



# ROTHESAY COUNCIL

OPEN SESSION

Monday, April 14, 2014

## MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP  
DEPUTY MAYOR NANCY GRANT  
COUNCILLOR MATT ALEXANDER  
COUNCILLOR PAT GALLAGHER JETTE  
COUNCILLOR PETER 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 PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE  
TREASURER DOUG MacDONALD

ABSENT: DIRECTOR OF OPERATIONS (DO) BRETT McLEAN

**PUBLIC HEARING**                      **20 Gibbon Road rezoning application**  
**PID#s 00238956, 30124440, 30181036**

**Documentation**

19 March 2014	1 <sup>st</sup> Section 68 advertisement
8 April 2014	2 <sup>nd</sup> Section 68 Advertisement
8 April 2014	Recommendation from Town Clerk
8 April 2014	Memorandum from DPDS White
REVISED	Draft Development Agreement
3 April 2014	Staff Report
DRAFT	Discharge Agreement
DRAFT	By-law 2-10-24
DRAFT	Development Agreement
25 March 2014	Staff Report (street name)

**Appearances:**                      **Brian White, MCIP RPP, Director of Planning/Dvpmt Services**

**Andrew McKay, A. E. McKay Builders Ltd.**

**Gerry Roberts, Kierstead Quigley Roberts**

**Request to Appear:**                      Frank Ervin

Mayor Bishop called the public hearing to order at 7:05 p.m. and gave instructions to those in attendance. He noted the hearing had been duly advertised and DPDS White would be giving a presentation. DPDS White noted the approved plan currently in place allows for development of 6 semi-detached and 2 single family dwellings. The approval being requested is to allow for 7 single family dwellings, with 3 properties to be accessed by a private lane. The proposed homes meet the height requirement for the R1e zone and the developer has agreed to a 7.5 metre rear yard setback (exceeds requirement), with a reduction in the front yard setback from 7.5 metres to 7 metres. DPDS White advised the request is a “down zoning” that reduces the density of the development and that DO McLean previously requested revisions to the proposed drainage plan.

Council members commented on the following: assurances regarding impacts to the stormwater easement in the rear yards; concerns about traffic flow and the private lane; storms are becoming more extreme and is the required drainage infrastructure in place; maintenance/plowing of the private lane and whether it should be included in the developer’s agreement; and promises made by the previous owner with property owners in the area.

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Mr. Gerry Roberts and Mr. Andrew McKay advised of the following: the market is slower for garden homes and McKay Builders has a different vision for the area than the previous owner. It was noted the property owner of Lot 7 will own the right-of-way and will grant access to Lots 5 and 6 by driveway agreement, and this will also be included in the property deeds. Mr. McKay advised he has worked with area residents in his previous developments and will continue to do so. It is his intent to cut for the road and then place the homes as best as possible on the lots in an effort to save as many trees as possible.

Mayor Bishop called three times for those wishing to speak in favour of the proposal. Mrs. Beverly Bishop noted Mr. McKay is a good builder and her concern is the property will be clear cut which will impact the nature of her back yard.

Mayor Bishop called three times for those wishing to speak against the proposal. The following people spoke: Frank Ervin, James Simond and Beverly Bishop. The following comments were made: how the Town notifies residents about potential developments; is there a need for this development and is there another location where it could be built; impact on the habitat of the neighbourhood; has everything been reviewed to ensure responsible development is being done in the Town; and concerns about stormwater management.

DPDS White noted DO McLean has spoken with Dillon Consulting and a revised grading and drainage plan is being prepared that will direct roof drainage to the front of the property and into the public stormwater management system. Mr. Roberts noted the Town requirement of net zero discharge that must be met with the development and suggested there may be some retention (swale with rock is an option). DPDS White noted the engineering consultant plans will be fully reviewed by DO McLean.

**MOVED** by Counc. McGuire and seconded by Counc. Wells the public hearing be adjourned.

**CARRIED.**

The public hearing adjourned at 7:45 p.m.

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Mayor Bishop called the Open Session of Council to order at 7:46 p.m.

- 1. **APPROVAL OF MINUTES**      Regular meeting 10 March 2014  
Special meeting 18 March 2014

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Alexander the minutes of 10 March 2014 be adopted as circulated.

**CARRIED.**

**MOVED** by Counc. Wells and seconded by Counc. Gallagher Jette the minutes of 18 March 2014 be approved as circulated.

**CARRIED.**

**Business Arising from Minutes**

n/a

- 2. **APPROVAL OF AGENDA**

**MOVED** by Counc. Alexander and seconded by Deputy Mayor Grant the agenda be approved as circulated with the following change:

*Item 9.1 be brought forward to follow Item 4.1*

**CARRIED.**

- 3. **OPENING REMARKS OF COUNCIL**

3.1 Ice storm cleanup details

Mayor Bishop advised the Town is partnering with NB Power for an early cleanup to deal with debris from the ice storm. It will start on April 22 and residents are asked to have their items to the curb on that day. Removal of large pieces of debris are the responsibility of the property owner (the chipper should be able to manage pieces up to 12 inches in diameter). Regular spring cleanups will be held the weeks of May 12 and May 19.

Deputy Mayor Grant advised there was an article in the KPark newsletter thanking Town staff and City staff for working together to pave the entrance into Kennebecasis Park.

- 4. **DELEGATIONS**

4.1 Kennebecasis Valley Chamber of Commerce Presentation      Scott Cochrane

Scott Cochrane, Secretary/Treasurer for the KV Chamber of Commerce presented a cheque to Mayor Bishop in the amount of \$10,000, toward the major recreational project. He advised a similar contribution had been made to Quispamsis for the qplex. Mayor Bishop thanked Mr. Cochrane and the Chamber of Commerce for their support of the project.

**Business Arising from Public Hearing**

- 9.1 **20 Gibbon Road development By-law 2-10-24 (rezoning application)**

8 April 2014      Recommendation from Town Clerk/Planning Advisory Committee

DRAFT      Discharge Agreement

DRAFT      By-law 2-10-24

DRAFT      Development Agreement

**MOVED** by Counc. Alexander and seconded by Deputy Mayor Grant Council discharge an existing agreement entered into on August 23, 2013 and registered at the Land Registry office in Hampton, NB as Document Number # 33063000; subject to Council entering into a new development agreement with the Developer for 20 Gibbon Road (PID 00238956; 30124440, 30181036).

**CARRIED.**

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**MOVED** by Counc. Alexander and seconded by Counc. Wells Council give 1<sup>st</sup> Reading, by Title to By-law 2-10-24,"A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-10-24 by title.

**MOVED** by Counc. Wells and seconded by Counc. Alexander Council give 2<sup>nd</sup> Reading, by Title to By-law 2-10-24,"A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-10-24 by title.

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council authorize the Mayor and Clerk to enter into a Development Agreement, as amended, with A.E. McKay Builders Ltd.to allow for the development of a subdivision containing not more than seven (7) lots for seven (7) single family dwellings at 20 Gibbon Road (PID 00238956; 30124440, 30181036).

### **ON THE QUESTION:**

It was noted the stormwater management and drainage plan are still under review and attachment B may be changed. Town Manager Jarvie advised there are a number of reports (engineering) that are generated by the developer after the development agreement has been approved. The approval of the agreement can be done at the same time as third reading of the By-law.

**MOTION WITHDRAWN.**

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council accept the amount of \$4,656.96 as cash in lieu of Land for Public Purposes for the subdivision of lands situated generally as 20 Gibbon Road (PID 00238956; 30124440, 30181036).

**CARRIED.**

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council approve the new name of Summer Haven for the new public street off Gibbon Road providing access to 20 Gibbon Road (PID 00238956; 30124440, 30181036).

**CARRIED.**

## **5. CORRESPONDENCE FOR ACTION**

5.1 26 February 2014 Letter from New Brunswick Organ & Tissue Program, St. Joseph's  
(*rec'd 18 Mar 2014*)Hospital RE: Green Porch Light program support

**MOVED** by Deputy Mayor Grant and seconded by Counc. Wells Council support the Green Porch Light Campaign to raise awareness for organ and tissue donation.

**CARRIED.**

5.2 13 March 2014 Letter from St. Joseph's Hospital Foundation RE: support for 2014  
Dragon Boat Festival

**MOVED** by Counc. Wells and seconded by Counc. MacDonald Council support the 10<sup>th</sup> Annual Saint John Dragon Boat Festival to be held on August 23 at the Renforth Wharf Park.

### **ON THE QUESTION:**

Counc. MacDonald requested a summary report on the costs of the in-kind support provided by the Town for this event. Town Manager Jarvie advised a summary can be prepared for Council.

**CARRIED.**

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Counc. Gallagher Jette raised a question about a contribution by Rothesay to the East Indian charity dinner and auction for 2014. Mayor Bishop advised tickets to the dinner were purchased and a corporate donation was not made this year. He noted this donation would fall under discretionary spending of the Mayor.

5.3 9 April 2014 Letter from a resident RE: Green Road infrastructure project  
**MOVED** by Counc. Alexander and seconded by Counc. Lewis the letter from a resident RE: Green Road infrastructure project be forwarded to the Public Works and Infrastructure Committee.

### **ON THE QUESTION:**

Counc. Wells noted the letter raised a number of good points and suggested Council should discuss sidewalk placement and style as they change the tone of neighbourhoods. She suggested rolled edge sidewalks could be used on some of the narrower lanes and roadways. Counc. Wells also suggested sidewalks are needed on heavily travelled streets but perhaps not necessary in some areas. Counc. Wells suggested it would also be worth looking at burying wires as well. Town Manager Jarvie advised it is costly to convert to underground wiring and would be costly to property owners. He also noted all new developments must have underground wiring. Town Manager Jarvie advised staff are preparing a policy with clear guidelines for sidewalk installation. Counc. MacDonald noted a large part of Appleby Drive was not plowed effectively and suggested there should be a requirement to plow the sides further back to accommodate pedestrian traffic. Counc. Alexander said he understood the installation of a sidewalk on Green Road is in part to assist in channelling drainage to the appropriate location.

**CARRIED.**

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

6.1 14 March 2014 Letter from KingsWay Care RE: thanks for support of “Moments of Joy” campaign

**MOVED** by Counc. Wells and seconded by Deputy Mayor Grant the letter from KingsWay Care RE: thanks for support of “Moments of Joy” campaign dated 14 March 2014 be received/filed.

**CARRIED.**

6.2 17 March 2014 Letter to Federation of Canadian Municipalities RE: Rail safety  
**MOVED** by Deputy Mayor Grant and seconded by Counc. MacDonald the letter to Federation of Canadian Municipalities RE: Rail safety dated 17 March 2014 be received/filed.

**CARRIED.**

6.3 24 March 2014 Letter of thanks to Minister Flemming (designated highways funding)  
**MOVED** by Counc. McGuire and seconded by Counc. Wells the letter of thanks to Minister Flemming RE: designated highways funding dated 24 March 2014 be received/filed.

**CARRIED.**

6.4 4 April 2014 Letter to S. Davies, Clerk of Committees, NB Legislature RE: Private Members Bill (Rothesay Common Covenant)

**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter to S. Davies, Clerk of Committees, NB Legislature RE: Private Members Bill (Rothesay Common Covenant) dated 4 April 2014 be received/filed.

**CARRIED.**

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6.5 4/7 April 2014 Email from/to S. Covey RE: National Rail Safety Week/resolution **MOVED** by Counc. MacDonald and seconded by Counc. Wells the email from/to S. Covey RE: National Rail Safety Week/resolution dated 4/7 April 2014 be received/filed.

### ON THE QUESTION:

Deputy Mayor Grant suggested the Town support the resolution and post it on the Town's social media channels. Mayor Bishop noted it has not been the practice of the Town to read proclamations nor has Council declared the many and varied days requested by multiple organizations and it could set a precedent. He noted FCM is actively working on the matter at the federal level.

**CARRIED.**

## 7. REPORTS

### 7.0 April 2014 Report from Closed Session

n/a

- 7.1 21 August 2013 Kennebecasis Public Library Board meeting minutes  
31 July 2013 Draft Operating Fund financial statement  
18 September 2013 Kennebecasis Public Library Board meeting minutes  
31 August 2013 Draft Operating Fund financial statement  
10 October 2013 Kennebecasis Public Library Board meeting minutes  
10 October 2013 Kennebecasis Public Library Board Annual meeting minutes  
10 November 2013 Kennebecasis Public Library Board meeting minutes  
31 October 2013 Draft Operating Fund financial statement  
15 January 2014 Kennebecasis Public Library Board meeting minutes  
19 February 2014 Kennebecasis Public Library Board meeting minutes  
28 February 2014 Draft Operating Fund financial statement

**MOVED** by Deputy Mayor Grant and seconded by Counc. McGuire the Kennebecasis Public Library Board meeting minutes and financial statements (various dates) be received/filed.

### ON THE QUESTION:

Deputy Mayor Grant noted the building management services contract is \$16,000/year. Counc. Wells noted the Board dinner at Riverside. Deputy Mayor Grant advised it has been a longstanding tradition and she would advise the Board of the concerns raised by Counc. Wells.

**CARRIED.**

- 7.2 31 December 2013 Audited Financial Statements Rothesay Regional Joint Board of Police Commissioners  
26 February 2014 Rothesay Regional Joint Board of Police Commissioners meeting minutes  
28 February 2014 Rothesay Regional Joint Board of Police Commissioners Statement of Financial Position

**MOVED** by Counc. Alexander and seconded by Counc. McGuire the Audited Financial Statements Rothesay Regional Joint Board of Police Commissioners dated 31 December 2013, the Board minutes dated 26 February 2014 and the Board Statement of Financial Position dated 28 February 2014 be received/filed.

### ON THE QUESTION:

There was a brief discussion with respect to the surplus in relation to 2012 and 2013. It was noted secondments generate additional revenue and Council approved by motion, the use of the surplus for various items.

**CARRIED.**

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7.3 8 January 2014 Kennebecasis Valley Fire Department Board meeting minutes  
30 Nov 2013 Unaudited Kennebecasis Valley Fire Department financial statements  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. MacDonald the Kennebecasis Valley Fire Department Board meeting minutes dated 8 January 2014 and the unaudited financial statements dated 30 November 2013 be received/filed.

### ON THE QUESTION:

There was a discussion with respect to the length of Board meetings and provision of the minutes and financial statements in a timely fashion. Counc. Gallagher Jette advised the closed session meetings usually take two to three hours as employee related matters are dealt with in closed session. Counc. McGuire noted the financial information provided is dated November 2013. Counc. MacDonald suggested Town staff should be requesting the information if it is not provided in a timely fashion.

**CARRIED.**

7.4 28 February 2014 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 28 February 2014 be received/filed.

**CARRIED.**

28 February 2014 Draft unaudited Rothesay General Fund Financial Statements  
**MOVED** by Counc. MacDonald and seconded by Counc. Wells the draft unaudited Rothesay General Fund Financial Statements dated 28 February 2014 be received/filed.

**CARRIED.**

7.5 20 March 2014 Draft Emergency Measures Committee meeting minutes  
**MOVED** by Counc. Lewis and seconded by Counc. Wells the draft Emergency Measures Committee meeting minutes dated 20 March 2014 be received/filed.

**CARRIED.**

➤ 4 April 2014 Email from Counc. Lewis

Counc. Lewis noted Council agreed in October to proceed jointly with Quispamsis on updating the KV EMO Plan but no further action has been taken. He noted there is an active advisory group under the Ad Hoc Rail Committee and the KV EMO Plan needs to be updated. Brent Whelan, Regional Coordinator (PNB) suggested the provincial plan could be used as a reference and Counc. Lewis advised copies would be provided for the next committee meeting.

Counc. Lewis requested direction from Council on the next step to be taken; whether to approach Quispamsis or begin a review on our own. He noted there are very capable people on the advisory group who are interested in being involved in the process. Mayor Bishop suggested Rothesay should work with Quispamsis based on regional protective services and Rothesay should actively seek a representative. Counc. Lewis noted Town Manager Jarvie is preparing a job description for a Rothesay co-Director. Counc. Wells noted Bill Artiss is leading the emergency planning advisory group under the Ad Hoc Rail Committee and perhaps their group could also look at the joint Plan since the emergency planning for rail safety is not far removed from planning for the entire community. Counc. Lewis suggested there should be discussion with Quispamsis prior to engaging Mr. Artiss more heavily in the process. He noted Brent Whelan advised Hampton has an excellent emergency measures plan and Rothesay should obtain a copy. Counc. MacDonald raised concerns about the direction Rothesay should take and perhaps discussions should be held with Quispamsis prior to involving the advisory group. Deputy Mayor Grant noted there is a joint plan but there appears to be more emphasis on the

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Quispamsis side, as evidenced by the recent ice storm. She suggested a joint meeting be arranged with Quispamsis to review the current status. Mayor Bishop emphasized the need for a Rothesay co-Director. Town Manager Jarvie advised the job description is being completed. Counc. Lewis noted a co-Director should be selected first and then a meeting be held with Quispamsis.

RECEIVED FOR INFORMATION.

7.6 18 March 2014 Draft Parks and Recreation Committee meeting minutes  
**MOVED** by Counc. McGuire and seconded by Counc. Wells the draft Parks and Recreation Committee meeting minutes dated 18 March 2014 be received/filed.

**CARRIED.**

7.7 19 March 2014 Draft Public Works and Infrastructure Committee meeting minutes  
**MOVED** by Counc. Alexander and seconded by Counc. Wells the draft Public Works and Infrastructure Committee meeting minutes dated 19 March 2014 be received/filed.

**CARRIED.**

- Draft Traffic By-law  
11 April 2014 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Alexander and seconded by Counc. Wells the Traffic By-law 1-14 be removed from the table.

**CARRIED.**

**MOVED** by Counc. Alexander and seconded by Counc. Lewis Council schedule a public hearing for May 12, 2014 to give consideration to Traffic By-law 1-14.

ON THE QUESTION:

There was a brief discussion with respect to scheduling a hearing. Counc. Wells noted Jamie Gallagher, Shadow Lawn Inn has raised concerns about parking and the sidewalk on Maiden Lane and would probably appreciate the opportunity to express his concerns at a public hearing.

**CARRIED.**

**MOVED** by Counc. Alexander and seconded by Counc. Wells Council give 1<sup>st</sup> Reading, by title, to By-law 1-14, "A By-law of the municipality of Rothesay to Regulate Traffic".

ON THE QUESTION:

It was noted Rothesay Regional Police should be changed to Kennebecasis Regional Police. There was general discussion with respect to the content of the By-law. Town Manager Jarvie advised the By-law cannot contain anything that is already covered under the *Motor Vehicle Act*. Clarification was requested on the major changes from the existing By-law. Counc. Alexander advised the major changes are to Schedule A and the numbering was changed to match the Quispamsis By-law. Town Manager Jarvie advised staff can provide a highlighted copy of changes made to Schedule A. Counc. Wells raised a concern about no bicycles on sidewalks or footpaths and suggested this section be reviewed (Section 16.3).

**MOTION WITHDRAWN.**

It was noted the By-law would not be forwarded to the Registrar of Motor Vehicles until the public hearing has been held.



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- Five year Capital Plan
  - 11 April 2014 Memorandum from Town Manager Jarvie
  - 9 April 2014 Memorandum from DO McLean
  - 27 Mar 2014 Memorandum from Counc. Lewis
  - 17 March 2013(*sic*) Memorandum from DO McLean to Public Works Committee

Counc. McGuire requested clarification on conflict of interest. Town Manager Jarvie advised the *Municipalities Act* reads that a person who is part of a large group is not considered to be in conflict. Counc. Lewis requested clarification on the motions to be considered. There was a lengthy discussion with respect to the Five Year Capital Plan and the asphalt resurfacing program. Counc. Lewis suggested there may be a change to the plan that would move Anna Avenue forward and delay the remainder of the French Village Road project. Town Manager Jarvie advised his recommendation is to approve the Director of Operations' recommendation (Option 1) for 2014 and review the proposed plan for 2015. He advised the engineering work has been completed for French Village Road and the work should begin as soon as possible to prevent delays in completion.

Counc. Lewis suggested the cost figures for Anna Avenue and Allan Avenue were reversed in the memo. He asked for clarification on cost implications if the side roads are brought forward and French Village Road is deferred. He indicated his commitment to the Rothesay East area of town to improve the roads in the area and suggested the side roads are a higher priority than completion of the French Village Road. Counc. Wells noted the five year plan indicates \$1.8 million on roads on this side of the highway and \$3.1 million in Rothesay East, which demonstrates a commitment to Rothesay East to improve roads in that area. Counc. Lewis suggested an adjustment should be made in the timeline for the roads to be completed. He stated his request is to move the \$350,000 allocated for French Village Road to Anna Avenue. Counc. MacDonald asked for clarification on the proposed schedule. Deputy Mayor Grant noted the Town inherited a huge infrastructure deficit with amalgamation and was unsure of the total cost to rebuild roads in Rothesay East but there should be a detailed plan for Council to review to determine how to proceed. Her opinion is French Village Road should proceed as the engineering work has been completed. Counc. McGuire left the meeting room.

**MOVED** by Counc. Lewis and seconded by Counc. Gallagher Jette Council re-allocate \$350,000 to Anna Avenue from French Village Road with a road re-build in the 2014 budget and the 2015 budget be reviewed with a plan laid out.

### ON THE QUESTION:

Counc. Gallagher Jette noted the Director of Operations was not present and it may undermine his professional opinion if there is not an opportunity to hear his views. She noted she would not support the motion without his input. It was clarified the engineering work has been done for French Village Road but not Anna Avenue. Town Manager Jarvie noted a call for proposals has to be done, and then selection followed by a tender proposal which would push the timeline to roughly August. His recommendation is to proceed with French Village Road in 2014 and then review the plan for 2015.

**YEA votes recorded from Councs. Alexander and Lewis.**

**MOTION LOST.**

**MOVED** by Counc. Wells and seconded by Counc. MacDonald Council approve the resurfacing projects set out in the memorandum of the Director of Operations for 2014 and 2015, subject to further discussion about 2015 priorities.

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### ON THE QUESTION:

Town Manager Jarvie noted Council has approved engineering work for two years, to move projects forward faster, which included the French Village Road project. The engineering for the other streets for 2014 has not been done as staff is requesting clarification from Council. The French Village Road project was allocated \$350,000 over three years to complete the project. His recommendation is to establish the list of roads to be done in 2014 and Council schedule a meeting to review the proposed streets for 2015 if Council wishes to change or add streets to the plan. Council. Gallagher Jette requested clarification on the page number and motion being recommended.

**YEA votes recorded from Mayor Bishop, Deputy Mayor Grant, Councils. MacDonald and Wells.**

**NAY votes recorded from Councils. Alexander, Gallagher Jette and Lewis.**

**CARRIED.**

Council. McGuire returned to the meeting room.

7.8 19 March 2014 Draft Water and Sewer Committee meeting minutes

**MOVED** by Council. Alexander and seconded by Deputy Mayor Grant the draft Water and Sewer Committee meeting minutes dated 19 March 2014 be received/filed.

**CARRIED.**

- WWTP funding application
  - 9 April 2014 Memorandum from DO McLean

**MOVED** by Council. Alexander and seconded by Council. Lewis the proposal from Crandall Engineering to complete an Environmental Risk Assessment and an Environmental Impact Assessment for the upgraded Rothesay Wastewater Collection and Treatment System be accepted and that the Mayor and Clerk be authorized to execute the appropriate documentation in that regard.

### ON THE QUESTION:

It was noted the approximate cost is \$54,300.

**CARRIED.**

- Septic system – Kennebecasis Park
  - 31 March 2014 Memorandum from Council. Alexander

Council. Alexander gave a brief summary of the timeline and actions taken on this matter. He noted the Town Manager's memo of December 2013 advises the matter is not the Town's responsibility and should be dealt with as a private matter by the property owner.

**MOVED** by Council. Alexander and seconded by Council. Wells the memorandum from Council. Alexander RE: septic system – Kennebecasis Park dated 31 March 2014 be received/filed.

**CARRIED.**

7.9 March 2014 Monthly Building Permit Summary Report

**MOVED** by Council. MacDonald and seconded by Council. McGuire the Monthly Building Permit Summary Report dated March 2014 be received/filed.

**CARRIED.**

7.10 7 April 2014 Draft Planning Advisory Committee meeting minutes

**MOVED** by Council. Wells and seconded by Council. Lewis the draft Planning Advisory Committee meeting minutes dated 7 April 2014 be received/filed.

**CARRIED.**

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- 20 Gibbon Road

Dealt with above.

- 47 Clark Road

- 10 April 2014 Memorandum from Town Clerk Banks
- 3 April 2014 Staff Report to Planning Advisory Committee

**MOVED** by Counc. Wells and seconded by Counc. Lewis the application for 47 Clark Road (PID# 30275234) be removed from the table.

**CARRIED.**

**MOVED** by Counc. Wells and seconded by Counc. Lewis Council accept the withdrawal of the application for an amending development agreement for the property situated at 47 Clark Road, PID#30275234.

**CARRIED.**

7.11 9 April 2014 Nominating Committee Report

**MOVED** by Counc. MacDonald and seconded by Counc. Lewis Council approve the appointment of Tracey Langley to the Water and Sewer Committee until December 31, 2014.

**CARRIED.**

7.12 10 April 2014 Memorandum from Town Manager Jarvie RE: Volunteer Appointments to Agencies, Boards and Commissions

**MOVED** by Counc. Wells and seconded by Counc. McGuire the memorandum from Town Manager Jarvie RE: Volunteer Appointments to Agencies, Boards and Commissions dated 10 April 2014 be referred to the Procedural By-law Review Committee for development of policy such as appointees to be invited to report annually and provided with written guidance on matters the Council deems necessary for particular reports.

**CARRIED.**

27 February 2014 Notes from Trade and Convention Centre meeting

**MOVED** by Counc. MacDonald and seconded by Counc. Lewis the notes from the Trade and Convention Centre meeting dated 27 February 2014 be received/filed.

**CARRIED.**

## 8. UNFINISHED BUSINESS

### 8.1 By-law 9-04-1 (Sunday shopping)

10 April 2014 Memorandum from Town Clerk Banks

DRAFT By-law 9-04-1

**MOVED** by Deputy Mayor Grant and seconded by Counc. Alexander reading in its entirety be given By-law 9-04-1, An Amendment to By-law 9-04, "A By-law of the Municipality of Rothesay related to the closing of retail businesses in Rothesay".

ON THE QUESTION:

Counc. Wells noted she had not been in attendance at the public hearing and would not vote on the By-law.

**CARRIED.**

The Clerk read By-law 9-04-1 in its entirety.

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**MOVED** by Deputy Mayor Grant and seconded by Counc. Alexander 3<sup>rd</sup> reading by title and enactment be given By-law 9-04-1, An Amendment to By-law 9-04, “A By-law of the Municipality of Rothesay related to the closing of retail businesses in Rothesay”.

ON THE QUESTION:

Counc. Wells noted she had not been in attendance at the public hearing and would not vote on the By-law.

**CARRIED.**

The Clerk read By-law 9-04-1 by title.

### **8.2 McGuire Centre Renovations Contract R-2014-010**

8 April 2014 Memorandum from Facilities Coordinator R. Kincade

9 April 2014 Memorandum from DO McLean

**MOVED** by Counc. Wells and seconded by Counc. McGuire Council award Contract R-2014-010: Bill McGuire Memorial Centre renovations to the low bidder, Wheaton Construction Ltd. at the tendered price of \$95,490.00 (plus HST), as calculated based on estimated quantities.

ON THE QUESTION:

Counc. Lewis requested clarification on the qualifications of the bidders. Town Manager Jarvie advised the bids were reviewed by the Director of Operations, Director of Recreation and Parks and the Facilities Coordinator. He noted there is legislation governing the award of tenders and unless there is some substantial reason not to accept the lowest tender, it must be accepted. There was a brief discussion on the process for requests for proposals and it was noted there is a qualification process. Counc. MacDonald suggested there be close oversight by staff on Town projects.

**NAY vote recorded from Counc. Lewis.**

**CARRIED.**

Counc. Lewis left the meeting room.

### **8.3 Kennebecasis Valley Fire Department Volunteers**

8 April 2014 Memorandum from Counc. Alexander

Counc. Alexander gave a summary of his memorandum, noting there is a fundamental change in the operations of the Kennebecasis Valley Fire Department and his opinion it will lead to increased costs in the future. Counc. Alexander suggested Council should have been informed before the information was released to the media. Counc. Alexander noted the Five Year Plan has not been approved by either Council. He requested a review of the authority to make this change in operations and if the decision is binding since the Department is owned by the towns of Quispamsis and Rothesay. Counc. Alexander noted there are fourteen questions in his memorandum and requested a response be given by the Fire Board.

**MOVED** by Counc. Alexander and seconded by Deputy Mayor Grant the memorandum dated 8 April 2014 RE: Kennebecasis Valley Fire Department volunteers be sent to the Fire Board and that Rothesay Council directs the Joint Board to respond to the questions raised prior to the next Council meeting on 12 May 2014.

ON THE QUESTION:

Counc. MacDonald raised a point of order as to whether Rothesay has the authority to direct the Fire Board to respond. He noted the Chief is available on May 12<sup>th</sup> to answer questions raised by Rothesay Council. Counc. MacDonald advised the Board is not operating under the Five Year Plan. Counc. Alexander noted the information contained in his memorandum is from Board meeting minutes, information provided by Chief Ireland, Council minutes and media articles.

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Counc. MacDonald advised the press release was sent to both Towns before its release and Quispamsis sent it to Council members and he also noted it was leaked to the media. Mayor Bishop ruled on the point of order that the Fire Board is the creation of both Towns and is responsible for overseeing the Department and the Board should respond to those parties who provide the funding. He stated the request is in order and the request is for the Board to respond to the Town. Counc. Gallagher Jette requested clarification on the responsibilities of Council members appointed to boards and suggested the members are autonomous in their actions. She noted firefighting is a complicated matter and a great deal of time is spent acting as Rothesay's representatives on the Board and some Council members may not agree with the decisions made. Counc. Gallagher Jette suggested generally the appointees make decisions as an autonomous group. Counc. Alexander advised he disagreed with the autonomy of appointees and asked why the Board heard from Chief Ireland and not the volunteers. Councils. Gallagher Jette and MacDonald advised the volunteers had declined an invitation to appear before the Fire Board. Counc. MacDonald advised Chief Ireland sees the department as a quasi-military organization with highly trained personnel who do what they are told to do at an incident scene.

Counc. MacDonald suggested the fundamental question is the authority of Council members to make decisions on behalf of the Board. He questioned if concerns were related to operating costs and what difference there is between the fire and police boards. Mayor Bishop suggested questions about the police department would go through the same process.

Counc. MacDonald suggested many of the questions have already been answered and they keep coming up. There was a brief discussion with respect to a recent fire and the resources required. Counc. MacDonald suggested operational questions could be answered by Chief Ireland at next month's Council meeting and facts should be clear before any further discussion. Deputy Mayor Grant noted there has been a fundamental shift in the department operations and Rothesay funds the department, along with Quispamsis. She suggested the Fire Board did not make a cost comparison between the funding for the two models before deciding to eliminate the volunteers. Deputy Mayor Grant quoted from an editorial last week about the new leadership at Civic Hydro:

*"...like too many other agencies, boards and commissions it has operated independently of the elected politicians. While this approach may have had merit in the past, we believe a greater accountability is in order today. Why? Because of costs".*

Counc. Gallagher Jette advised if she and Counc. MacDonald are the spokespersons for Rothesay Council at the Fire Board, that needs to be clear and their responsibilities clearly outlined, for the Fire Board and all appointments to external agencies, boards and commissions. She advised that was not her understanding of her role. Counc. MacDonald stated the fundamental change to the department operations started several years ago when the decision was made to have a complement of 32 career firefighters. Mayor Bishop requested clarification on the hiring of two new management positions, with only one retirement. Counc. MacDonald advised 24/7 management is required and there will always be a management person on call.

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

**CARRIED.**

**MOVED** by Counc. Alexander and seconded by Counc. McGuire the Town seek a binding legal opinion to investigate if the decision by the Joint Board is binding, given the information contained in the memorandum, to a maximum amount of \$30,000.

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

**CARRIED.**

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**MOVED** by Counc. McGuire and seconded by Counc. Alexander the memorandum dated 8 April 2014 RE: Kennebecasis Valley Fire Department volunteers be sent to Quispamsis as well.  
**NAY votes recorded from Councils. Gallagher Jette and MacDonald.**

**CARRIED.**

### **9. NEW BUSINESS**

#### **Business Arising from Public Hearing**

##### **9.1 20 Gibbon Road development By-law 2-10-24 (rezoning application)**

8 April 2014	Recommendation from Town Clerk/Planning Advisory Committee
DRAFT	Discharge Agreement
DRAFT	By-law 2-10-24
DRAFT	Development Agreement

**Dealt with above.**

##### **9.2 Tender award Single Axle Plow Truck T-2014-06A**

8 April 2014            Memorandum from DO McLean

**MOVED** by Counc. Wells and seconded by Deputy Mayor Grant Council award Equipment Supply Tender T-2014-06A: Single Axle Plow Truck to the low tenderer, Universal Truck and Trailer, at the tendered price of \$142,944.87, including HST (plus extended warranty in the amount of \$5,299.70) and further that the Director of Operations be authorized to issue a purchase order for the tendered amount.

**CARRIED.**

##### **9.3 Tender award Service Vehicle (Works) T-2014-06B**

8 April 2014            Memorandum from DO McLean

**MOVED** by Counc. Wells and seconded by Counc. MacDonald Council award Equipment Supply Tender T-2014-06B: Service Vehicle to the sole tenderer, Dobson Chrysler Dodge, at the tendered price of \$46,597.81 including HST and extended warranty in the amount of \$1,780, and further that the Director of Operations be authorized to issue a purchase order for the tendered amount.

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

Counc. Wells questioned why only one tender was received, noting there had been previous discussion about obtaining a few bids on various tenders. Counc. MacDonald suggested the tenders should be sent to all truck dealers. Town Manager Jarvie noted it can occasionally be related to availability based on requirements but could not comment on this particular instance. Counc. Lewis commented that unless there are two or three bids, tender should not be awarded. He has had some discussions with local suppliers who have advised they cannot meet the Town specifications. The suppliers have advised they would appreciate a meeting with Town representatives to discuss required specifications. Mayor Bishop suggested a meeting be arranged with Town representatives and local suppliers.

**NAY votes recorded from Councils. Lewis and McGuire.**

**CARRIED.**

##### **9.4 Tender award Service Vehicle (Water) T-2014-06C**

8 April 2014            Memorandum from DO McLean

**MOVED** by Counc. Alexander and seconded by Counc. MacDonald Council award Equipment Supply Tender T-2014-06C: Service Vehicle to the sole tenderer, Dobson Chrysler Dodge, at the tendered price of \$47,824.99 including HST and extended warranty in the amount of \$1,780, and further that the Director of Operations be authorized to issue a purchase order for the tendered amount.

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**ON THE QUESTION:**

It was noted there are minor differences in the specifications for the two service vehicle tenders as one is for the Works Department and the other is for the Water Utility.

**NAY votes recorded from Councils. Lewis and McGuire.**

**CARRIED.**

**10. NEXT MEETING**

**Regular Meeting**            **Monday, May 12, 2014**  
**Presentation**            **May 14, 2014** (Commissioner Bertrand)  
➤ 9 April 2014    Memorandum from Town Clerk Banks

There was a brief discussion with respect to a presentation from Commissioner Bertrand on May 14, 2014 at 6:00 p.m. The working session scheduled for May 26 could be moved to the same evening. There was consensus to have the presentation from the Commissioner and the working session on May 14, 2014 beginning at 6:00 p.m.

**11. ADJOURNMENT**

**MOVED** by Council. Wells and seconded by Council. Alexander Council reconvene into Closed Session.

**CARRIED.**

The meeting adjourned at 10:05 p.m.

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MAYOR

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CLERK