduled with the residents of Almon Lane to review the proposed upgrades for Almon Lane. The 2015 budget includes money for the design of the project and the meeting will provide an opportunity to hear residents' concerns that may be taken into account in the preparation of the project details for 2016.

**CARRIED.**

➤ Grove Avenue/Hampton Road

**MOVED** by Counc. Alexander and seconded by Counc. Lewis Council authorize staff to:

- work with resident with respect to hedge height to no more than three feet;

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- investigate installing push button activated light bar; and
- move crosswalk lines in slip lane further up Grove Avenue

**CARRIED.**

7.4 21 January 2015 Draft Utilities Committee meeting minutes  
**MOVED** by Counc. Alexander and seconded by Deputy Mayor Grant the draft Utilities Committee meeting minutes dated 21 January 2015 be received/filed.

**CARRIED.**

- Clarification on connection fees (171 Gondola Point Road)  
5 February 2015 Memorandum from Town Manager Jarvie

There was discussion with respect to the timeline for payment of the connection fees for the development at 171 Gondola Point Road. The Utilities Committee is requesting clarification from Council on the amendment made to the motion passed in January. Counc. Alexander noted that occupancy is difficult to determine and it is easier for the Town to accept payment at the time that construction permits are issued. He also noted a previous request to delay payment of the connection fees until the time of occupancy was denied. Town Manager Jarvie indicated the intention is not clear and suggestions were included in the memorandum. He noted clarification could be provided by indicating a specific date as to when payment should be made for connection fees. Mayor Bishop noted there is a motion from the January meeting and suggested staff provide a recommendation for the March meeting.

**MOVED** by Counc. MacDonald and seconded by Deputy Mayor Grant the matter of payment of connection fees for 171 Gondola Point Road be referred to the Town Manager for a recommendation at the March Council meeting on how to proceed.

**CARRIED.**

7.5 January 2015 Building Permit Summary Report  
**MOVED** by Counc. Wells and seconded by Counc. Lewis the January Building Permit Summary Report be received/filed.

**CARRIED.**

7.6 2 February 2015 Draft Planning Advisory Committee meeting minutes  
**MOVED** by Counc. Wells and seconded by Counc. MacDonald the draft Planning Advisory Committee meeting minutes dated 2 February 2015 be received/filed.

**CARRIED.**

- 42 Marr Road (Development agreement discharge agreement)

**MOVED** by Counc. Wells and seconded by Counc. Lewis Council authorize the Mayor and Clerk to enter into a discharge agreement for the property at 42 Marr Road, identified as PID 00246827.

**ON THE QUESTION:**

Counc. Lewis requested clarification on the buffer requirement. DPDS White advised he has spoken with the property owner who is prepared to discuss and review the requirement with staff.

**CARRIED.**

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**8. UNFINISHED BUSINESS**

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**TABLED ITEMS**

**8.1 Traffic By-law 1-14** (Tabled June 2014)

*No action at this time*

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**8.2 Water and Sewer By-laws**

- 4 February 2015 Memorandum from Town Clerk Banks
- 3 February 2015 Memorandum from DO McLean (By-law 1-15 Sewage By-law)
- 3 February 2015 Memorandum from DO McLean (By-law 2-15 Water By-law)

There was general discussion with respect to the Water By-law and the number of properties potentially affected by the change to section 4.15 that requires commercial, institutional and non-single family residential properties to connect to the water system (“shall”), and whether there was a conflict with Section 7.5 wherein the fixed charge must be paid if the owner chooses not to connect. Town Manager Jarvie indicated the sections could be made more clear as Section 7.5 refers to residential properties. It was also suggested some consideration be given to allowing some additional time for property owners to pay the connection fees.

**MOVED** by Counc. Wells and seconded by Counc. Alexander Council give 1<sup>st</sup> Reading by Title, to By-law 1-15, “Sewer By-law”.

**CARRIED.**

The Clerk read By-law 1-15 by title.

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council give 2<sup>nd</sup> Reading by Title, to By-law 1-15, “Sewer By-law”.

**CARRIED.**

The Clerk read By-law 1-15 by title.

**MOVED** by Counc. MacDonald and seconded by Counc. Wells Council give 1<sup>st</sup> Reading by Title, to By-law 2-15, “Water By-law”.

**CARRIED.**

The Clerk read By-law 2-15 by title.

**MOVED** by Counc. MacDonald and seconded by Counc. Wells Council give 2<sup>nd</sup> Reading by Title, to By-law 2-15, “Water By-law”.

**CARRIED.**

The Clerk read By-law 2-15 by title.

**MOVED** by Counc. Wells and seconded by Counc. Alexander Council authorize staff to advertise By-law 1-15 on the website, in accordance with Sections 11.1 and 12(1) of the *Municipalities Act*, RSNB 1973, c. M-22.

**CARRIED.**

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council authorize staff to

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advertise By-law 2-15 on the website, in accordance with Sections 11.1 and 12(1) of the *Municipalities Act*, RSNB 1973, c. M-22.

**CARRIED.**

### **8.3 Reimbursement of Cash in Lieu of Land for Public Purposes**

30 January 2015            Memorandum from DPDS White

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor Grant Council authorize staff to refund the amount of \$750 to Frank MacPhee of 2699 Rothesay Road and \$750 to Richard and Jill MacPhee of 2709 Rothesay Road for cash in lieu of land for public purposes.

**CARRIED.**

## **9. NEW BUSINESS**

### **9.1 Rothesay Common Tender Award**

5 February 2015            Memorandum from Town Manager Jarvie

2 February 2015            Memorandum from DRP Jensen

**MOVED** by Counc. Gallagher Jette and seconded by Counc. MacDonald the Rothesay Common Tender Award be tabled.

**YEA votes recorded from Councils. Gallagher Jette and MacDonald.**

**NAY votes recorded from Deputy Mayor Grant, Councils. Alexander, Lewis, McGuire and Wells.**

**DEFEATED.**

**MOVED** by Counc. Wells and seconded by Counc. McGuire Council award a tender for improvements to the Rothesay Common to Bird Construction in the amount of \$2,203,500.00, including HST.

**ON THE QUESTION:**

There was a lengthy discussion with respect to the project. Counc. MacDonald requested clarification with respect to the 80% favourable comments received. Town Manager Jarvie advised the consultant provided the information. Counc. MacDonald noted about four or five years ago, Council decided the arena upgrade was a more appropriate project and subsequently purchased the land and removed the apartment buildings. He suggested that provincial/federal funding would be better spent on the arena project. Counc. Gallagher Jette suggested there are other projects the government funding could be spent on and the Common Upgrade project is being driven by Council and not citizens, and is a debt download to taxpayers in tough economic times. Counc. Gallagher Jette advised she would not be supporting the motion.

Deputy Mayor Grant advised she was in favour of the project, noting it was identified in the Master Recreation Plan (2009) that was based on consultation with the community. The report references the need for intergenerational, casual, unstructured facilities in Rothesay. She noted Open Houses had been held and it is her opinion a majority of residents are in favour of the project. Deputy Mayor Grant noted the Town has spent very little on recreation facilities and the current facilities are showing their age. She commented on the spending at the McGuire Centre and the upcoming Wells Park project and noted the Common Upgrade project will modernize the facilities.

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Treasurer MacDonald clarified the potential impact on the tax rate would be 2½-3 cents, which would decrease in 10-15 years. DRP Jensen advised he has reviewed operating costs for 3 artificial ice surfaces in New Brunswick and 1 in New Hampshire and estimates yearly operating costs will be approximately \$60,000. Town Manager Jarvie advised the Zamboni in use at the Rothesay Arena will be re-purposed for the Common and a new one will be purchased for the Arena.

There was a discussion with respect to skating and hockey being permitted on the ice surface. Counc. Wells advised the concerns of Council will be reviewed by the Parks and Recreation Committee, noting the initial proposal was for skating only but there have been concerns expressed that no hockey will be allowed. She noted the ice surface will be monitored and there may be an opportunity to schedule "pond hockey" style hockey and indicated there are many people who want to skate on the current ice surface but it is dominated by hockey. Town Manager Jarvie advised the use of the ice surface will not impact the cost of the project.

Counc. Alexander noted the \$2.2 million project includes many other aspects in addition to the artificial ice surface and ice plant; including improved drainage, landscaping, enhanced playground area and walkways, a new building to accommodate live performances, and improved washroom facilities.

**YEA votes recorded from Deputy Mayor Grant, Councils. Alexander, Lewis, McGuire and Wells.**

**NAY votes recorded from Councils. Gallagher Jette and MacDonald.**

**CARRIED.**

### **9.2 Credit Union Agreement**

3 February 2015 Memorandum from Treasurer MacDonald

**MOVED** by Counc. MacDonald and seconded by Counc. McGuire Council authorize the Mayor and Clerk to sign the Electronic Payment Consolidation and Settlement Agreement and related enrolment forms authorizing Central 1 Credit Union to act as a payment consolidation and settlement centre in respect of Payee accounts paid at Participating Financial Institutions.

**CARRIED.**

### **9.3 Anna Avenue Reconstruction**

30 January 2015 Memorandum from DO McLean

**MOVED** by Counc. Lewis and seconded by Deputy Mayor Grant Council proceed with the design and reconstruction of Anna Avenue as an extension of the 2014/2015 Asphalt Resurfacing project and further that the Director of Operations be authorized to issue a contract change order in that regard, in the amount of \$297,874.95.

**CARRIED.**

### **9.4 Pavement Condition Survey – update**

30 January 2015 Memorandum from DO McLean

**MOVED** by Counc. Wells and seconded by Counc. Lewis Council accept the proposal submitted by Dillon Consulting Inc. in the amount of \$9,944.00 to updated the 2011 Pavement Condition Survey and further that the Mayor and Town Clerk be authorized to execute the

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appropriate documentation in that regard.

**ON THE QUESTION:**

There was some discussion with respect to posting the report online and the information contained in the report. Town Manager Jarvie advised consultants are retained to provide an objective third party assessment of road conditions to determine priorities and they have specialized training in assessment and methodology. The methodology will be the same used in 2011 for the existing report.

**CARRIED.**

**9.5 Engagement of Engineering Consultants – 2015 Capital Program**

30 January 2015 Memorandum from DO McLean

**MOVED** by Counc. MacDonald and seconded by Counc. Alexander Council accept the proposal submitted by WSP in the amount of \$67,907.34 to provide design and construction management services for the McGuire Centre Watermain Extension and the Gondola Point Road Watermain Extension projects and further that the Mayor and Clerk be authorized to execute the appropriate documentation in that regard.

**ON THE QUESTION:**

DO McLean advised Council had given authority at the January meeting to approach WSP for a quotation for this project and the proposal is well within the accepted fee range.

**CARRIED.**

**MOVED** by Counc. MacDonald and seconded by Counc. Wells Council accept the proposal submitted by Crandall Engineering in the amount of \$54,324.73 to provide design and construction management services for the French Village Road Reconstruction (Phase III) project and further that the Mayor and Town Clerk be authorized to execute the appropriate documentation in that regard.

**CARRIED.**

**9.6 Contract T-2014-005: Oakville Acres Flood Detention Pond**

30 January 2015 Memorandum from DO McLean

Counc. Alexander declared a conflict of interest and left the meeting room.

**MOVED** by Counc. MacDonald and seconded by Counc. Gallagher Jette the Contract T-2014-005: Oakville Acres Flood Detention Pond award be tabled until the March meeting.

**CARRIED.**

Counc. Alexander returned to the meeting room.

**10. NEXT MEETING**

The next regular meeting of Council will be on Monday, March 9, 2015.



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**11. ADJOURNMENT**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. McGuire the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 8:14 p.m.

  
MAYOR

  
CLERK