



**ROTHESAY COUNCIL**  
OPEN SESSION  
Monday, September 14, 2015  
**MINUTES**



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

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

**1. APPROVAL OF AGENDA**

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

*Item 5.5 12 Sept 2015 Email from a resident RE: Drainage issue Golf Club Court*

**CARRIED.**

**2. APPROVAL OF MINUTES** Regular meeting 10 August 2015

**MOVED** by Counc. Lewis and seconded by Counc. Alexander the minutes of 10 August 2015 be adopted as circulated.

**CARRIED.**

**Business Arising from Minutes**

n/a

**3. OPENING REMARKS OF COUNCIL**

**PRESENTATION:** Through the Lens Photo Contest winner

Mayor Bishop noted the curbside recycling program has started in Rothesay and has been well-received. There are some minor details to be resolved and he noted Rothesay is showing leadership in the region by implementing the program.

Town Manager Jarvie took the opportunity to thank Council and staff for their support over the past year, since his medical event in September 2014.

**3.1 Declaration of Conflict of Interest**

Counc. Lewis declared a conflict of interest under Item 7.3 19 August 2015 - Draft Public Works and Infrastructure Committee meeting minutes.

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### 4. DELEGATIONS

#### 4.1 New Brunswick Medical Education Trust

(See Item 9.1)

Dr. Donald Craig, Dr. Pamela Jarrett,  
Mike Doyle (Chair), Martha Zed (CEO)

Dr. Craig introduced Dr. Jarrett, Mike Doyle and Martha Zed. He noted the Town had participated in the program for two years; there are a number of people in Rothesay with students in medical school; the region covers from Grand Manan to Sussex; 14 of the last 27 doctors who moved into the area are Rothesay residents and there have been no changes to the program since its inception.

Dr. Craig advised there are no doctors on the selection committee and the criteria includes: acceptance to an accredited medical school, marks; letters about why the students are in medical school and why they want to return to New Brunswick. He further noted students are required to re-apply every year and sign an agreement stating they are committed to returning to the province.

Dr. Craig concluded that Rothesay's endorsement of the program has significant value and while there is little research funding in New Brunswick medicine, attracting the best and highly qualified doctors will be followed by research money.

Mayor Bishop thanked Dr. Craig for the presentation and noted the request would be dealt with later in the agenda.

### 5. CORRESPONDENCE FOR ACTION

5.1 18 August 2015 Letter from Jones/Milne Streets residents RE: traffic, roadway, streetlight concerns

**MOVED** by Counc. MacDonald and seconded by Counc. Lewis the letter from Jones/Milne Streets residents RE: traffic, roadway, streetlight concerns dated 18 August 2015 be referred to the Public Works and Infrastructure Committee.

#### ON THE QUESTION:

Counc. Wells advised the resident had been referred to DO McLean and some action has been taken. DO McLean advised the signs have been taken care of and the streetlight does not fit the criteria. He advised the resident to write to the Public Works and Infrastructure Committee.

**CARRIED.**

5.2 2 September 2015 Letter from Symphony New Brunswick RE: funding request  
**MOVED** by Counc. McGuire and seconded by Counc. Wells the letter from Symphony New Brunswick RE: funding request be referred to the Finance Committee.

**CARRIED.**

5.3 7 September 2015 Email from resident RE: entry to Rothesay Elementary School

5.3.1 8 September 2015 Email from resident RE: entry to Rothesay Elementary School

**MOVED** by Counc. Alexander and seconded by Counc. Lewis the correspondence RE: entry to Rothesay Elementary School dated 7 September and 8 September 2015 be referred to the Public Works and Infrastructure Committee.

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### **ON THE QUESTION:**

The school entrance driveway had been discussed with the School District in the past but no action had been taken by the District. It was noted the developer still has some work to do on the grass areas between the sidewalk and curb on Eriskay Drive.

**CARRIED.**

5.4 10 September 2015 Memorandum from Town Manager Jarvie RE: sale of Town lands

5.4.1 7 September 2015 Letter from resident RE: sale of Town lands

**MOVED** by Counc. Gallagher Jette and seconded by Counc. McGuire the letter RE: sale of Town lands dated 7 September 2015 be referred to staff for a report on possible disposal of PID#s 30022453 and 00259036.

### **ON THE QUESTION:**

It was noted one property would be suitable for a house but the other may require some work.

**CARRIED.**

5.5 12 September 2015 Email from a resident RE: Drainage issue Golf Club Court  
**MOVED** by Deputy Mayor Grant and seconded by Counc. Alexander the email RE: drainage issue on Golf Club Court be referred to the Public Works and Infrastructure Committee.

### **ON THE QUESTION:**

Town Manager Jarvie advised staff have been on site and in regular contact with the property owner. There is ongoing work in the area and it had been resolved but the recent heavy rain may have exacerbated it.

**CARRIED.**

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

6.1 17 August 2015 Letter from Natural Resources Minister Denis Landry RE: Deer Management Program

**MOVED** by Counc. Wells and seconded by Counc. Lewis the letter from Minister Landry RE: Deer Management Program dated 17 August 2015 be received/filed.

**CARRIED.**

6.1.1 17 June 2015 Letter from Quispamsis to Department of Natural Resources RE: Deer Management Program

**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter from Quispamsis RE: Deer Management Program dated 17 June 2015 be received/filed.

**CARRIED.**

6.2 26 August 2015 Letter from resident RE: Almon/Peters Lanes project

6.2.1 1 September 2015 Letter from Rothesay to resident RE: Almon/Peters Lanes project

6.2.2 1 September 2015 Email from Counc. Alexander to resident RE: Almon/Peters Lanes project

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6.2.3 2 September 2015 Letter from Rothesay to resident RE: Almon/Peters Lanes project **MOVED** by Counc. Gallagher Jette and seconded by Counc. MacDonald the correspondence RE: Almon and Peters Lane project dated 26 August 2015, 1 September 2015 and 2 September 2015 be received/filed.

### **ON THE QUESTION:**

Mayor Bishop noted the letters from the Town clarify the Almon/Peters Lanes project and may assist in dispelling some of the rumours circulating in the community. Counc. Gallagher Jette commented that residents could logically conclude the Common project is intended to draw more people to the Common and the area residents could conclude additional parking may be the reason for the Almon/Peters Lane project. Counc. McGuire commented the use of social media makes it easier for rumours to circulate. Town Manager Jarvie advised a meeting will be held with the area residents to explain the details of the project. Counc. MacDonald noted the comments show how important assets are around people's homes.

**CARRIED.**

6.3 19 August 2015 Letter from Bill Levesque, Regional Development Corporation RE: new community facility (*rec'd 4 Sept 2015*) **MOVED** by Counc. Wells and seconded by Counc. Lewis the letter from Regional Development Corporation RE: new community facility dated 19 August 2015 be received/filed.

**CARRIED.**

6.4 31 August 2015 Letter of thanks from RGL Fairweather Scholarship recipient **MOVED** by Counc. Wells and seconded by Counc. McGuire the letter of thanks from the 2015 RGL Fairweather Scholarship recipient be received/filed.

**CARRIED.**

6.5 11 August 2015 Email from resident RE: Millennium Drive project  
6.5.1 11 August 2015 Email from resident RE: Millennium Drive project  
6.5.2 5 September 2015 Email from resident RE: Millennium Drive project property value impact

**MOVED** by Counc. Wells and seconded by Deputy Mayor Grant the correspondence RE: Millennium Drive project dated 11 August 2015 and 5 September 2015 be forwarded to the developers.

### **ON THE QUESTION:**

Town Manager Jarvie advised all comments received on the project have been provided to the developers and the Town is waiting for a response from them. He noted to enter into a development agreement would be a Council decision, typically based on a recommendation from the Planning Advisory Committee.

**CARRIED.**

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**7. REPORTS**

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

- 7.1 10 June 2015 Kennebecasis Valley Fire Department (KVFD) Board meeting minutes
- 30 April 2015 KVFD Statement of Operations
- 10 June 2015 KVFD Chief's Report
- Jan – March 2015 KVFD Response Report

**MOVED** by Counc. Gallagher Jette and seconded by Counc. MacDonald the Kennebecasis Valley Fire Department Board meeting minutes dated 10 June 2015, Statement of Operations dated 30 April 2015, Chief's Report date 10 June 2015 and the January-March 2015 Response Report be received/filed.

**ON THE QUESTION:**

Deputy Mayor Grant requested further information on the station location study and costs and clarification on the standard of response. Counc. MacDonald advised the station location study has taken much longer than expected and Chief Ireland indicated he expected a draft copy this week. He also advised three or four different service models had been presented to the Board for consideration and the detailed report was tabled. Counc. MacDonald noted one of the issues is training of relief firefighters who subsequent leave for positions in other departments. Counc. Gallagher Jette commented Council would be informed on the service models once further information was received.

Counc. Alexander noted the minutes reflect that fire prevention programs help reduce loss by fire and suggested the Department could consider putting more focus on these programs to reduce costs in other areas. Counc. MacDonald advised the Platoon Chiefs are being used in that function. He also noted another issue is whether fire inspections are a provincial or municipal responsibility and this is under consideration by the provincial Fire Marshal.

Counc. Wells requested clarification on the standards of response and whether the Board will be requesting additional firefighters. Counc. MacDonald referred to the previous strategic plan that included a minimum of ten on staff at any given time as referenced in NFPA standards. Counc. MacDonald advised that is the reason why staffing models are being reviewed, noting there are certain times of the day when the majority of incidents occur. He noted an option would be to pay a stipend for staff to be on-call and available to assist on major incidents.

There was a brief discussion on labour costs; the agreement signed in 2012 and the Board's oversight of keeping costs in check. Counc. MacDonald noted expenditures have been small in the last few years and the capital budget for 2016 includes planning and design for a new station.

**CARRIED.**

**7.2 31 July 2015 Draft unaudited Rothesay General Fund Financial Statements**

**MOVED** by Counc. MacDonald and seconded by Deputy Mayor Grant the draft unaudited

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Rothesay General Fund Financial Statements dated 31 July 2015 be received/filed.

**CARRIED.**

Counc. Gallagher Jette commented she had a request that is financially related as the Town has been spending a lot of money on legal costs and there could be a benefit in hearing from legal firms and sole practitioners on providing legal services to the Town and she would make a motion for a request for proposals.

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Lewis Council ask staff for the October meeting to prepare a request for proposals inviting legal firms to propose they would offer some services to the town of Rothesay for a limited 12 month period, based on expenses the Town has been looking at over the past while.

### **ON THE QUESTION:**

Counc. Gallagher Jette suggested the following: it was unfair to staff to be preparing correspondence that appear to be legal opinions; that the Town uses a panoply of lawyers with varying hourly rates and a proposal from a firm or independent practitioner may tighten up costs so the Town does not end up in situations that could be avoided. She suggested it would help control costs and it is only for a twelve month period, to see if it works.

Counc. Alexander indicated his preference for an expression of interest as he was not prepared to support a request for proposals without any background information on costs or benefits. Counc. Wells indicated her understanding legal counsel is retained based on the expertise required for different matters. She questioned whether an individual lawyer would have the expertise to represent the Town in all matters. Counc. Gallagher Jette advised her motion was not for all legal issues that come before Council but for a lawyer to be available to provide general advice on various matters before Council, for a small fee. Deputy Mayor Grant advised she was not prepared to support the motion at this time. She noted there had been some discussion about this issue and that more research on costing was needed prior to starting the process as costs may end up being more than anticipated. Counc. Gallagher Jette noted the time period is for twelve months only and could be reviewed at that time. Counc. MacDonald suggested normally legal counsel would be on an as-requested basis, rather than on a fixed cost basis, as determined by Council or senior staff for Council or committee meetings. He suggested a one year period would allow for the costs to be confirmed and there would be no commitment for a minimum amount. Counc. Lewis advised he supports having a lawyer readily available on a situational basis for advice and options rather than selecting and committing to a lawyer at the outset. He suggested there may be options that would be good for Council to hear and he sees no harm in a twelve month contract to have someone on retainer. Counc. McGuire suggested his understanding on the suggestion for an expression of interest rather than a request for proposals does not commit Council to a twelve month period at this point. He agreed with Counc. Alexander in the need for additional information on costs and benefits before proceeding. He requested clarification on the intent of the motion. Counc. Gallagher Jette advised her intention is not to lock Council into a twelve month agreement at this point. She suggested the onus be shifted to those who may be looking for business to propose what services they could provide to the Town and with the agreement of the seconder, she would be prepared

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to change the motion to read “expression of interest” rather than “request for proposals”.

Mayor Bishop referred to Section 33 of Procedural By-law 2-14, and noted the matter being discussed was not on the agenda and in order to continue the discussion, a two-thirds (2/3) vote of Councillors present was required. He noted his obligation to present it to Council and unless there is a 2/3 vote of Council in favour of continuing the debate, the item will have to be presented by a Councillor on the agenda, if they wish to pursue it at another meeting. It was clarified the required vote is 5 of 7 Councillors.

**YEA votes recorded from Councils. Gallagher Jette, Lewis, MacDonald and McGuire.**

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

**DEFEATED.**

Counc. Gallagher Jette advised she would present it for the next Council agenda.

31 July 2015 Draft unaudited Rothesay Utility Fund Financial Statements  
**MOVED** by Counc. MacDonald and seconded by Deputy Mayor Grant the draft unaudited Rothesay Utility Fund Financial Statements dated 31 July 2015 be received/filed.

### **ON THE QUESTION:**

Counc. MacDonald requested clarification on the overages on some of the capital projects. DO McLean advised of the following: the CCME characterization costs were incurred in a year subsequent to the year the project was funded in; the membrane racks actual cost was \$190,000 and will require further investigation; the Wastewater Feasibility Study was funded in 2014 and completed in 2015 and is related to the Environmental Risk Assessment approved by Council; the unbudgeted capital items of \$60,000 was the emergency sanitary sewer replacement at the McGuire Centre which was also approved by Council.

**CARRIED.**

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

7.3 19 August 2015 Draft Public Works and Infrastructure Committee meeting minutes

**MOVED** by Counc. Alexander and seconded by Counc. Wells the draft Public Works and Infrastructure Committee meeting minutes dated 19 August 2015 be received/filed.

### **ON THE QUESTION:**

It was noted the sidewalk for Cameron Road remains on the agenda of the Committee for further review. There was a brief discussion with respect to the curbside recycling program and general comments from residents, particularly: removal of blue bins at the Arena; the use of two trucks (one for compost, one for recycling); public education on cost savings and how the items are dealt with at the landfill. Town Manager Jarvie advised the first week saw 10.5 metric tonnes of paper and over 3 tonnes of plastics/tin diverted from the landfill.

**CARRIED.**

- Parking signage – Hillside Trail

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**MOVED** by Counc. Alexander and seconded by Deputy Mayor Grant staff install a 15 minute parking sign in front of the community mailbox at the top of Grove Avenue and also install No Parking signs along the end of Grove Avenue from the sharp turn down to the parking lot designated for users of the Hillside Trail.

**CARRIED.**

Counc. Lewis returned to the meeting room.

7.4 19 August 2015 Draft Utilities Committee meeting minutes

**MOVED** by Counc. Alexander and seconded by Counc. McGuire the draft Utilities Committee meeting minutes be received/filed.

**CARRIED.**

➤ Utility account billing

**MOVED** by Counc. Alexander and seconded by Counc. MacDonald the resident be billed 41.06/cubic metre for the total water consumption on the bill for the April 1 – June 30, 2015 quarter.

**ON THE QUESTION:**

It was noted this is consistent with past practice in similar instances.

**CARRIED.**

7.5 August 2015 Monthly Building Permit Report

**MOVED** by Counc. MacDonald and seconded by Counc. McGuire the Monthly Building Permit Report dated August 2015 be received/filed.

**CARRIED.**

7.6 11 September 2015 Capital Projects – Status Report

**MOVED** by Deputy Mayor Grant and seconded by Counc. Alexander the Capital Projects – Status Report dated 11 September 2015 be received/filed.

**ON THE QUESTION:**

There was a brief discussion with respect to the operation of the detention pond following the heavy rainstorm. It was noted there had been no reports of flooding and the pond is operational but an orifice plate remains to be installed that will control the water flow through the 1500 mm pipe. Counc. Wells advised she had received a complaint from a resident about a strong smell in the area.

Deputy Mayor Grant requested clarification on the McGuire Centre waterline. DO McLean advised the pipe will come from the Villa Madonna Drive end of James Renforth Drive.

**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*

##### **8.2 Water By-law** (Tabled June 2015)

*No action at this time*

##### **8.3 Kennebecasis Public Library expansion project Audit** (Tabled August 2015)

22 July 2015 Kennebecasis Public Library expansion project Audit report

*No action at this time*

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### **9. NEW BUSINESS**

#### **BUSINESS ARISING FROM DELEGATIONS**

##### **9.1 New Brunswick Medical Education Trust**

2 June 2015 Letter from NB Medical Education Trust

**MOVED** by Counc. Alexander and seconded by Counc. Wells the letter from New Brunswick Medical Education Trust Scholarship funding request dated 2 June 2015 be referred to the Finance Committee.

**CARRIED.**

#### **FINANCE**

##### **9.2 Application for Financing**

2 September 2015 Memorandum from Treasurer MacDonald

**MOVED** by Counc. MacDonald and seconded by Counc. Wells **RESOLVED THAT** 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 **\$2,500,000.00** 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.

#### **ON THE QUESTION:**

Treasurer MacDonald advised Council that the Town applies for financing once projects are finished. He noted there were extra costs incurred for the Renforth Park project as result of the high freshet.

**CARRIED.**

#### **PLANNING and DEVELOPMENT SERVICES**

##### **9.3 Subdivision Assent - Rothesay Park Road PID#00258236 (portion of)**

9 September 2015 Memorandum from DPDS White

**MOVED** by Counc. Wells and seconded by Counc. McGuire Council give assent to the 529 square meter parcel being a portion of PID# 00258236 as shown on a plan of subdivision

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prepared by Kierstead Quigley and Roberts Ltd. and labelled as Dwg. No. 3539 as a Public Street to be vested as part of Rothesay Park Road, in accordance with Section 56(1) of the Community Planning Act.

**CARRIED.**

### **OPERATIONS**

#### **9.4 Fleet Vehicle Purchase**

10 September 2015 Memorandum from DO McLean

**MOVED** by Counc. MacDonald and seconded by Counc. Alexander Council approve the purchase of two 2016 Subaru vehicles as fleet vehicles at a base price of \$32,919 plus applicable taxes, optional warranty and additional rims/winter tires and further that the Director of Operations be authorized to issue a purchase order in that regard.

#### **ON THE QUESTION:**

There was a general discussion with respect to warranties and the following comments were made: typically in the range of \$1800-\$7000 depending on which warranty is selected; usually a 3 year/60,000 km is selected but some are 5 years/120,000 km; one vehicle is for Parks and Recreation staff and the other is a general vehicle for group use; the Safety Coordinator is currently using a rental vehicle; Town vehicles should have permanent logos (rather than current magnetic/removable ones) and comparison of warranty coverage vs. maintenance expenses for items not covered. Town Manager Jarvie advised staff would review options prior to warranty purchase.

**CARRIED.**

### **LEGISLATION**

#### **9.5 Electronics Recycling**

10 September 2015 Email from Counc. MacDonald

**MOVED** by Counc. MacDonald and seconded by Counc. McGuire Rothesay Council express its support to the Department of Environment of the recycling of electronic products and further urge the Department to fast track the implementation of such a program.

#### **ON THE QUESTION:**

Counc. MacDonald advised he was requesting Council's support for the draft regulations related to electronics recycling in an effort to reduce disposal at landfills and to be consistent with other recycling programs such as paint and tires. He also noted the draft regulations indicate the fee will be built into the cost of the product.

**CARRIED.**

### **10. NEXT MEETING**

The next regular meeting of Council will be held on TUESDAY, October 13, 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 8:25 p.m.

  
MAYOR

  
CLERK