

ROTHESAY COUNCIL OPEN SESSION Tuesday, April 14, 2009 MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP DEPUTY MAYOR BLAIR MacDONALD COUNCILLOR SCOTT COCHRANE COUNCILLOR PAT GALLAGHER JETTE COUNCILLOR TERRY KILFOIL 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

ABSENT: COUNCILLOR NORMA MULLETT

Mayor Bishop called the Regular Session of Council to order at 8:00 p.m.

1. APPROVAL OF MINUTES Regular Meeting – 9 March 2009 MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the minutes of 9 March 2009 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes N/A

 APPROVAL OF AGENDA MOVED by Counc. Kilfoil and seconded by Counc. Shea the agenda be approved as circulated.

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

> The Big Rothesay Read

Mayor Bishop advised the events for the Big Rothesay Read will start on Monday, April 20th with a public presentation by the author, Ishmael Beah, at Rothesay High School, starting at 7:00 p.m. The schedule of events is available online at www.rothesayhigh.ca.

Cultural Connect Scotland

Mayor Bishop advised Rothesay will be hosting Ms. Judy Parrott, a photographer from Rothesay, Scotland. She will be visiting the Town from April 18 to 26 to capture the community and its people in photographs, to be used in a display in the Scotlish Parliament this November 2009 as part of Homecoming Scotland 2009.

> Enterprise Saint John – Imagine the Possibilities

Mayor Bishop advised Council of the events scheduled for April 24 and 25 with Enterprise Saint John and the greater Saint John municipalities.

-2-

4. DELEGATIONS

4. **DELEGATIONS**

4.1 2008 Audited Financial Statements (See Item 7.5)

Peter Logan, C.A. Partner, Teed Saunders Doyle

Mayor Bishop welcomed Peter Logan, CA from Teed, Saunders Doyle to present the 2008 Audited Financial Statements for Rothesay. Mr. Logan advised the Financial Statements had been reviewed in detail with the Finance Committee. He noted the Auditor's Report on page 1 indicates the statements were prepared in compliance with Department of Local Government requirements. Mr. Logan noted the following points:

- ▶ \$3.991 million in General capital projects
 - ➤ ~\$1 million on asphalt and sidewalks
 - ⋟ \$948,000 Arthur Miller Fields
 - \$753,000 Renforth Wharf reconstruction
 - > \$278,000 for Rothesay's share of new Fire Department vehicles
 - debt-service ratio approximately 6.5% 920% maximum allowed)
- ▶ page 7 General Operating Fund deficit of \$144,986.00
 - transfer to reserves \$576,000
 - ▶ 8.9% increase in warrant of assessment
 - ▶ \$12,582,00 in Revenue
 - ▶ \$12,727,545 in Expenditures
- ➢ page 7 Capital asset purchases ~\$1,418,000
- ▶ page 13 Water and Sewer Capital projects ~\$659,000
- > page 16 New debt debenture issued \$1,436,000
- ▶ page 18 Water and Sewer Operating Fund balance \$2,031,000
 - ➢ Water and Sewer Fund surplus of\$45,937
 - debt-service ratio 25.5% (50% maximum allowed)
 - ➤ Transfer to reserves \$149,300

Mr. Logan noted the Fiscal Services were outlined on page 20 and the Reserve Funds balances were outlined on page 21. Counc. Gallagher Jette requested clarification on the meaning of "write down". Mr. Logan advised this occurs when a project is capitalized and then removed from the capital balance sheet and put through expenses. He noted with respect to the arena, \$540,641 was capitalized in 2007, and there were additional expenses in 2008.

There was discussion with respect to Note 17 and the municipal employee pension plan. It was noted the next actuarial review of the fund will take place in 2009. Deputy Mayor MacDonald indicated there may be increased costs for the Town and suggested the fund be audited more than every three years. Mr. Logan advised three years is the CICA standard. Counc. Cochrane advised the pension plan is not "owned" by Rothesay. Town Manager Jarvie advised an audit could be requested but there is limited action available to Rothesay as the premiums are established by the Board. He further suggested a reserve fund could be set up to offset any possible future increases.

Mr. Logan noted there will be changes forthcoming with the Public Sector Accounting Board PS 3150. He indicated the CICA will require local governments to follow public sector accounting rules. However, no direction has been provided from the province.

Open Session Meeting Minutes

Counc. Gallagher Jette questioned about vacation liability. Mr. Logan advised the amount was included in the Accounts Payable figure of \$991,410 on page 6. He noted the figure is compared with previous years and there has been no formal recommendation for review from the Finance Committee.

Mayor Bishop thanked Mr. Logan for his presentation and noted the 2008 Audited Financial Statements for Rothesay would be dealt with later in the agenda under Item 7.5

5. **CORRESPONDENCE - FOR ACTION**

- 5.1 24 March 2009 Letter from J.P. Murphy RE: 37 Gondola Point Rd/Heritage area.
- 5.1.1 7 April 2009 Memorandum from DDS Drescher RE: 37 Gondola Point Rd/Heritage area.

Mayor Bishop gave a brief summary of the matter related to the property at 37 Gondola Point Road. He noted the building is still standing because there are requirements established by the Town that must be met prior to demolition and the executors of the estate have not followed them. Steve and Tina Murphy indicated their presence and were recognized by Mayor Bishop from the gallery.

Mayor Bishop advised the Department of Environment has stepped in and are requesting the property be cleaned up. DDS Drescher advised the last report she is aware of was in 2004-2005 and a number of recommendations were made at that time. She advised the Town is not aware of any further assessment and indicated the process to be followed is outlined in the Heritage By-law and the Heritage Preservation Review Board is requesting the process be followed.

Mr. Murphy advised the Department of Environment is requiring remediation within 90 days. Counc. Young advised the Town has been to the Planning Appeal Board on two occasions and the Court of Queen's Bench once, with favourable rulings for the Town. There was further discussion with respect to fair market value vs. assessed value.

Counc. Shea requested clarification on the implications of the order from the Department of Environment. Town Manager Jarvie advised it is unlikely the Department would clean up the site if the matter is not remedied within 90 days, nor would it be the Town's responsibility. He noted the order is issued under the authority of the Environment Minister and the legal ramifications would fall to the Department.

Counc. Cochrane advised he reviewed the relevant legislation and in his opinion the property should remain in the Heritage Area. He noted a request to change the By-law can take up to 6 months as approval is required from the Lieutenant Governor in Council.

MOVED by Counc. Cochrane and seconded by Counc. Shea Council not accept the request for removing the property at 37 Gondola Point Road, referred to as the Dexter property, from the Rothesay Heritage Area.

14 April 2009

- 5.2 2 April 2009 Letter from MLA Blaney RE: Canadian Blood Services.
- 5.2.1 3 April 2009 Email from MP Rodney Weston RE: Canadian Blood Services. MOVED by Counc. Shea and seconded by Counc. Cochrane Council go on record as being against the closure of the Canadian Blood Services (CBS) New Brunswick Blood Distribution Centre in Saint John and to use every means possible to convince CBS to reverse this decision, including contacting MP Rodney Weston, MLA Margaret-Ann Blaney and the Canadian Blood Services.

CARRIED.

5.3 7 April 2009 Letter from KV Chamber of Commerce RE: The 1 Item Food Drive.

MOVED by Counc. Young and seconded by Counc. Cochrane Council endorse and support the initiative of the Kennebecasis Valley Chamber of Commerce to hold a 1 Item Food Drive on May 23, 2009, in the Kennebecasis Valley.

ON THE QUESTION:

Counc. Cochrane noted the organization is seeking volunteers and vehicular assistance. Mayor Bishop noted the importance of the event and requested those interested in participating contact Tobbi Lynn Debly at the KV Chamber of Commerce. Counc. Shea asked if this would become a regular event and Counc. Cochrane noted that was undetermined and would probably be based on the success of this first event.

CARRIED.

5.4 8 April 2009 Letter from K. Staal, Community Schools RE: Marigold Magic in the Valley.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the letter from K. Staal, Community Schools RE: Marigold Magic in the Valley be received/filed.

ON THE QUESTION:

Mayor Bishop noted the marigold planting will take place on June 9, 2009 and advised those Council members interested in participating to contact Kent Staal.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 6 March 2009 Letter from New Brunswick Police Commission RE: Complaint Process, NB Police Act.

MOVED by Counc. Kilfoil and seconded by Counc. Young the letter from the New Brunswick Police Commission RE: Complaint Process, NB Police Act be received/filed.

ON THE QUESTION:

Clarification was requested with respect to the definition of "duty to assist". Town Manager Jarvie advised staff would obtain further information for clarification.

Open Session Meeting Minutes

6.2 17 March 2009 Letter from Minister Foran RE: appointment to Rothesay Regional Joint Board of Police Commissioners.

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the letter from Minister Foran RE: appointment to Rothesay Regional Joint Board of Police Commissioners be received/filed.

ON THE QUESTION:

Counc. Shea requested staff review the appointment requirements as Mrs. LeBlanc had previously served on the Board.

CARRIED.

6.3 24 March 2009 Letter from J. Jennings, B. Smith RE: Bartlett Road condition.

6.3.1 25 March 2009 Letter from DO Hatcher to J. Jennings, B. Smith RE: Bartlett Road condition.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the correspondence between J. Jennings, B. Smith and DO Hatcher RE: Bartlett Road condition be received/filed.

CARRIED.

6.4 27 March 2009 Letter to D. Alward, Leader of the Official Opposition RE: Rothesay visit.
 MOVED by Counc. Shea and seconded by Counc. Young the letter to D. Alward, Leader of the Official Opposition RE: Rothesay visit be received/filed.

CARRIED.

6.5 27 March 2009 Letter to B. Ogden RE: Atlantic Football League.
 MOVED by Counc. Young and seconded by Counc. Gallagher Jette the letter to B. Ogden RE: Atlantic Football League be received/filed.

CARRIED.

6.6 3 April 2009 Letter from C. Cirtwill, AIMS, RE: Municipal Report Card.
 MOVED by Counc. Kilfoil and seconded by Counc. Shea the letter from C. Cirtwill, AIMS, RE: Municipal Report Card be received/filed.

CARRIED.

7. **REPORTS**

7.0 April 2009 Report from Closed Session N/A

7.1 31 December 2008 Audited Financial Statements – Fundy Region Solid Waste Commission

MOVED by Counc. Gallagher Jette and seconded by Counc. Shea the 2008 Audited Financial Statements – Fundy Region Solid Waste Commission be received/filed.

ON THE QUESTION:

Counc. Shea requested information on the pension plan for the Commission. Counc. Gallagher Jette advised she would obtain the information.

7.2 February 2009 Kennebecasis Valley Fire Department Monthly Response Report MOVED by Counc. Kilfoil and seconded by Counc. Shea the Kennebecasis Valley Fire Department Monthly Response Report be received/filed.

-6-

CARRIED.

14 April 2009

7.3 March 2009 Monthly Building Permit Report
 MOVED by Counc. Young and seconded by Counc. Shea the March 2009 Monthly Building Permit Report be received/filed.

CARRIED.

7.4 18 March 2009 Draft Public Works and Infrastructure Committee Meeting Minutes

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

CARRIED.

7.5 31 December 2008 Draft Audited Financial Statements – Rothesay
 19 March 2009 Draft Finance Committee Meeting Minutes
 ▶ Approval of Audited Financial Statements (2)

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil BE IT RESOLVED THAT Council approves the Town's 2008 audited financial statements and authorize 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 Town Manager to sign the Independence Letter addressed to Council from Teed Saunders Doyle & Co. dated 12 December 2008.

CARRIED.

Arena Renovations borrowing authorization
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald BE IT
RESOLVED THAT the Municipality of Rothesay submit to the Municipal Capital
Borrowing Board an application for authorization to borrow for a capital expense for the following term and amount:

Purpose:	Amount	Term
Recreation and Cultural Services		
Arena Renovations	\$3,000,000	15 years

ON THE QUESTION:

Mayor Bishop noted this is the first step to obtain borrowing authority and does not necessarily indicate a project will be proceeding.

> Arthur Miller Fields borrowing authorization

MOVED by Counc. Cochrane and seconded by Counc. Young BE IT 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 **\$985,000** 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.

-7-

CARRIED.

Rothesay Highland School of Dance funding request

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald BE IT RESOLVED THAT Council approve funding in the amount of \$1,000 to Rothesay School of Highland Dance in support of the Scotland Bound 2009 fundraising campaign. **CARRIED.**

Rothesay High School "A Chair to Remember" Campaign MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald BE IT RESOLVED THAT Council approve funding in the amount of \$200 to Rothesay High School in support of their "A Chair to Remember" campaign.

CARRIED.

➢ KV3C funding request

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council grant financial support in the amount of \$2000 to KV3C.

CARRIED.

Fundy Regional Science Fair funding request MOVED by Counc. Cochrane and seconded by Counc. Young Council grant financial support in the amount of \$100 to the Fundy Regional Science Fair to help defer costs.

CARRIED.

28 February 2009 Draft General Fund Financial StatementsMOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the February2009 draft General Fund Financial Statements be received/filed.

CARRIED.

28 February 2009 Draft Utility Fund Financial StatementsMOVED by Counc. Cochrane and seconded by Counc. Kilfoil the February 2009 draftUtility Fund Financial Statements be received/filed.

CARRIED.

7.6 31 March 2009 Recreation Plan Meeting Summary
 MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the 31 March 2009 Recreation Plan Meeting #1 Summary be received/filed.

ON THE QUESTION:

Counc. Shea noted this is a first of a series of meetings with the consultants and there is an Open House scheduled for April 15th at the Town Hall, from 4 pm to 8 pm.

CARRIED.

7.7 6 April 2009 Draft Planning Advisory Committee Meeting Minutes

14 April 2009

Open Session Meeting Minutes

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the 6 April 2009 draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

Rothesay Estates – Public Hearings

MOVED by Counc. Young and seconded by Counc. Young and seconded by Counc. Cochrane Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 1-02-9, for **Monday, May 11, 2009 commencing at 8:00 p.m.** to give consideration to an amendment for the Municipal Plan By-law to redesignate the properties situate on Kaitlyn Street, identified as PID#s 30239792, 30239776, 30239874 and a portion of the property identified as PID# 00243683 to Moderate Density Residential.

CARRIED.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-35, for **Monday, May 11, 2009 commencing at 8:00 p.m.** to give consideration to an amendment for the Zoning By-law to rezone the properties situate on Kaitlyn Street, identified as PID#s 30239792, 30239776, 30239874 and a portion of the property identified as PID# 00243683 to Attached Residential Zone (R3).

CARRIED.

Riverview Avenue – subdivision/development agreement

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council assent to the tentative subdivision plan, Dwg. No. T-0319 dated February 2, 2009, for the subdivision of the property at Fourth Street and Riverview Avenue, to create a public road.

CARRIED.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council authorize the Mayor and Clerk to enter into the development agreement for the development of the property at the intersection of Fourth Street and Riverview Avenue, identified as PID#s 30207088 and 30025456, subject to lot consolidation.

CARRIED.

Zoning By-law Text amendment – Public Hearing

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-34, for **Monday, May 11, 2009 immediately following a Public Hearing,** to give consideration to a text amendment to the Zoning By-law, more specifically to change the definition of a "club facility" to a "club facility/house".

CARRIED.

Municipal Plan Review – Public Presentation

MOVED by Counc. Young and seconded by Counc. Cochrane Council schedule a Public Presentation, in accordance with the *Community Planning Act*, for **Wednesday**, **May 13, 2009 commencing at 7:00 p.m.**, to give consideration to the proposed Municipal Plan, By-law 1-09.

Open Session Meeting Minutes

-9-

MOVED by Counc. Young and seconded by Counc. Cochrane Council adopt the LEED standard for development of Millennium Park.

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

ON THE QUESTION:

It was noted this is a change to the current plan. Deputy Mayor MacDonald indicated Council had previously discussed not accepting this concept. Counc. Cochrane indicated the intent is not to require certification but to have the buildings constructed to certain LEED standards.

YEA votes recorded from Councs. Cochrane and Young.

NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette and Kilfoil.

DEFEATED.

Counc. Shea returned to the meeting room.

MOVED by Counc. Cochrane and seconded by Counc. Young Council designate the properties situate northeast of Grove Avenue and Campbell Drive, and the properties situate along the western alignment of Campbell Drive between Grove Avenue and the Fire Hall as General Commercial.

ON THE QUESTION:

Deputy Mayor MacDonald indicated Council had previously discussed not accepting this proposal. DDS Drescher gave a brief explanation of the area and the properties involved. She noted Council had previously agreed to a zoning change for the property at 1 Campbell Drive (animal hospital).

YEA votes recorded from Councs. Cochrane and Counc. Young.

NAY votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette, Kilfoil and Shea.

DEFEATED.

MOVED by Counc. Young and seconded by Counc. Cochrane Council redesignate the properties situate on the south side of Marr Road between 42 Marr Road and 60 Marr Road from General Commercial to Central Commercial.

ON THE QUESTION:

DDS Drescher gave a brief explanation of the area and the properties affected. It was noted the current designation is General Commercial. DDS Drescher outlined the differences between the General Commercial and Central Commercial zones.

CARRIED.

7.87 April 2009Operations Report

MOVED by Counc. Kilfoil and seconded by Counc. Shea the April 2009 Operations Report be received/filed.

Open Session Meeting Minutes

14 April 2009

➢ Miscellaneous Equipment Quotations Award 2009 (10)

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the following equipment quotations be awarded:

Equipment Description	<u>Supplier</u>	Quotation Amount
Diesel Compactor LG300	A. to Z. Rentals	\$9,322.50
Light Unit 4 to 6000Watt	Hertz Equipment Rental	\$4,520.00
Extension Pole Saw	Kennebecasis Rentals Ltd.	\$ 711.84
Magnetic Drill	Wolseley	\$1,997.84
Storage Drawers	Stor-it Systems Ltd.	\$4,068.00
Portable Truck Lift	Parts for Trucks Ltd.	\$2,049.55
Garage Door	Windoor Ltd.	\$10,036.66
Stihl 18" Concrete Saw	Kennebecasis Rentals Ltd.	\$2,582.90
Fire Resistant Storage	Wolseley	\$1,954.90
Grease Pump	Parts for Trucks Ltd.	\$1,100.62
Summary of above	Budget	Quoted Price
		(HST in)
Various Equipment	\$46,125.00	\$38,344.81

CARRIED.

There was a brief discussion related to the connection detail on residential service in the Hastings Cove area. DO Hatcher advised the specification installed was approved at the time of development, noting issues have arisen with the banding and connections. He advised further investigation will be undertaken.

7.9 31 December 2008 Audited Financial Statements Rothesay Regional Joint Board of Police Commissioners

MOVED by Counc. Shea and seconded by Counc. Cochrane the December 2009 Audited Financial Statements Rothesay Regional Joint Board of Police Commissioners, the 25 February 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes, the draft January 31, 2009 Financial Statements and draft February 28, 2009 Financial Statements be received/filed.

Open Session Meeting Minutes

7.10 2007-2008 (Excerpt) Fundy Library Region Annual Report (full report available for review in the Clerk's Office)
 11 February 2009 Kennebecasis Public Library (KPL) Inc. Board Meeting Minutes

-11-

9 March 2009 Letter from KPL RE: Minutes of November 4, 2008 – clarification

MOVED by Counc. Young and seconded by Counc. Shea the Fundy Library Region Annual Report, the 11 February 2009 Kennebecasis Public Library Inc. Board Meeting Minutes and the 9 March 2009 letter from the Kennebecasis Public Library (clarification of November 4, 2008 minutes) be received/filed.

CARRIED.

8. **UNFINISHED BUSINESS**

8.1 Rothesay Scholarship Fund (Gordon Fairweather)

19 March 2009 Memorandum from Town Clerk Banks with attached draft policy. **MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the R.G.L. Fairweather Memorial Scholarship Policy be approved.

CARRIED.

8.2 67 Kingshurst Lane development agreement

18 March 2009 Letter to Ms. B. Dupere

Mayor Bishop noted a letter had been received on today's date from Stewart McKelvey. The matter remained tabled.

9. **NEW BUSINESS**

9.1 Federal Infrastructure Funding

3 April 2009 Letter from Federation of Canadian Municipalities and Minister of Transport, Infrastructure and Communities.

MOVED by Counc. Young and seconded by Counc. Shea the letter from Federation of Canadian Municipalities and Minister of Transport, Infrastructure and Communities be received/filed.

CARRIED.

9.2 Highway 111 Traffic Study

7 April 2009 Letter from Deputy Mayor MacDonald

MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette Rothesay Town Council request that a traffic study and design work be carried out by the Government of New Brunswick on the Campbell Driver/Highway 111 highway network in order to reduce the congestion and accidents occurring because of the current inadequate design and infrastructure and further that resulting improvements be included in the Provincial Capital budget for the fiscal year ended March 31, 2011 if not earlier.

ON THE QUESTION:

Deputy Mayor MacDonald advised he received the statistical information from Sgt. Evan Scott, Rothesay Regional Police Force but they are likely higher as part of the area is under the jurisdiction of the RCMP.

CARRIED.

14 April 2009

ROTHESAY COUNCIL		
Open Session		
Meeting Minutes	-12-	14 April 2009
-		-

10. NEXT MEETING Regular meeting Monday, May 11, 2009

11. **ADJOURNMENT MOVED** by Counc. Young and seconded by Counc. Cochrane the meeting be adjourned.

CARRIED.

The meeting adjourned at 9:40 p.m.

MAYOR

CLERK