



# ROTHESAY COUNCIL

OPEN SESSION  
Tuesday, April 10, 2012  
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP  
DEPUTY MAYOR BLAIR MacDONALD  
COUNCILLOR SCOTT COCHRANE  
COUNCILLOR TERRY KILFOIL  
COUNCILLOR NORMA MULLETT  
COUNCILLOR DON SHEA  
COUNCILLOR TOM YOUNG

ABSENT: COUNCILLOR PAT GALLAGHER JETTE

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF OPERATIONS BRETT McLEAN  
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER  
TREASURER SUSAN JOHNSON

Mayor Bishop called the meeting to order at 8:00 p.m.

## 1. APPROVAL OF MINUTES Regular Meeting – March 12, 2012

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the minutes of 12 March 2012 be approved as circulated.

**CARRIED.**

### Business Arising from minutes

N/A

## 2. APPROVAL OF AGENDA

**MOVED** by Counc. Mullett and seconded by Counc. Young the agenda be approved as circulated.

**CARRIED.**

## 3. OPENING REMARKS OF COUNCIL

Mayor Bishop advised those in attendance municipal elections will be held on Monday, May 14, 2012 and the deadline to file nomination papers is April 13, 2012 at 2:00 p.m.

## 4. DELEGATIONS

### 4.1 Rothesay Elementary School Playground Amanda Fowlie (see Item 9.1)

Ms. Fowlie gave a presentation on behalf of the Rothesay Elementary School playground committee. She noted the following: natural environments are beneficial to the health and well-being of children, the existing playground is in a state of disrepair and some equipment that has been removed cannot be put back as it fails to meet safety standards, the area is adjacent to the Arthur Miller fields and is occasionally used by field users as a parking area, several photographs of potential options were distributed for Council to review and based on ideas from Larry Stewart with BDA Architects, summary other projects of similar design (Dr. A. T. Leatherbarrow Primary School, Lakefield Elementary School, M. Gerald Teed School) that were reviewed by the group and a presentation of concept plan, along with a proposed budget.

## **ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-2-

10 April 2012

Mayor Bishop noted the project is worthwhile and recommended the first point of contact should be Minister Blaney, MLA Rothesay to determine any sources of provincial funding. He also suggested MP Rodney Weston be contacted as well to investigate federal funding opportunities. Mayor Bishop also suggested School District 6 be contacted as well. Ms. Fowlie thanked Mayor Bishop for his suggestions and noted School District 6 has advised there is not a lot of funding available but they may be able to assist with the actual work. She also advised the school population will be increasing next year with the arrival of the Kennebecasis Park Elementary School students. Ms. Fowlie advised they have been in touch with other groups to review grants and fundraising opportunities. She advised the figures in the budget are contracted prices. It was noted the project is ambitious and other playground projects were completed in short time frames with volunteers coming together to complete the work.

Mayor Bishop thanked Ms. Fowlie for her presentation.

### **4.2 2011 Rothesay Financial Statements Susan Johnson, CA Treasurer - Rothesay (see Item 9.2) Peter Logan, CA Teed Saunders Doyle & Co.**

Treasurer Johnson and Mr. Logan presented the 2011 Rothesay Audited Financial Statements to Council. The following summary was provided:

- Debt levels
  - General Fund \$4.6 million
  - Water & Sewer \$7.2 million
- Surplus in both General and Utility Funds
  - General Fund \$8,348
  - Water & Sewer \$2,738
- Debt Service Ratios
  - General Fund 6.6%
  - Water & Sewer 29.0%
- Reserve balance \$4.7 million

Deputy Mayor MacDonald asked about the Municipal Employees Pension Fund. Treasurer Johnson advised the estimate provided by an actuary suggests that Rothesay's cost of the underfunded portion is approximately \$400,000. She further advised that, assuming Rothesay and Quispamsis would be required to fund for both the police and fire departments, the total would be in the area of approximately \$1.2 million.

Peter Logan, CA, gave a brief presentation to Council, noting Treasurer Johnson had highlighted the main points in the Financial Statements. He advised the statement format will change next year as the provincial requirements move from accordance with municipal accounting standards to Public Sector Accounting Board (PSAB) standards. Mr. Logan also noted the current figures do not include depreciation and while asset valuation will be the largest task associated with this transition, the end result will be a better mapping of assets for the operations of the Town. He advised two visits had been made to the Town in preparation for the audit and the records are in good shape and staff was well-prepared. Mr. Logan noted a detailed presentation had been made to the Finance Committee and this evening's presentation was an

## **ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-3-

10 April 2012

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

5.1 16 March 2012 Letter from Fundy Region Solid Waste Commission RE:  
Transition to Proposed Regional Service Commission.

**MOVED** by Counc. Young and seconded by Counc. Shea the letter from Fundy Region Solid Waste Commission RE: Transition to Proposed Regional Service Commission dated 16 March 2012 be received/filed.

**CARRIED.**

5.2 5 April 2012 Memorandum w/attachments from Town Clerk Banks RE:  
Council appointments.

**MOVED** by Counc. Shea and seconded by Counc. Mullett the Clerk advise all external agencies, boards and commissions that have Rothesay Council representatives the current Council appointments will expire on Wednesday, May 30, 2012.

**CARRIED.**

5.2.1 3 April 2012 Letter from Chief McIntyre, RRPf RE: Board appointment

**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter from Chief McIntyre, RRPf RE: Board appointment dated 3 April 2012 be received/filed.

**CARRIED.**

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

6.1 15 March 2012 Letter of thanks from Peter Smith, General Manager Imperial  
Theatre.

**MOVED** by Counc. Young and seconded by Counc. Shea the letter of thanks from Peter Smith, General Manager Imperial Theatre dated 15 March 2012 be received/filed.

**CARRIED.**

6.2 19 March 2012 Proclamation request for Disability Awareness Week.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the Proclamation request for Disability Awareness Week dated 19 March 2012 be received/filed.

**CARRIED.**

6.3 20 March 2012 Proclamation request for New Brunswick Literacy Day.

**MOVED** by Counc. Shea and seconded by Counc. Cochrane the proclamation request from the Literacy Coalition of New Brunswick for New Brunswick Literacy Day be received/filed.

**CARRIED.**

6.4 23 March 2012 Letter/Newsletter from The Nature Trust of New Brunswick.

**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane the letter/newsletter from the Nature Trust of New Brunswick be received/filed.

**CARRIED.**

### **7. REPORTS**

7.0 April 2012

**Report from Closed Session**

N/A

## **ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-4-

10 April 2012

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Fundy Region Solid Waste Commission meeting minutes dated 5 October 2011, 10 November 2011, 15 December 2012, 9 February 2012 and the letter dated 21 March 2012 and 2011 Audited Financial Statements be received/filed.

**CARRIED.**

7.2 22 February 2012      Rothesay Regional Joint Board of Police Commissioners Meeting Minutes  
31 January 2012      RRJBPC Financial Statements

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners meeting minutes dated 22 February 2012 and the Financial Statements dated 31 January 2012 be received/filed.

**CARRIED.**

7.3 29 February 2012      Unaudited Rothesay General Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited Rothesay General Fund Financial Statements dated 29 February 2012 be received/filed.

**CARRIED.**

29 February 2012      Unaudited Rothesay Utility Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the unaudited Rothesay Utility Financial Statements dated 29 February 2012 be received/filed.

**CARRIED.**

16 March 2012      Draft Rothesay Finance Committee Meeting Minutes  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Rothesay Finance Committee meeting minutes dated 16 March 2012 be received/filed.

**CARRIED.**

7.4 March 2012      Monthly Building Permit Report  
**MOVED** by Counc. Young and seconded by Counc. Shea the March Monthly Building Permit Report be received/filed.

**CARRIED.**

7.5 2 April 2012      Draft Planning Advisory Committee Meeting Minutes  
**MOVED** by Counc. Young and seconded by Counc. Cochrane the draft Planning Advisory Committee meeting minutes dated 2 April 2012 be received/filed.

### **ON THE QUESTION:**

It was noted the proposal for the property at the corner of Marr Road and Hampton Road was tabled for thirty days. DDS Drescher advised the applicant had been requested to provide a traffic study and other background information based on the discussion held at the committee meeting. Committee members voiced concern about the final intended outcome of the project.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-5-

10 April 2012

### 8. OLD BUSINESS

#### 8.1 Animal Control By-law 1-12 Enactment

4 April 2012 Memorandum from Town Manager Jarvie

27 March 2012 Memorandum from DDS Drescher

DRAFT Animal Control By-law 1-12 (amended)

**MOVED** by Counc. Young and seconded by Counc. Shea By-law 1-12, "A By-law Respecting Animal Control in Rothesay" be read in its entirety, given Third Reading by Title and Enactment.

#### ON THE QUESTION:

Counc. Mullett expressed her concern with respect to sections 42 and 45(a) where an animal can be destroyed within seven days if it is not picked up. DDS Drescher advised legal counsel has recommended Section 45(a) remain in the By-law. It was noted the section reads "may" and not "shall". Counc. Mullett suggested, based on sections 42 and 45, there are only two days available for an animal to be adopted before it is destroyed. Town Manager Jarvie noted there is a cost associated with boarding animals that are not picked up by their owners. Counc. Mullett advised she would be voting against the By-law.

**NAY vote recorded from Counc. Mullett.**

**CARRIED.**

The Clerk read By-law 1-12, "A By-law Respecting Animal Control in Rothesay" by section number.

The Clerk read By-law 1-12 by Title.

#### 8.2 By-law 1-11 A By-law to Manage Town-owned Lands

5 April 2012 Memorandum from Town Manager Jarvie

DRAFT By-law 1-11

4-5 April 2012 Emails from Jane Barry, Colin Barry, Dennis Flood, Stephen Flood and Geoff Flood, Jake van der Laan

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Shea By-law 1-11, "A By-law to Manage Town-owned Lands" be given 2<sup>nd</sup> Reading by Title.

#### ON THE QUESTION:

Deputy Mayor MacDonald asked for clarification on notification given to residents. The Town Clerk advised legislative requirements had been followed. He noted he had not been in attendance at the meeting in November but understood it did not focus on the structures that had been constructed on Town property and the concern about potential liability to the Town as a whole. Deputy Mayor MacDonald further understood the issue is not a matter of access but rather of potential liability. Mayor Bishop advised the issue of right of access had been raised by residents, which then lead to the issue of liability for structures on Town property that were not installed by the Town. Town Manager Jarvie advised the issue of liability is clear and if the Town assumes more risk, there is an increase in insurance premiums. He also noted an information brochure was mailed to all residents in Kennebecasis Park advising of the potential By-law, which is not a usual step prior to enactment. Town Manager Jarvie advised the By-law

## **ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-6-

10 April 2012

Members from the gallery made the following comments: they had deeded rights to access and the Town could not remove those rights, are there other areas that are affected within Rothesay, are there similar By-laws in other communities and it appeared the By-law was written in haste and opened up the potential for more litigation. It was also suggested residents had not been contacted by staff to discuss the matter.

Mayor Bishop advised those in attendance this was not the proper forum for debate and to submit their comments in writing.

**CARRIED.**

Mayor Bishop advised residents to send their comments to the attention of the Town Clerk no later than April 30, 2012.

### **9. NEW BUSINESS**

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

##### **9.1 Rothesay Elementary School Playground**

Draft project budget

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the draft project budget for the Rothesay Elementary School playground be referred to the Finance Committee.

**CARRIED.**

##### **9.2 2011 Rothesay Audited Financial Statements**

3 April 2012 Memorandum from Treasurer Johnson

10 April 2012 Audit Communication Letter from Teed Saunders Doyle & Co.

10 April 2012 Letter from P. Logan, Teed Saunders Doyle & Co.

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that Council approves Rothesay's 2011 audited financial statements for the year ended December 31, 2011 and authorizes the Mayor and Treasurer to sign the financial statements.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that Council authorize the Mayor and Treasurer to sign the audit communication letter from Teed Saunders Doyle & Co. dated April 10, 2012.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that Council appoints Teed Saunders Doyle & Co. to complete the audit of Rothesay's 2012 financial statements for the year ended December 31, 2012.

**CARRIED.**

#### **ADMINISTRATION**

##### **9.3 Wetland Compensation (PID 00171637)**

5 April 2012 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil Council confirm the availability of PID# 00171637 for wetland restoration.

ON THE QUESTION



## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-8-

10 April 2012

### ON THE QUESTION:

Deputy Mayor MacDonald requested more detail be provided to Council when requesting approval of contract awards, in a form similar to the information provided with tender awards. Town Manager Jarvie advised a list of criteria was used in the evaluation of the proposals by staff and the financial aspect was not the primary reason. He noted it was based on a combination of price and expertise and the technical portion was reviewed prior to the review of the financial proposal.

**CARRIED.**

### 9.7 Floating Docks Renforth Wharf

4 April 2012 Memorandum from Town Manager Jarvie

3 April 2012 Memorandum from DRP Jensen

**MOVED** by Counc. Young and seconded by Counc. Shea Council award the contract for the supply and installation of a floating dock at the Renforth Wharf to Freedom Docks at a cost of \$16,318.63 plus HST.

### ON THE QUESTION:

Deputy Mayor MacDonald reiterated his comments about additional detail being provided to Council. Town Manager Jarvie advised the submission from Freedom Docks was the lowest price.

**CARRIED.**

## DEVELOPMENT SERVICES

### 9.8 Community Signage

3 April 2012 Email from Deputy Mayor MacDonald

Councillors indicated they had received calls from residents about the new community sign located near the intersection of James Renforth Drive and Rothesay Road (near Meadow Drive) Deputy Mayor MacDonald suggested it was a traffic hazard and he had requested Police Chief McIntyre to review the location. Counc. Kilfoil voiced similar concerns and suggested staff review the matter and find a better location. Counc. Mullett asked if the sign was complete. DDS Drescher advised the sign is incomplete and there are two sections of wooden pieces still to be added, along with landscaping to be done at the base of the sign. She noted the sign meets the By-law requirements and the height is determined, in part, by the required clearance at the bottom for visibility purposes.

**MOVED** by Counc. Kilfoil and seconded by Deputy Mayor MacDonald Council direct staff to review the community sign located near the intersection of James Renforth Drive and Rothesay Road (near Meadow Drive) and consult with residents to determine if a better location can be found.

**NAY vote recorded from Counc. Young.**

**CARRIED.**

## OPERATIONS

### 9.9 Feasibility Study – Upgrade of Wastewater Treatment System

5 April 2012 Memorandum from Town Manager Jarvie

3 April 2012 Memorandum from COUNCIL



**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-9-

10 April 2012

**ON THE QUESTION:**

It was noted the difference between the recommendation of DO McLean and Town Manager Jarvie is related to the Town's eligible HST rebate.

**CARRIED.**

**9.10 Curbside Recycling**

5 April 2012 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald curbside recycling be analyzed further and budgeted for a 2013 implementation.

**Amending motion:**

**MOVED** by Counc. Cochrane curbside recycling be deferred for a decision by the incoming Council following the election of May 14, 2012.

**Motion lost due to lack of a seconder.**

**NAY vote recorded from Counc. Cochrane**

**MAIN MOTION CARRIED.**

**9.11 White Goods Pick-up**

5 April 2012 Memorandum from Town Manager Jarvie

23 March 2012 Letter from Simpson Truck & Tractor Parts Ltd.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Shea Council authorize negotiations for a white goods collection service to be offered to Rothesay residents during the spring cleanup season.

**CARRIED.**

**10. NEXT MEETING**

Mayor Bishop noted municipal elections are being held on Monday, May 14<sup>th</sup> which is the regular meeting night for Rothesay Council.

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Rothesay Council hold its May meeting on Wednesday, May 9, 2012.

**CARRIED.**

**11. ADJOURNMENT**

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 9:46 p.m.

---

MAYOR

---

CLERK