



ROTHESAY COUNCIL

OPEN SESSION
Monday, January 12, 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 7:00 p.m.

1. APPROVAL OF MINUTES

MOVED by Counc. Alexander and seconded by Counc. Wells the minutes of 8 December 2014 be adopted as circulated.

CARRIED.

MOVED by Counc. Lewis and seconded by Counc. MacDonald the minutes of 15 December 2014 be adopted as circulated.

CARRIED.

Business Arising from Minutes

n/a

2. APPROVAL OF AGENDA

MOVED by Counc. Wells and seconded by Counc. Lewis the agenda be approved as circulated.

ON THE QUESTION:

Deputy Mayor Grant noted the agenda format did not follow the format in the new Procedural By-law and it needed to be changed. She also requested the addition to the agenda of the following: *McGuire Centre water installation*. Mayor Bishop added it as Item 5.4 with the approval of the mover/seconded.

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop noted there was a good attendance at the Mayor's Levee on New Year's Day.

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4. DELEGATIONS

4.1 CBCL Engineering – Oakville Acres project **Dave Parsons, P.Eng.** (20 minutes – special invitation of the Mayor) **John Flewelling, P. Eng.**

John Flewelling, P. Eng. and Dave Parsons, P.Eng, gave a presentation to Council with respect to the Oakville Acres detention pond project. The following comments were made: project tender has been issued and will close on January 27th; rainfall events are increasing in intensity/duration/frequency; contributing factors may include new development and runoff generated by storm events is greater than existing drainage system capacity; explanation of existing 1:100 year floodplain and proposed solution to move the floodplain and mitigate storm flows.

Mr. Flewelling noted the following: clearwater sewer installation in 2010 has mitigated flooding; next phase is the construction of the detention pond and a future phase will be to increase culvert/channel capacity, which is currently being designed and will improve downward capacity to convey flows. The key components of the current project are: discharge directed back into existing channel (no diversion pipe); storage of 70,000 m³; large green space availability; grading of entire area to minimize standing water; reduction of debris within pond; and additional costs associated with additional material excavation; reinstatement and restoration. He commented on the required permits; the area will be hydro-seeded and further landscape enhancements can be done that will not impact the project; pictures of the pond in Millidgeville (4.5 Ha with capacity of 105,000 m³) were used to explain the design for Oakville Acres (3Ha); slope grading will be 4:1 and the consultants are confident in the design proposed, based on data and software modelling.

Council members made the following comments: the possibility of sanitary sewer discharge from the Quispamsis lift station; safety concerns with no fencing; effect of new development on storm water runoff volume and peak flows; and the diversion channel that has been discussed in past proposals. Mr. Flewelling made the following comments: the Quispamsis lift station meets the requirements of the Department of Environment and Local Government, the slope grading of 4:1 will be shallow enough to walk out of the area; the heaviest flow will be in the middle channel and low velocity elsewhere; the Town has a net-zero discharge policy requiring post and pre-development flows to be the same or less; and the diversion channel would require the creeks to be cleaned out and a large pipe constructed right to the river – otherwise the flooding is being moved to another area of Town.

Mayor Bishop thanked Mr. Flewelling and Mr. Parsons for their presentation.

4.2 171 Gondola Point Road **Peter MacKenzie, Comeau MacKenzie Architects** (see Item 7.4)

Mr. MacKenzie spoke on behalf of A. Malcolm Properties (Adam Hoar), the developer for the proposed 33 unit apartment building at 171 Gondola Point Road, to request a revision to the connection fee for water and sanitary sewer for the project. He noted the following: \$3.9 million construction budget; construction costs in the province have kept pace with national indices but rents have not; generation of property tax revenues; economic benefit to the community; significant ongoing usage fees will be paid by residents and there are unknown costs associated with stormwater management for the project. Mr. MacKenzie concluded with a

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request for some relief in the approximate \$62,000 connection fee charge. There was a brief discussion with respect to the benefits of the project to the community and the quality. Counc. Wells commented a change to the rates sets a precedent, and noted the rates are established to pay for the utility system, the Town has to continue to fund the utility and system expansion has a cost associated with it.

Mayor Bishop thanked Mr. MacKenzie for his presentation and noted the matter will be dealt with under Item 7.4 on the agenda.

5. CORRESPONDENCE FOR ACTION

5.1 5 December 2014 Email from Rothesay resident RE: Rothesay East roads
MOVED by Counc. Gallagher Jette and seconded by Counc. Alexander the email from a Rothesay resident RE: Rothesay East roads dated 5 December 2014 be forwarded to the Finance Committee.

CARRIED.

5.2 16 December 2014 Letter from P.R.O. Kids Advisory Committee RE: Council appointment

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis the letter from P.R.O. Kids Advisory Committee RE: Council appointment dated 16 December 2014 be referred to Mayor Bishop.

ON THE QUESTION:

Counc. Wells advised she was interested in serving on the Committee and her appointment was confirmed.

CARRIED.

5.3 4 January 2015 Letter from Rothesay resident RE: reimbursement of green space fee

MOVED by Counc. MacDonald and seconded by Counc. McGuire the letter from a Rothesay resident RE: reimbursement of green space fee be referred to the Town Manager.

ON THE QUESTION:

There was general discussion with respect to the request, the proposed development and the ongoing nature of the project since 2001. Town Manager Jarvie advised there is additional research that is required before a recommendation is brought forward. DPDS White advised an initial review indicates \$1500 was paid in 2001 and the property owners decided not to proceed in 2002. There was money returned in 2008. Town Manager Jarvie advised the developers delayed the project for various reasons. Counc. Lewis questioned if the payment of \$1500 was made does that indicate approval was granted. DPDS White advised there is a six month time limit to register following approval and the developers chose not to do so. He advised a report will be provided to Council at the next meeting.

CARRIED.

5.4 McGuire Centre water installation

Deputy Mayor Grant advised the Red Cross has reviewed the McGuire Centre and it will likely

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be approved as a reception centre. She noted the extension of the water line was approved in the 2015 budget and requested clarification on what needs to be done to ensure the project is completed as soon as possible in the spring. DO McLean advised RFPs are typically sent out in January/February and the timeline is usually June/July for project completion. He noted the Town has moved away from direct engagement, which removes about eight weeks from the project timeline.

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis Council authorize staff to initiate planning to connect the McGuire Centre to Town water.

ON THE QUESTION:

DO McLean requested authorization to directly engage the consultant, WSP who designed the water line that goes through the Bishop's property on Villa Madonna Drive. Counc. McGuire expressed concern about getting a few quotes and questioned whether the Town would use the engineer's estimate and hope to get a good price. DO McLean advised there is a stub drop to James Renforth Drive and the survey for the entire area was done as part of the original project that considered installation of a watermain on James Renforth Drive. He further explained the accepted engineering rates for design and construction management are in the range of 12-17%. Counc. McGuire asked if the work has already been designed and paid for as part of the original project. Town Manager Jarvie advised the proper way to deal with the matter is to allow DO McLean the opportunity to consult with the engineers to discuss a price, as opposed to making a decision to retain the consultant this evening. DO McLean noted it was not his intent to seek authorization to directly engage the consultant but to negotiate with them directly and return to Council in February with a recommendation.

Motion withdrawn.

Counc. MacDonald requested clarification on the direction being requested. DO McLean requested Council's authorization to negotiate with one engineering consultant and return in February with a negotiated price for the design and management of the project. Counc. Wells questioned how the Town would know whether the best price is being given. DO McLean reiterated the normal fee is 12-17% for construction projects. Mayor Bishop noted the goal is to get the design work done as quickly as possible. DO McLean advised the contractor could be in place as early as April. He noted the budget item is \$110,000.

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis to authorize DO McLean to bring a proposal to the February meeting for the McGuire Centre water installation project.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 3 December 2014 Letter from Saint John Common Council RE: TransCanada Energy East Pipeline resolution

MOVED by Counc. Alexander and seconded by Counc. MacDonald the letter from Letter from Saint John Common Council RE: TransCanada Energy East Pipeline resolution dated 3 December 2014 be received/filed.

CARRIED.

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6.2 29 December 2014 Letter of thanks from Symphony New Brunswick
MOVED by Deputy Mayor Grant and seconded by Counc. Wells the letter of thanks from Symphony New Brunswick dated 29 December 2014 be received/filed.

CARRIED.

6.3 6 January 2015 Email from Rothesay resident RE: new civic centre
MOVED by Counc. Alexander and seconded by Counc. McGuire the email from a Rothesay resident RE: new civic centre dated 6 January 2015 be received/filed.

CARRIED.

7. REPORTS

7.0 January 2015 Report from Closed Session

n/a

7.1 12 November 2014 Kennebecasis Valley Fire Department (KVFD) Inc. Board meeting minutes

30 September 2014 KVFD Statement of Operations with Budget Variances

12 November 2014 Chief's Report

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald the Kennebecasis Valley Fire Department (KVFD) Inc. Board meeting minutes dated 12 November 2014, KVFD Statement of Operations with Budget Variances dated 30 September 2014 and the Chief's Report dated 12 November 2014 be received/filed.

CARRIED.

7.2 30 November 2014 Draft unaudited Rothesay Utility Fund Financial Statements
MOVED by Counc. MacDonald and seconded by Counc. Wells the Draft unaudited Rothesay Utility Fund Financial Statements dated 30 November 2014 be received/filed.

CARRIED.

30 November 2014 Draft unaudited Rothesay General Fund Financial Statements
MOVED by Counc. MacDonald and seconded by Counc. Wells the Draft unaudited Rothesay General Fund Financial Statements be received/filed.

CARRIED.

11 December 2014 Draft Rothesay Finance Committee meeting minutes
MOVED by Counc. MacDonald and seconded by Counc. Wells the draft Rothesay Finance Committee meeting minutes dated 11 December 2014 be received/filed.

ON THE QUESTION:

Counc. MacDonald noted the total aggregate spending calculations to the end of December have not been completed.

CARRIED.

7.3 17 December 2014 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 17 December 2014 be received/filed.

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ON THE QUESTION:

Counc. MacDonald noted he sent an email to Town staff about the Grove Avenue intersection and requested additional information. Counc. Alexander noted there was a lengthy discussion with respect to the Grove Avenue/Hampton Road crosswalk installation and further information will be provided at the next Committee meeting for discussion. Councillors raised concerns about both pedestrian and driver safety at the intersection. Counc. Alexander noted the matter is under review by the Committee and possible options will be discussed at the next meeting.

CARRIED.

7.4 17 December 2014 Draft Water and Sewer (Utilities) Committee meeting minutes
MOVED by Counc. Alexander and seconded by Counc. Wells the draft Water and Sewer (Utilities) Committee meeting minutes be received/filed.

CARRIED.

- 171 Gondola Point Road utility connection fees
 - 2 January 2015 *Committee recommendation*
 - 7 January 2015 *Letter from Comeau MacKenzie Architecture*

There was discussion with respect to the amount to be paid for connection fees, related policies and by-laws and setting a precedent to accommodate a 33 unit building. Town Manager Jarvie commented the concept may be a 33 unit building will take a while to rent so the revenue stream will be reduced initially, and it may therefore be reasonable to give the developer an opportunity to rent the units prior to requiring full payment of the fees. It was not clear in the recommendation when the 36 month timeline would begin. Mayor Bishop clarified it is not a reduction in fees to be paid but rather in the time to pay the full amount. Town Manager Jarvie noted the fees are typically paid when the connection permits are issued. Counc. Alexander advised the Utilities Committee has reviewed cost structures in other municipalities and, while the connection fees are higher in Rothesay, the user fees are less in Rothesay than other communities. Clarification was requested with respect to the payment plan. The developer commented he would prefer a reduction, rather than a payment plan but he would be amenable to what is offered by Council, considering the up front capital costs of the project.

MOVED by Counc. Alexander and seconded by Counc. McGuire that Adam Hoar be allowed 36 months to pay the connection fee (at current By-Law rates) based on the size of the development and the considerable infrastructure costs to date borne by A. Malcolm Properties Ltd.

Amending motion:

MOVED by Counc. Lewis and seconded by Counc. MacDonald the following be inserted following "36 months":

“, from the time of the issuance of the occupancy permit,”

ON THE QUESTION:

Counc. MacDonald suggested if the developer wished to pay the fee up front, based on the proposed motion, Treasurer MacDonald could provide the discounted amount, based on today's value vs. three years out.

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**Amending motion CARRIED.
MAIN motion, as amended CARRIED.**

7.5 December 2014 Monthly Building Permit Summary Report
MOVED by Deputy Mayor Grant and seconded by Counc. Lewis the December 2014 Monthly Building Permit Summary Report be received/filed.

ON THE QUESTION:

Counc. MacDonald commented on the difference between the 2013 summary report and the figure provided by the province for the assessment base. Town Manager Jarvie suggested there may be different reasons: the time the assessment was done (not typically at the end of the year); the assessor may have assessed the property differently than the Town or a good portion may be renovations to existing properties.

CARRIED.

8. UNFINISHED BUSINESS

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

No action at this time.

8.2 Comex Fare Increase

7 January 2015 Memorandum from Town Manager Jarvie

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis the Comex fare increase matter be removed from the table.

CARRIED.

MOVED by Counc. Lewis and seconded by Counc. Wells Council approve a fare increase for Comex, more specifically:

| | Current | Proposed |
|------------------------|----------|--|
| Daily Fare | \$3.50 | \$4.00 |
| Monthly Pass | \$109.00 | \$125.00 (increase of \$0.40 per ride) |
| Ten Trip Punch card | \$33.00 | \$ 38.00 (increase of \$0.50 per ride) |
| Twenty Trip Punch card | \$60.00 | \$ 68.00 (increase of \$0.40 per ride) |

ON THE QUESTION:

There was discussion with respect to approving a fare increase prior to reviewing the level of service. Town Manager Jarvie noted Rothesay only has one route with Quispamsis and neither can unilaterally change the rates. He noted the second motion is to work with Quispamsis to see if the costs associated with the route can be reduced. Counc. MacDonald commented on the ridership levels and the costs associated the route.

CARRIED.

MOVED by Counc. Alexander and seconded by Counc. Wells Council agree to work with Quispamsis to review the operations of the Comex KV Route toward finding cost reductions with a minimum effect on service.

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ON THE QUESTION:

Counc. Gallagher Jette commented on the value of the service but noted it appears people do not want to use the service. She suggested there is a point where Council must consider the viability of the service if the ridership does not increase. Mayor Bishop noted bus service is one that does not pay for itself.

CARRIED.

8.3 Committee Appointments

31 December 2014 Memorandum from Town Clerk Banks
2015 Committee Appointment List

MOVED by Counc. MacDonald and seconded by Counc. Lewis Council re-appoint Ewen Cameron to the Rothesay Planning Advisory Committee, for a term expiring 31 December 2016.

CARRIED.

MOVED by Counc. MacDonald and seconded by Counc. Lewis Council appoint Paul Boudreau to the Rothesay Utilities Committee for a term expiring 31 December 2016.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Peter Lewis the Committee Appointment List be revised to include the appointments of DO McLean and Rothesay EMO Coordinator Bill Artiss as ex-officio members of the Rothesay Emergency Measures Committee (internal).

ON THE QUESTION:

There was a brief discussion with respect to the inclusion of ex-officio appointments. Counc. MacDonald suggested the list be updated to include the internal and external Emergency Measures Committees.

Counc. McGuire requested clarification on the appointment of Peter Klohn to the Harbour Station Board and the removal of Peter McGill from the Kennebecasis Regional Joint Board of Police Commissioners. Counc. MacDonald advised the City of Saint John removed several of their appointees last year and a request was made by the Harbour Station Board for Mr. Klohn to be re-appointed for another year due to the extenuating circumstances and the upcoming contract negotiations.

Counc. Wells requested a copy of the Committee list with names only.

CARRIED.

8.4 Assessment Base Analysis

7 January 2015 Memorandum from Treasurer MacDonald

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald the memorandum from Treasurer MacDonald RE: Assessment Base Analysis dated 7 January 2015 be received/filed.

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ON THE QUESTION:

Counc. Gallagher Jette raised some questions about the content of the memorandum and the calculations, suggesting the 84.2% of market adjustment is confusing in relation to the economy and the real estate market in Rothesay. Town Manager Jarvie advised the information was provided by the provincial assessors. Treasurer MacDonald advised it is his understanding the provincial assessors review property values across the province and determine the value of the properties in Rothesay as an aggregate, based on their calculations.

CARRIED.

9. NEW BUSINESS

9.1 Local Improvement Levy By-law 4-00 – Kennebecasis Park

7 January 2015 Memorandum from Town Clerk Banks
Warrant of Assessment

MOVED by Counc. Wells and seconded by Counc. Alexander:

Whereas projects were undertaken as local improvements in accordance with the pertinent By-laws, Rothesay Council hereby directs that a special warrant be issued for the sum set out in the local improvement assessment roll for 2015 and further directs the Clerk to cause such special assessments to be collected in accordance with By-law 3-00.

| Local Improvement By-law # | Amount to be collected |
|----------------------------|------------------------|
| By-law 4-00 | \$59,268.53 |

ON THE QUESTION:

Counc. MacDonald requested clarification on whether the improvements were over 20 years or 30 years and the amount being paid. Staff will provide further detail.

CARRIED.

9.2 Hillside Trail – Slope Failure

6 January 2015 Report from DO McLean

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells Council authorize the Director of Operations to proceed with repair/reinstatement of the Hillside Walking Trail on a Time & Materials basis with Galbraith Construction Ltd.

ON THE QUESTION:

Counc. Gallagher Jette requested further detail on the project. DO McLean advised the work will repair the current slope failure and also prevent further erosion, and the anticipated amount is approximately \$50,000 and the funds will come from the Utility Fund Operating Reserve. Counc. MacDonald requested further detail with respect to the responsibility of consultants, who designed the project, for the end project. Town Manager Jarvie advised he reviewed the requests for proposals and a soils study was to be completed as part of the project. The Director of Operations subsequently spoke to the consultants who advised soil tests had been done in the area of appurtenances and major structures, but not the entire length of the pipe. It is unclear what has caused the problem at this point. There was a brief discussion with respect to attributing responsibility if the cause is unknown. There was a brief discussion with respect to the possible cause of the failure and what will be involved in the repair, based on a site review with the original consultant and DO McLean.

CARRIED.

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9.3 Water Treatment Facility – Membrane Replacement

6 January 2015 Report from DO McLean

MOVED by Counc. Alexander and seconded by Counc. Wells Council authorize the Director of Operations to issue a purchase order to G.E. Water & Process Technologies in the amount of \$191,850.00 plus HST for the purchase of new microfiltration membranes for the Town's water treatment plant.

CARRIED.

10. NEXT MEETING

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

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:00 p.m.


MAYOR


CLERK