



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, April 11, 2011  
MINUTES



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

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

Mayor Bishop called the Open Session to order at 8:03 p.m.

1. **APPROVAL OF MINUTES** **Regular Meeting 14 March 2011**  
**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the minutes of 14 March 2011 be approved as circulated.

**CARRIED.**

**1.1 Business Arising from Minutes**

N/A.

2. **APPROVAL OF AGENDA**  
**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Young the agenda be approved as circulated.

**CARRIED.**

3. **OPENING REMARKS OF COUNCIL**

N/A

4. **DELEGATIONS**

4.1 **Rothesay Financial Statements 2010** **Teed, Saunders, Doyle & Co.**  
(See Item 9.1) Peter Logan, CA  
Treasurer Susan Johnson, CA

Treasurer Johnson gave a brief presentation to Council. The general summary for the 2010 Rothesay Financial Statements are as follows:

- Debt levels
  - General Fund \$5.5 million
  - Water & Sewer \$7.6 million
- Surplus in both funds
  - General Fund \$7,159
  - Water & Sewer \$7,927
- Debt Service Ratios
  - General Fund 6.9%
  - Water & Sewer 31.6%
- Reserve balance \$3.8 million

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Peter Logan, CA gave a brief summary on the audit process and advised the statements had been prepared to comply with the accounting principles prescribed for New Brunswick municipalities by the Department of Local Government. He noted Rothesay has started the process to meet required PSAB reporting models for January 2012. Mr. Logan referred to Note 17: Employee Pension Plan and advised there is a deficit in the fund and the next review will be the end of 2010. It was noted the current portion attributable to Rothesay would be ~\$429,000. Mr. Logan noted it was a clean audit and thanked staff for their assistance.

Counc. Shea asked for clarification on the Fire Department assets. Mr. Logan noted they are owned jointly by Rothesay and Quispamsis and are therefore recorded in the statements. He further advised the Police Commission borrowed their own funding and therefore own their assets so they are not reported in Rothesay's financial statements.

Mayor Bishop thanked Ms. Johnson and Mr. Logan for their presentations.

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette Item 9.1 be brought forward on the agenda.

**CARRIED.**

### 9.1 **Rothesay Financial Statements**

7 April 2011	Memorandum from Treasurer Johnson
31 December 2010	Draft Rothesay Financial Statements 2010
16 December 2010	Letter from Teed Saunders Doyle & Co. RE: Independence Letter.
11 April 2011	Letter from Teed Saunders Doyle & Co. RE: Audit Communication Letter.

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette be it resolved that Council approves the Town's 2010 audited financial statements and authorizes the Mayor and Treasurer to sign the financial statements.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald be it resolved that Council authorize the Mayor and Deputy Mayor, as members of the Finance Committee, to sign the audit communication letter from Teed Saunders Doyle & Co. dated April 11, 2011.

**CARRIED.**

## 5. **CORRESPONDENCE FOR ACTION**

5.1 8 March 2011 Email from M. Butler RE: Resignation from Water & Sewer Committee.

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the resignation of M. Butler RE: Water & Sewer Committee dated 8 March 2011 be referred to the Nominating Committee.

**CARRIED.**

5.2 18 March 2011 Letter from Fundy Region Solid Waste Commission RE: Commissioner appointment.

5 April 2011 Memorandum from Mayor Bishop RE: Commissioner Appointment.

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald Council ratify the appointment of Counc. Gallagher Jette as Commissioner to the Fundy Region Solid Waste Commission, until May 14, 2012.

**CARRIED.**

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5.3 4 April 2011 Memorandum from Nominating Committee RE: Enterprise Saint John representative.

31 March 2011 Letter from Enterprise Saint John RE: Director appointment for Rothesay.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette Council approved the appointment of Dr. David Elias to serve as the Rothesay representative on the Board of Directors for Enterprise Saint John, for a term of three years, effective 11 April 2011.

### ON THE QUESTION:

Counc. Cochrane expressed concern that Gerry Pond's appointment had ended in August 2010. Deputy Mayor MacDonald advised Enterprise Saint John informed him in December and it took some time to review possible appointments. Mayor Bishop noted the region's Mayors attend the Board meetings in an ex-officio capacity.

**CARRIED.**

5.4 5 April 2011 Letter from B. Mitchell RE: Resignation from Planning Advisory Committee.

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the resignation from B. Mitchell RE: Planning Advisory Committee dated 5 April 2011 be referred to the Nominating Committee.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 16 March 2011 Email from UMN B RE: Wastewater Funding letter from FCM to Environment Minister Kent.

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Mayor write a letter to be hand-delivered to the Federal candidates enclosing a copy of the letter to Minister Kent and requesting a response within 2 weeks with respect to funding options.

**CARRIED.**

6.2 23 March 2011 Memorandum from Premier's Council on the Status of Disabled Persons RE: proclamation.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the memorandum from Premier's Council on the Status of Disabled Persons RE: proclamation dated 23 March 2011 be received/filed.

**CARRIED.**

6.3 23 March 2011 Copy of letter from Regional Mayor's Caucus to SJ Airport Board of Directors RE: Mr. Reeves' Board re-appointment.

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the copy of the letter from Regional Mayor's Caucus to SJ Airport Board of Directors RE: Mr. Reeves' Board re-appointment dated 23 March 2011 be received/filed.

**CARRIED.**

6.4 31 March 2011 Letter from H. Crawford, Chair Kennebecasis Public Library Board RE: proposed Library project.

**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette the letter from H. Crawford, Chair Kennebecasis Public Library Board RE: proposed Library project dated 31 March 2011 be received/filed.

**CARRIED.**

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6.5 April 2011 Local Government Minister Fitch – Consultation on Enhancing Local Governance website information.

**MOVED** by Counc. Cochrane and seconded by Counc. Shea the website information RE: Consultation on Local Governance dated April 2011 be received/filed.

**CARRIED.**

6.6 April 2011 Census 2011 General Information and proclamation.

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the Census 2011 General Information and proclamation dated April 2011 be received/filed.

**CARRIED.**

6.7 1 April 2011 Memorandum from Town Manager Jarvie RE: Provincial Property Tax.

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald the memorandum from Town Manager Jarvie RE: Provincial Property Tax dated 1 April 2011 be received/filed.

**CARRIED.**

## **7. REPORTS**

7.0 April 2011

**Report from Closed Session**

N/A

7.1 9 February 2011 Kennebecasis Public Library Board Meeting Minutes

**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the Kennebecasis Public Library Board Meeting Minutes dated 9 February 2011 be received/filed.

**CARRIED.**

7.2 23 February 2011 Rothesay Regional Joint Board of Police Commissioner Board Meeting Minutes

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the Rothesay Regional Joint Board of Police Commissioners Board Meeting Minutes dated 23 February 2011 be received/filed.

### **ON THE QUESTION:**

It was noted contract negotiations have not started. Counc. Shea advised the negotiating committee consists of the Chair, Vice Chair, Chief McIntyre and one other Board member.

**CARRIED.**

31 January 2011 Rothesay Regional Joint Board of Police Commissioners Financial Statements

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioner Financial Statements dated 31 January 2011 be received/filed.

**CARRIED.**

31 December 2010 Audited Financial Statements Rothesay Regional Joint Board of Police Commissioners

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the audited Financial Statements for Rothesay Regional Joint Board of Police Commissioners be received/filed.

**CARRIED.**

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7.3 28 February 2011 Unaudited Utility Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Young the unaudited Utility Fund Financial Statements dated 28 February 2011 be received/filed.

**CARRIED.**

28 February 2011 Unaudited General Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette the unaudited General Fund Financial Statements be received/filed.

**CARRIED.**

18 March 2011 Draft Finance Committee Meeting Minutes

**MOVED** by Counc. Cochrane and seconded by Counc. Gallagher Jette the draft Finance Committee Meeting Minutes dated 18 March 2011 be received/filed.

**CARRIED.**

7.4 15 March 2011 Parks and Recreation Committee Meeting Minutes

**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette the Parks and Recreation Committee Meeting Minutes dated 15 March 2011 be received/filed.

**CARRIED.**

5 April 2011 Draft Parks and Recreation Committee Meeting Minutes

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the draft Parks and Recreation Committee Meeting Minutes dated 5 April 2011 be received/filed.

**CARRIED.**

➤ Community Garden

**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette Council request the Recreation Department explore other options for the location of a Community Garden, including possible locations in the watershed area, and to also investigate the option of private partnership.

ON THE QUESTION:

Deputy Mayor MacDonald requested clarification on the community garden concept. Counc. Shea advised the request had come from the community.

**CARRIED.**

➤ Response RE: icetime

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the letter prepared by Town Manager Jarvie regarding recreation facilities be forwarded to Wendy Northrup.

**CARRIED.**

7.5 16 March 2011 Draft Public Works and Infrastructure Committee Meeting Minutes

**MOVED** by Counc. Mullett and seconded by Counc. Cochrane the draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

**CARRIED.**

➤ Sidewalk policy

**MOVED** by Counc. Mullett and seconded by Counc. Cochrane Council adopt the Sidewalk Policy, Rothesay.

ON THE QUESTION:

Counc. Cochrane noted the policy runs to a considerable number of pages with the specifications included. Town Manager Jarvie advised the format could be changed so the details are included in an attached Schedule A. He further noted the specifications will eventually be included in specifications for the entire Town.

**CARRIED.**

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7.6 March 2011 Monthly Building Permit Report

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Young the March 2011 Monthly Building Permit Report be received/filed.

**CARRIED.**

7.7 4 April 2011 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the draft Planning Advisory Committee Meeting Minutes dated 4 April 2011 be received/filed.

**CARRIED.**

➤ Brittain Lane

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the Town does not proceed to acquire Colwell Lane.

### ON THE QUESTION:

There was a lengthy discussion with respect to access, drainage and storm sewer. It was noted the Town does not own Colwell Lane and there is a ditch for drainage but improvements are unlikely. DO Hatcher advised the Town could obtain an easement or title to the property. It was noted Council accepted Brittain Lane off Burpee Avenue as a Town street and approved the subdivision. The developer constructed his house and determined the driveway access was not convenient and asked the Planning Advisory Committee to re-visit the development. Town Manager Jarvie advised, based on the legal opinion obtained and provided to Council, the Town has surface rights but does not own Colwell Lane in fee simple. A right-of-way access is granted by deed to those property owners fronting or abutting the Lane and there are no surface rights at the point where access is being requested. He further noted there would be significant expense to the Town to go through expropriation to acquire Colwell Lane.

DDS Drescher noted the Planning Advisory Committee suggested the developer explore engineering options for Brittain Lane to be constructed off Burpee Avenue. DO Hatcher expressed concern about drainage from the proposed Brittain Lane onto Colwell Lane. There was general discussion about possible options and it was noted the house has been constructed and is occupied, there is an additional lot that can be developed and the drainage and storm sewer issue must be addressed.

**MOTION WITHDRAWN.**

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Mullett the matter be referred back to staff to report back to Council with a fully researched solution and recommendation.

### ON THE QUESTION:

Questions were raised about the subdivision, drainage, sewage and expropriation. It was suggested if obtaining an easement is a resolution it should be before Council for consideration. Town Manager Jarvie noted the following: the existing sewer pipe in the ground under Colwell Lane has been there a number of years, and the Town is entitled to allow drainage into the ditch along Colwell Lane, Colwell Lane is very narrow and there has been vigorous representation from property owners against the use of Colwell Lane for access to these properties who are the same property owners the Town would have to acquire rights from. He further noted there is responsibility that lies with the developer and consideration should be given to actions he should take rather than actions the Town should take.

Mayor Bishop allowed Mr. Brittain the opportunity to speak. Mr. Brittain indicated the simple approach may be to go back to before the subdivision when he had a deeded right to access the property from Colwell Lane. He presumed if the property was not cut off from Colwell Lane he would be entitled to access. It was noted that a subdivision without road access is contrary to

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Town policy and this still does not resolve the stormwater issue associated with the development.

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

**CARRIED.**

- 7 Wanda Crescent Public Hearing (daycare centre)

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council schedule a Public Hearing for Monday, May 9, 2011 at 8:00 p.m., in accordance with the *Community Planning Act*, RSNB (1973) Chapter C-12 and amendments thereto, to give consideration to an amendment to the Zoning By-law 2-10, to rezone the property situate 7 Wanda Crescent, identified as PID# 30094767 from Low Density Residential to Minor Institutional to permit the operation of a daycare centre.

**CARRIED.**

7.8 5 April 2011 Operations Report

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the Operations Report dated 5 April 2011 be received/filed.

**CARRIED.**

- Arthur Miller Field Improvements

3 April 2011 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Young and seconded by Counc. Mullett Council award a tender for improvements to the entrance to Arthur Miller Fields to Debly Enterprises Limited in the amount of \$176,987, including HST.

**CARRIED.**

- Request for Quotation, Asphalt: Engineering Consulting Services

**MOVED** by Counc. Young and seconded by Counc. Shea Council authorize the acceptance of the low quotation submitted by ADI Limited for the quoted price of \$44,160.00, inclusive contingency and HST.

**CARRIED.**

- Request for Quotation, Chip Seal: Engineering Consulting Services

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the acceptance of the low quotation submitted by ADI Limited for the quoted price of \$18,622.00, inclusive contingency and HST.

**CARRIED.**

- Request for Quotation, Storm Sewer: Engineering Consulting Services

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the acceptance of the low quotation submitted by Hatch Mott Macdonald for the quoted price of \$50,500.00, inclusive contingency and HST.

**CARRIED.**

- Request for Quotation, Sidewalk/Crosswalk: Engineering Consulting Services

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the acceptance of the low quotation submitted by Genivar for the quoted price of \$27,800.00, inclusive contingency and HST.

**CARRIED.**

- Oakville Acres, Storm Water Management, Tree Clearing Pre-construction

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council authorize the acceptance of the engineering estimate to permit a solicitation of quotations and engagement of qualified construction contractors in an amount not the exceed the estimate of \$15,000.00, inclusive HST to complete the tree clearing operations prior to May 1, 2011.

**CARRIED.**

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- Oakville Acres, Storm Water Management, Geotechnical Investigation, Pre-construction

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the acceptance of the sole source quotation submitted by Conquest Engineering Ltd. for the quoted price of \$24,860.00, inclusive HST.

**CARRIED.**

- Request for Quotations, Utilities: Engineering Consulting Services

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the acceptance of the low quotation submitted by Dillon Consulting for the quoted price of \$107,440.00, inclusive contingency and HST.

**CARRIED.**

- Tender Contract 1: Water line Hillside Development Area

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the proposed change for the quoted amount of \$23,900.63, inclusive HST.

**CARRIED.**

Deputy Mayor MacDonald requested clarification on the Tender Contract 1: Water Line Hillside Development Area: Damages. DO Hatcher advised the current recommendation is not to implement this section of the contract at this time. It was noted the contractor believed he would complete the work within the required timeframe but faced weather and other constraints.

### 8. OLD BUSINESS

#### 8.1 11-13 Sierra Avenue By-laws 2-10-01 and 2-10-02

- 8 April 2011 Memorandum from Town Manager Jarvie
- 6 April 2011 Memorandum from DDS Drescher
- 6 April 2011 Letter from Legault Sabeau Engineering Ltd.
- 8 April 2011 Memorandum from DO Hatcher
- 8 March 2011 Memorandum from Planning Advisory Committee
- DRAFT By-law 2-10-01
- DRAFT By-law 2-10-02

**MOVED** by Counc. Young and seconded by Counc. Cochrane Council give 1<sup>st</sup> Reading by Title, to By-law 2-10-01, "A By-law to Amend the Zoning By-law".

**NAY vote recorded from Counc. Shea.**

**CARRIED.**

The Clerk read By-law 2-10-01 by title.

**MOVED** by Counc. Young and seconded by Counc. Cochrane Council give 1<sup>st</sup> Reading by Title, to By-law 2-10-02, "A By-law to Amend the Zoning By-law".

#### ON THE QUESTION:

There was a lengthy discussion with respect to water management for the proposed development. DO Hatcher noted stormwater management should be done by looking at the big picture and not individual parcels. DDS Drescher noted mitigation measure would be included as part of the development agreement that Council would have available prior to third reading and enactment of the By-laws. The following comments were made: solution being requested is small in relation to the bigger picture; Zoning By-law requires that the property does not impact existing discharge; stormwater standards in the Zoning By-law were enacted by Council with the intent that developers are aware of the water discharge they have to address with their development; this development with the required onsite stormwater management measures will



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not exacerbate the issues in existence in the area; how will the water through the property be addressed; will the building footprint have an effect, and if there is an existing problem in the area, it is not the responsibility of this developer to resolve it. Town Manager Jarvie noted Council would normally give 1<sup>st</sup> and 2<sup>nd</sup> readings to the By-laws but only 1<sup>st</sup> Reading is being recommended. 2<sup>nd</sup> and 3<sup>rd</sup> readings may be given at the same time the development agreement is before Council for review.

**NAY vote recorded from Counc. Shea.**

**CARRIED.**

The Clerk read By-law 2-10-02 by title.

### 8.2 Scovil/Green Road area – road closure By-law 2-11

DRAFT By-law 2-11

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea 1<sup>st</sup> Reading by Title for By-law 2-11, be tabled.

**CARRIED.**

## 9. NEW BUSINESS

### BUSINESS ARISING FROM DELEGATIONS

#### 9.1 Rothesay Financial Statements

7 April 2011	Memorandum from Treasurer Johnson
31 December 2010	Draft Rothesay Financial Statements 2010
16 December 2010	Letter from Teed Saunders Doyle & Co. RE: Independence Letter.
11 April 2011	Letter from Teed Saunders Doyle & Co. RE: Audit Communication Letter.

**Dealt with above.**

#### 9.2 RECREATION

##### Turf Management Contract

4 April 2011 Memorandum from Recreation Director Jensen

**MOVED** by Counc. Shea and seconded by Counc. Mullett Council extend the turf management contract to Greenpoint North Lawncare Ltd. for a further two year period for the total quoted price of \$27,442.95 per annum inclusive of HST, commencing on January 1, 2011 and terminating on January 1, 2013.

**CARRIED.**

#### 9.3 DEVELOPMENT SERVICES

##### West Beach Estates Security Release

5 April 2011 Memorandum from DDS Drescher

**MOVED** by Counc. Mullett and seconded by Deputy Mayor MacDonald Council release \$75,000 as the balance of the security provided to the Town in the form of a Letter of Credit for the development of the final phases of West Beach Estates.

#### ON THE QUESTION:

DDS Drescher noted there were three letters of credit associated with this project and the previous two had been released and the bank identified this as the third in association with the project.

**CARRIED.**

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10. **NEXT MEETING**

The next regular meeting of Council will be held Monday, May 9, 2011 following a public hearing. Counc. Young noted he would not be in attendance.

11. **ADJOURNMENT**

**MOVED** by Counc. Young and seconded by Counc. Kilfoil Council adjourn into Closed Session.

**CARRIED.**

The meeting adjourned at 9:45 p.m.

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MAYOR

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CLERK