



**ROTHESAY**  
COUNCIL MEETING  
Rothesay Town Hall  
**Monday, January 11, 2016**  
7:00 pm



**PRESENT:** MAYOR WILLIAM J. BISHOP  
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  
ADMINISTRATIVE ASSISTANT LIZ POMEROY

**ABSENT:** DEPUTY MAYOR NANCY GRANT

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

**1. APPROVAL OF AGENDA**

**MOVED** by Counc. Alexander and seconded by Counc. Wells the agenda be approved as circulated.  
**CARRIED.**

**2. APPROVAL OF MINUTES** Regular Meeting 14 December 2015

**MOVED** by Counc. Wells and seconded by Counc. McGuire the minutes of 14 December 2015 be adopted as circulated.

**CARRIED.**

**Business Arising from Minutes**

N/A

**3. OPENING REMARKS OF COUNCIL**

Counc. Wells took the opportunity to thank Director of Recreation/Parks Charles Jensen and his team for their hard work and dedication put into the opening and maintaining of the new Rothesay Common. Mayor Bishop noted the new playground in the Common has also been used quite a bit despite the colder weather.

**3.1 Declaration of Conflict of Interest**

N/A

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### 4. DELEGATIONS

#### 4.1 Appleby Subdivision 6 January 2016

Andrew McKay  
Memorandum from Town Clerk Banks with  
attachments

Mayor Bishop invited Andrew McKay of A.E. McKay Builders Ltd. to speak. Mr. McKay read aloud his letter submitted to Council. The letter addressed concerns raised by residents during the previous Council meeting of December 14, 2015. Concerns expressed were as follows: a traffic issue regarding the intersection of Horton Road and Dunedin Road; increased traffic from new residents travelling down Dunedin Road as opposed to Appleby Drive; and potential well contamination during construction. Mr. McKay advised the following: a willingness to work with the Town to widen Horton Road at the intersection at his cost; his completion of a drive test which determined Appleby Drive would be the route likely chosen by the new residents of the subdivision; ground water management will be drastically improved with a storm drain extension; both the Police and Fire Departments agree connecting the two cul-de-sacs would improve public safety in the event of an emergency; and well contamination should not occur as he will be running water lines for municipal servicing and blasting is not necessary. Mr. McKay reiterated his previous offer in which he will repair any wells of the homeowners on the adjacent street should the water be affected by the construction, or he will run a line to connect them to the municipal water services provided water testing is done before and after construction. He further noted there is a Plan B to build ten of the sixteen lots that fall outside the secondary planning area should his initial request for sixteen lots not be approved.

Mayor Bishop thanked Mr. McKay and reminded Council the subdivision was tabled pending the completion of a secondary planning study. He further advised Council has two options: Council can receive/file Mr. McKay's comments and leave the matter tabled until such time as the secondary planning study is completed, or Council can remove the matter from the table on a two-thirds (2/3) majority vote of the whole Council and review/discuss the request from Mr. McKay.

Council made the following inquiries: completion of the servicing should only ten lots be developed; the timing of the secondary plan; the return of the matter to the Planning Advisory Committee and residents; and the possibility of developing the remaining six lots once the secondary planning is completed. Mr. McKay responded with the following: servicing might still be completed with the development of ten lots but there may not be a connecting road between Appleby Drive and Higginson Road; after two requests for extensions there is a purchase agreement on the land that will expire; engineering and surveying must be done before work in the spring; and the bubble diagram depicting the secondary planning area provides 'wiggle room'. He further noted the remaining six lots can be developed after the completion of the secondary planning however, the secondary plan could open the lots to high density developments or garden homes as opposed to the higher end homes he is planning.

DPDS White advised Staff have prepared a request for proposal for the secondary planning study and predict completion will take 3-4 months. He noted a public hearing was not required and it is not mandatory the matter return to the Planning Advisory Committee. He concluded Plan B is not preferable as it may not connect the two roads. Mayor Bishop noted Mr. McKay was given the opportunity to speak to the comments raised at the December Council meeting. He noted if Council wished to discuss the proposal in further detail, a motion is needed to remove the matter from the table.

**MOVED** by Counc. Lewis and seconded by Counc. Wells to advance item 8.4 to be dealt with under item 4.2.

**CARRIED.**

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4.2 *(Item brought forward)*

**8.4 16 Lot Subdivision off Appleby Drive** (Tabled December 2015)

*See item 4.1*

**MOVED** by Counc. Lewis and seconded by Council Wells Council remove the matter from the table on a two-thirds (2/3) majority vote of the whole Council and review/discuss the request from Mr. McKay.

### ON THE QUESTION:

Clarification was requested on the votes needed for a majority vote with the absence of Deputy Mayor Grant. There was a brief discussion and Mayor Bishop ruled 5 of 7 votes would be the majority.

**YEA votes recorded from:** Mayor Bishop, and Councs. Lewis and Wells.

**NAY votes recorded from:** Councs. Alexander, Gallagher Jette, MacDonald and McGuire

**MOTION DEFEATED.**

## 5. CORRESPONDENCE FOR ACTION

5.1 6 January 2016            Memorandum from Town Manager Jarvie RE: UNMB Strategic Plan  
9 December 2015        Letter from the Union of Municipalities New Brunswick RE: Strategic Plan

**MOVED** by Counc. MacDonald and seconded by Counc. Wells Council approve the response to UMNB regarding the development of a Strategic Plan as follows:

1. Encourage the Government to consult directly with individual municipalities on major policy issues.
2. Develop clear, democratic processes for arriving at the Union's position on issues, particularly between annual conferences.
3. Develop a more structured approach for communication and negotiation with other municipal associations in New Brunswick.
4. More emphasis on fully informing all member municipalities of the activities of the UMNB particularly with respect to discussions with the provincial government on policy issues; e.g. bi-weekly newsletters, copies of correspondence; summaries of meetings attended and information on discussions when confidentiality is requested by government.
5. Maintain the UMNB website with current information and add policy position papers and the capacity to poll members on emerging issues.
6. Hold more frequent zone meetings to convey information and gather the views of the members.

### ON THE QUESTION:

Clarification was requested. Town Manager Jarvie advised the Union of Municipalities of New Brunswick (UNMB) has requested its members to identify aspects which should be considered in the preparation of a strategic plan for the organization. The recommendations are suggestions for a response. There was an inquiry as to why the resolution did not proceed at the annual general meeting of the UNMB but was then adopted at the Board meeting. It was noted it was a procedural matter.

**CARRIED.**

5.2 14 December 2015       Letter from Tourism, Heritage and Culture RE: National Heritage Day with attachments

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Wells the letter from Tourism, Heritage and Culture RE: National Heritage Day with attachments dated 14 December 2015 be referred to the Heritage Preservation Review Board.

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### ON THE QUESTION:

There was an inquiry as to why the matter should not be referred to the Rothesay Living Museum Committee as they have been involved in planning National Heritage Day events in the past. It was noted the Rothesay Living Museum Committee would not be meeting before the scheduled dates for National Heritage Week (February 8-15).

**CARRIED.**

5.3 16 December 2015 Letter from Fundy Wellness Network RE: Community Wellness Fair  
**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter from Fundy Wellness Network RE: Community Wellness Fair dated 16 December 2015 be referred to the Parks and Recreation Department.

**CARRIED.**

5.4 24 December 2015 Letter from resident RE: Rothesay Common and Solar LED Crosswalks for Hampton Road

**MOVED** by Counc. Wells and seconded by Counc. Alexander the letter from resident RE: Rothesay Common and Solar LED Crosswalks for Hampton Road dated 24 December 2015 be referred to the Public Works and Infrastructure Committee and the Heritage Preservation Review Board.

### ON THE QUESTION:

Counc. Alexander advised solar LED crosswalks have been discussed at the Public Works and Infrastructure Committee and there is a high price associated with the cost of installation. It was noted there is landscaping surrounding the play area in the Common which has not fully grown.

**CARRIED.**

5.5 6 January 2016 Letter from Brian Gillis RE: Active Transportation Champion(s)  
**MOVED** by Counc. Wells and seconded by Counc. MacDonald the letter from Brian Gillis RE: Active Transportation Champion(s) dated 6 January 2016 be referred to Staff for a response.

**CARRIED.**

## 6. CORRESPONDENCE - FOR INFORMATION

6.1 14 December 2015 Letter from Mayor Driscoll RE: Joint EMO  
**MOVED** by Counc. Lewis and seconded by Counc. Wells the letter from Mayor Driscoll RE: Joint EMO dated 14 December 2015 be received/filed.

### ON THE QUESTION:

There was an inquiry regarding Rothesay's plan when events that are deemed catastrophic occur. Mayor Bishop advised generators will be installed in Town Hall, the McGuire Centre, and the Works Garage. The McGuire Centre has been designated and approved by the Red Cross as the heating/comfort centre in the event of power outages. Counc. Lewis advised there will be an EMO meeting in the near future to discuss further details. Town Manager Jarvie added a meeting is scheduled with CN next week to discuss and plan an exercise in the spring to prepare the Town in the event of a rail incident. Counc. Gallagher Jette inquired about the mutual aid agreement mentioned in the correspondence. Mayor Bishop indicated both the Police and Fire Departments would assist both Towns in the event of an emergency. Counc. Lewis noted the EMO Committee will provide a response to the Town of Quispamsis regarding the mutual aid agreement.

**CARRIED.**

- 6.2 15 December 2015 Letter to James Hoyt, NB Transportation and Infrastructure RE: Five Year Program – Provincially Designated Highways in Rothesay  
22 December 2015 Letter from Roger Melanson, Minister of Transportation and Infrastructure RE: Municipal Designated Highway Program

**MOVED** by Counc. Gallagher Jette and seconded by Counc. McGuire the letter to James Hoyt, NB Transportation and Infrastructure RE: Five Year Program – Provincially Designated Highways in Rothesay dated 15 December 2015, and the letter from Roger Melanson, Minister of Transportation and Infrastructure RE: Municipal Designated Highway Program dated 22 December 2015 be received/filed.

**ON THE QUESTION:**

Council inquired about the amount likely to be received and what is involved with regards to the \$8 million that the Department of Transportation and Infrastructure will cover 100% of the eligible project costs. Mayor Bishop advised the five year plan must be submitted for consideration purposes. Town Manager Jarvie indicated the \$8 million may be a result of smaller municipalities indicating they do not have the resources. It is unknown which municipalities will receive funding from the \$8 million dollars.

**CARRIED.**

- 6.3 17 December 2015 Letter from Heather Stilwell and Tracy Friars RE: Let's Celebrate Concert sponsorship thank you

**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter from Heather Stilwell and Tracy Friars RE: Let's Celebrate Concert sponsorship thank you dated 17 December 2015 be received/filed.

**CARRIED.**

- 6.4 17 December 2015 Letter from Hon. Bill Fraser RE: Endorsement of the Framework for Recreation in Canada 2015

**MOVED** by Counc. MacDonald and seconded by Counc. Wells the letter from Hon. Bill Fraser RE: Endorsement of the Framework for Recreation in Canada 2015 dated 17 December 2015 be received/filed.

**CARRIED.**

- 6.5 21 December 2015 Letter to the KV Committee for Disabled Persons RE: 2015 Report on Accessible Transportation

**MOVED** by Counc. Lewis and seconded by Counc. Alexander the letter to the KV Committee for Disabled Persons RE: 2015 Report on Accessible Transportation dated 21 December 2015 be received/filed.

**CARRIED.**

- 6.6 21 December 2015 Letter to the Kennebecasis Regional Joint Board of Police Commissioners RE: Request for a Contingency Fund

**MOVED** by Counc. Alexander and seconded by Counc. MacDonald the letter to the Kennebecasis Regional Joint Board of Police Commissioners RE: Request for a Contingency Fund dated 21 December 2015 be received/filed.

**CARRIED.**

- 6.7 21 December 2015 Letter to the Kennebecasis Valley Fire Department Inc. RE: Approval of Surplus Re-allocation for a vehicle in 2015

**MOVED** by Counc. MacDonald and seconded by Counc. Lewis the letter to the Kennebecasis Valley Fire Department Inc. RE: Approval of Surplus Re-allocation for a vehicle in 2015 dated 21 December 2015 be received/filed.

**CARRIED.**

6.8 23 December 2015 Letter to Rory Grant RE: Remembrance Day Service  
**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter to Rory Grant RE: Remembrance Day Service dated 23 December 2015 be received/filed.

**CARRIED.**

6.9 6 January 2016 Letter to resident RE: Snow Plowing on Hampton Road  
**MOVED** by Counc. Alexander and seconded by Counc. Wells the letter to resident RE: Snow Plowing on Hampton Road dated 6 January 2016 be received/filed.

**CARRIED.**

## 7. REPORTS

7.0 January 2016 Report from Closed Session

7.1 30 November 2015 Draft unaudited Rothesay General Fund Financial Statements  
**MOVED** by Counc. MacDonald and seconded by Counc. Lewis the Draft unaudited Rothesay General Fund Financial Statements dated 30 November 2015 be received/filed.

### ON THE QUESTION:

There was an inquiry regarding the excessive overage on the salt shed improvements. DO McLean advised the base for the building is next to Salmon Creek and with recommendations from a geotechnical consultant the Town implemented a deep and extensive engineered foundation resulting in a cost of \$35,000.

**CARRIED.**

30 November 2015 Draft unaudited Rothesay Utility Fund Financial Statements  
**MOVED** by Counc. MacDonald and seconded by Counc. McGuire the Draft unaudited Rothesay Utility Fund Financial Statements dated 30 November 2015 be received/filed.

### ON THE QUESTION:

There was an inquiry regarding the overage on the McGuire Centre extension. DO McLean advised it was a result of the discovery and removal of diesel contaminated soil during the James Renforth Drive project. This required more paving and additional costs. Treasurer MacDonald added the negative variance is the comparison against the original budget that was passed at the time. The actual project contract was anticipated to be higher than what was budgeted so the variances appear higher than they actually are. Town Manager Jarvie noted it is helpful to do the engineering work in the previous year to assist in determining potential issues and provide an accurate estimate. However, some issues may not be detected.

**CARRIED.**

7.2 16 December 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 16 December 2015 be received/filed.

### ON THE QUESTION:

Counc. Alexander noted with the absence of DO McLean, the Committee agreed the issues regarding flooding should be discussed at the next meeting. It was noted the bases for the RA-5 crosswalks are scheduled to be installed this week. A tentative date of February is set for the poles to arrive. The delay can be attributed to the fact that the poles are custom made. Counc. Gallagher Jette inquired about the reference in the minutes made to the Almon Lane and Peters Lane project. Counc. Alexander advised the Committee was shown the proposed design but no recommendations were made. Mayor Bishop advised the matter would be dealt with later on in the agenda under item 9.1.

**CARRIED.**

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7.3 16 December 2015 Draft Utilities Committee Meeting Minutes

**MOVED** by Counc. Alexander and seconded by Counc. Lewis the Draft Utilities Committee Meeting Minutes dated 16 December 2015 be received/filed.

### ON THE QUESTION:

Counc. McGuire inquired about barriers to limit motor vehicle use on the trail. DO McLean advised the bridge section of the finished trail will have bollards installed so that only a bicycle or a pedestrian can travel through, gates have been purchased and are ready to be installed for the two side access roads, and the park by the new softball field will have large boulders placed to deter motorized vehicles. Counc. MacDonald inquired about the further discussion on the Water by-law. Town Manager Jarvie advised DO McLean had a meeting with the multi-unit building owners group and after the information is brought back to the Committee subsequently Council will have the final course of action.

**CARRIED.**

7.4 16 December 2015 Draft Heritage Preservation Review Board Meeting Minutes

**MOVED** by Counc. Wells and seconded by Counc. Gallagher Jette the Draft Heritage Preservation Review Board Meeting Minutes dated 16 December 2015 be received/filed.

### ON THE QUESTION:

There was a general inquiry regarding the mention of a fence around the Rothesay Common ice surface. DPDS White noted Staff requested advice from the Heritage Preservation Review Board regarding whether a certificate of appropriateness was required. There was general discussion on the structural integrity of different styles of windows and the process used by the Heritage Board to make decisions.

**CARRIED.**

7.5 December 2015 Monthly Building Permit Report

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

### ON THE QUESTION:

Mayor Bishop noted 2015 was an excellent year with the value of construction being over \$15 million.

**CARRIED.**

7.6 5 January 2016 Fundy Library Region Annual Report 2014/2015

**MOVED** by Counc. Alexander and seconded by Counc. McGuire the Fundy Library Region Annual Report 2014/2015 dated 5 January 2016 be received/filed.

**CARRIED.**

7.7 6 January 2016 2015 Capital Projects Summary

**MOVED** by Counc. McGuire and seconded by Counc. Lewis the 2015 Capital Projects Summary dated 6 January 2016 be received/filed.

**CARRIED.**

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7.8 8 January 2016 Nominating Committee Report

**MOVED** by Counc. MacDonald and seconded by Counc. Lewis Council approve the following appointments recommended by the Nominating Committee:

### **Public Works and Infrastructure Committee**

Shawn Peterson (new appointment) Term until December 31, 2017

### **Utilities Committee**

Mark McAloon (new appointment) Term until December 31, 2017

### **Kennebecasis Public Library**

Donna Hennessey (new appointment) Term until December 31, 2017

### **Harbour Station Board**

Andrew Peters (new appointment) Term until December 31, 2017

### **Rothsay Heritage Preservation Review Board**

Jim Baird (re-appointment) Term until December 31, 2017

Jon LeHeup (new appointment) Term until December 31, 2017

Katherine Grant (new appointment) Term until December 31, 2017

### **Canada Games Aquatic Centre Board**

Lloyd Foote Term until December 31, 2017

### **ON THE QUESTION:**

Counc. MacDonald requested Lloyd Foote be added to the list for the Aquatic Centre Board as a resignation letter from Jane MacEachern is to be expected. There was an inquiry regarding which two members on the Heritage Preservation Review Board were leaving. It was noted Michael Wennberg's and Lorraine Forbes' terms have expired.

**CARRIED.**

## **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 Amending Agreement and Variance (47 Clark Road)** (Tabled December 2015)

*No action at this time*

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**8.4 16 Lot Subdivision off Appleby Drive** (Tabled December 2015) (*See item 4.1*)

*Dealt with under item 4.2*



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**9. NEW BUSINESS**

**9.1 Almon Lane and Peters Lane Reconstruction**

5 January 2016 Report prepared by DO McLean

**MOVED** by Counc. Alexander and seconded by Counc. Lewis that Council, authorize the Director of Operations to proceed with detailed design of the Almon Lane and Peters Lane Reconstruction project.

**ON THE QUESTION:**

Town Manager Jarvie explained the proposed design, and noted it was shown to eleven of fifteen residents. He noted there were very few objections, if any, with the residents with whom the Town spoke however, the Town was not able to reach all residents. He explained the drawing contained a plan for very limited additional asphalt; the existing travel-way would be repaved. The existing roadbed would be dug up and the water, sewer, and storm sewer lines would be put under the existing road. The waterline at present is somewhat off the existing road, the Town will use that to keep the water in service in the homes on that lane while the new waterline is put in. Regarding vegetation, an arborist went through the area and flagged any unhealthy trees that may be removed. It was noted the design also included minimal curb. The Staff recommendation is to go forward with the detailed design and another meeting will be scheduled with the residents to finalize the project.

Concern was expressed regarding the need for a full report including the issues and how they were addressed before a public tender can begin. There was an inquiry regarding parking on Almon Lane and curbing for the project. It was noted parking had not been discussed and a rolled curb is proposed in the design.

**CARRIED.**

**9.2 Local Improvement Levy – Kennebecasis Park**

6 January 2016 Memorandum from Town Clerk Banks with Warrant of Assessment

**MOVED** by Counc. MacDonald 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 2016 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

**CARRIED.**

**9.3 Standby Power Design – Town Hall and Maintenance Garage (Generators)**

6 January 2016 Report prepared by DO McLean

**MOVED** by Counc. Wells and seconded by Counc. MacDonald Council award Contract T-2015-001-B: Standby Power design – Town Hall and Maintenance Garage to the low tenderer, Security Electrical Ltd., at the tendered price of \$432,891.70 (including HST), as calculated based on estimated quantities, and further that the Mayor and Town Clerk be authorized to execute the necessary contract documents.

**ON THE QUESTION:**

It was noted the generators are for Town Hall, the McGuire Centre, and the Maintenance Garage. The power load at the waterplant has increased with the new renovations; the new generator will meet the full power demands while the old generator will be moved to Town Hall. Clarification was requested on the charges to both the Utility Fund and the General Capital Fund budgets. Treasurer MacDonald advised the budget for 2015 in the General Fund included both generators. The purchase will be

attributed to the General Fund and an internal allocation will be made between the General and Utility Funds.

**CARRIED.**

**9.4 Provincial Government Strategic Review**

8 January 2016 Memorandum from Town Manager Jarvie

**MOVED** by Counc. MacDonald and seconded by Counc. Alexander Council forward the following responses to the proposals in the Provincial Government's Strategic Review:

1. Adopt the attached responses and any others Council wishes to include;
2. Forward the response directly to Minister Boudreau; and
3. Attend the public Dialogue Session on January 13th.

**ON THE QUESTION:**

Clarification was requested on the timeline necessary for the response. Mayor Bishop advised a quick response is required because the information is needed for the Provincial budget. There was a general discussion on the Provincial Government's suggestion of recovering highway maintenance costs through the introduction of highway tolls. The following concerns were expressed: increased traffic on alternate routes leading to road deterioration; creation of a balanced budget for the Province; and equality of contribution throughout the province. There was a discussion on the gas tax and HST. Concern was expressed regarding the lack of detail and unknown implications in the proposed choices.

**MOTION WITHDRAWN.**

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council forward the following responses to the proposals in the Provincial Government's Strategic Review:

1. Adopt the attached responses and any others Council wishes to include;
2. Forward the response directly to Minister Boudreau; and
3. Attend the public Dialogue Session on January 13th.

**YEA votes recorded from:** Councils. Alexander, Wells, McGuire, and Lewis.

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

**CARRIED.**

**10. NEXT MEETING**

The next regular meeting of Council will be Monday, February 8, 2016.

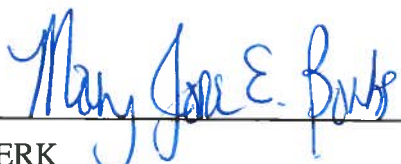
**11. ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 8:40 p.m.

  
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MAYOR

  
\_\_\_\_\_  
CLERK