



ROTHESAY COUNCIL

OPEN SESSION

Monday, August 10, 2009

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

PRESENTATION

New Brunswick Day Merit Awards Presentation

Mayor Bishop and Margaret-Ann Blaney, MLA, presented the 2009 New Brunswick Day Merit Awards and congratulated all recipients. The recipients for 2009 in Rothesay are:

Rothesay Netherwood School	Arts & Culture
The Big Rothesay Read	Arts & Culture
Phil Brodersen	Business
Bill Artiss	Community Leadership
Barry Ogden	Sports & Recreation (Active Living)
Elizabeth Reid*	Volunteer Service

*accepted by Rev. Canon Albert Snelgrove, St. Paul's Church, on her behalf.

Mayor Bishop called the regular meeting to order at 8:20 pm.

1. **APPROVAL OF MINUTES** Regular Meeting – July 13, 2009
MOVED by Counc. Kilfoil and seconded by Counc. Shea the minutes of 13 July 2009 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

N/A

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

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop advised he attended the annual Miller party on Tuesday, August 4, 2009. He advised Betty Miller held the event in honour of her late brother Art Miller. Mayor Bishop further noted Counc. Cochrane and his mother, Olive participated in a family skydive adventure in honour of her 90th birthday. Mayor Bishop advised those in attendance he attended the celebration for Father Michael LeBlanc, who celebrated his 40th year as an ordained priest.

4. **DELEGATIONS**

4.1 Chief Larry Greer, Kennebecasis Valley Fire Department

Mayor Bishop welcomed Chief Greer and advised he had been requested to speak to Council with respect to the Dunedin Road events in April 2009. He noted Council had received correspondence from Chief Greer and residents were looking for a more definitive answer.

Chief Greer advised he had no additional information. He gave a brief summary of how the investigation unfolded: it was led by Deputy Chief Brian Jensen in conjunction with Rothesay Regional Police, NBPower, two electrical engineers, two insurance company fire investigators, the provincial electrical inspector and the regional Fire Marshal representative was onsite the next day. Chief Greer further advised there were two significant events – one at 5 Dunedin Road and one at 4 Newport Road. The fire at 5 Dunedin Road was caused by electrical current and the point of origin was determined to be the electrical panel in the basement. There was extensive damage as no one was home at the time. The cause of the fire at 4 Newport Road remains undetermined.

Chief Greer indicated the cause of the fires were a result of a rise of the potential on the neutral. He explained when there is a ground fault, there is current flowing into the ground which can cause arcing or overheating to ground materials. The cause of the fires cannot be determined. Chief Greer further advised there is no evidence of any underground connections between the houses but the department placed pins in the ground at each property and there was continuity between them so the ground was possibly part of the conductor. Counc. Young asked if the insurance companies were satisfied. Chief Greer advised the fires were ruled accidental and the insurance company investigators worked with the department and they had no further information. Deputy Mayor MacDonald asked if the department had full access to the insurance company findings. Chief Greer advised they had access to verbal reports and no one is hiding anything. He indicated the department took responsibility for the investigation, led by Deputy Chief Jensen. The provincial electrical inspector was brought in at the request of the department. Deputy Mayor MacDonald questioned the resources available. Chief Greer advised the provincial electrical inspector is the regional expert in the field and is qualified to do the inspection. He reiterated the regional Fire Marshal representative was in attendance the day following the events and determined the department had the resources it required.

Chief Greer advised there were further incidents in the area as well. There was a small arcing under the kitchen sink at 20 Dunedin Road. As well, the department was advised later there were other minor reports of lost cable tv and a lost furnace motor. He reiterated the incidents were “accidental fires” which means they were not deliberately set. Deputy Mayor MacDonald requested additional information on the causes and Chief Greer advised he was not an expert in this area and could not answer the question.

Deputy Mayor MacDonald noted the residents were concerned and were seeking some assurance, and further information from the department. Mayor Bishop noted it is unfortunate the cause cannot be determined but it is not a result of inaction by the Fire Department. He further noted the department has contacted residents and suggested they get an electrical inspection to alleviate concerns.

Counc. Gallagher Jette asked if the type of occurrence was unique to Rothesay and whether there were other resources available. Chief Greer advised there is no national research database and the department reports are filed with the Office of the Fire Marshal. Upon questioning, Chief Greer advised the report is not available to the public.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-3-

10 August 2009

Mayor Bishop requested the Chief attempt to obtain more information with respect to possible causes. Deputy Mayor MacDonald requested information on the timeline for response. Chief Greer advised he did not have with him the time the original 9-1-1 call was received but the fire department was notified at 8:49 p.m. and the first apparatus was at the scene by 8:54 p.m. It was noted there were volunteer firefighters onsite prior to the apparatus. Mayor Bishop thanked the Chief for his appearance before Council.

4.2 Peter Hyslop RE: Kingshurst Lane(see Item 8.1)

Mr. Peter Hyslop appeared before Council on behalf of Barb Dupere and Francis Rooney. He gave a summary of the history of the property on Kingshurst Lane, noting Mr. Rooney acquired the property from Mr. Rocca and in 1981 it was approved by the Town of Rothesay Planning Advisory Committee as a building lot. He further summarized the process for the current subdivision application that began in 2008. Mr. Hyslop commented the requirement for a street is costly and will have future cost implications for the Town. He commented on the existing hedge and the ambiance of Rothesay and other lanes in the area. Mr. Hyslop advised the Kearneys had submitted a letter in support of the application. Mayor Bishop thanked Mr. Hyslop for his presentation.

DDS Drescher advised it has never been the Town's intention to remove trees and there is a long-standing track record. It was noted the width of the road would be the required width to install the sanitary sewer line. Mr. Hyslop suggested directional drilling could be undertaken. DO Hatcher advised the approximate cost of directional drilling or boring underground is \$100 - \$125 per lineal metre.

MOVED by Counc. Kilfoil and seconded by Counc. Gallagher Jette Item 8.1 be brought forward on the agenda.

CARRIED.

8.1 67 Kingshurst Lane development agreement (matter tabled March 2009)

6 August 2009 Memorandum from Town Manager Jarvie

27 July 2009 Letter from P. Hyslop with attached Exhibit Book

MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette this matter be referred to the Town Manager for a report.

ON THE QUESTION:

Counc. Cochrane provided a brief summary of the review by the Planning Advisory Committee and the requirement for a road. It was noted there will be possibly up to 5 lots. He suggested it could be referred back to the Committee. Counc. Kilfoil indicated the matter should be dealt with now. Counc. Gallagher Jette requested clarification on the staff recommendations made to the Committee. Town Manager Jarvie advised the report would be brought forward at the next Council meeting and it would be publicly available the day of the Council meeting.

YEA votes recorded from Deputy Mayor MacDonald, Councs. Gallagher Jette, Mullett and Young.

NAY votes recorded from Councs. Cochrane, Kilfoil and Shea.

CARRIED.

4.3 Kennebecasis Lions Club (See Item 9.2)

Bruce Madsen appeared before Council. He advised the Kennebecasis Lions Club is in

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-4-

10 August 2009

favour of the lease as presented. A brief history of the McGuire Centre and the improvements/renovations done by the Club over the years, as well the community work done by the Club. Counc. Cochrane suggested the six days as indicated under Section 2.01 be changed to 10 days.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil Item 9.2 be brought forward on the agenda.

CARRIED.

9.2 Lease Agreement

6 August 2009 Memorandum from Town Manager Jarvie
DRAFT Lease Agreement – Kennebecasis Lions Club

MOVED by Counc. Shea and seconded by Counc. Young Council authorize the execution of the lease with the Kennebecasis Lions Club with the following change:

*Section 2.01 to read, "... not otherwise booked to a maximum of **ten(10)** days."*

CARRIED.

5. CORRESPONDENCE - FOR ACTION

N/A

6. CORRESPONDENCE - FOR INFORMATION

6.1 23 June 2009 Email from M. Butler RE: Master Recreation Plan comments.

MOVED by Counc. Gallagher Jette and seconded by Counc. Young the email from M. Butler RE: Master Recreation Plan comments be received/filed.

CARRIED.

6.1.1 4 August 2009 Email from Sandra O'Neil RE: Field house.

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the email from Sandra O'Neil RE: field house be received/filed.

CARRIED.

6.2 25 June 2009 Email from "Diane" RE: Draft Municipal Plan.

MOVED by Counc. Kilfoil and seconded by Counc. Young the email from Diane RE: draft Municipal Plan be received/filed.

CARRIED.

6.2.1 15 July 2009 Email from MJ Boyce RE: Draft Municipal Plan.

MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the email from MJ Boyce RE: Draft Municipal Plan be received/filed.

CARRIED.

6.2.2 26 July 2009 Email from S. Risser RE: Draft Municipal Plan.

MOVED by Counc. Young and seconded by Counc. Kilfoil the email from S. Risser RE: Draft Municipal Plan be received/filed.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-5-

10 August 2009

- 6.3 9 July 2009 Copy of letter from Quispamsis to Minister Foran RE: Police Commission Appointments under the *Police Act*.
MOVED by Counc. Gallagher Jette and seconded by Counc. Young the copy of letter from Quispamsis to Minister Foran RE: Police Commission Appointments under the *Police Act* be received/filed.

CARRIED.

- 6.4 20 July 2009 Letter to Kennebecasis Lions Club RE: club liquor license – McGuire Centre.
6.4.1 16 July 2009 Letter to Department of Public Safety RE: club liquor license – McGuire Centre (Kennebecasis Lions Club).
MOVED by Counc. Mullett and seconded by Counc. Shea the correspondence RE: club liquor license (Kennebecasis Lions Club) be received/filed.

CARRIED.

- 6.5 20 July 2009 Letter to Minister Landry RE: Route 1 at 111 Interchange Improvements.
MOVED by Counc. Young and seconded by Counc. Shea the letter to Minister Landry RE: Route 1 at 111 Interchange Improvements be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald noted the Request for Proposals will soon be going out and at this point the Route 111 interchange is not included. Mayor Bishop noted Minister Landry will be made aware.

CARRIED.

- 6.6 21 July 2009 Letter from KV3C RE: thanks for support.
MOVED by Counc. Shea and seconded by Counc. Mullett the letter from KV3C be received/filed.

CARRIED.

7. REPORTS

- 7.0 **August 2009** **Report from Closed Session**
N/A

- 7.1 2008 Enterprise Saint John Annual Report
MOVED by Counc. Young and seconded by Counc. Kilfoil the 2008 Enterprise Saint John Report be received/filed.

CARRIED.

- 7.2 June 2009 KVFD Monthly Response Report Summary
31 May 2009 Kennebecasis Valley Fire Department (KVFD) Unaudited Financial Statements
10 June 2009 Agreement as between KVFD and IAFF Local #3591
MOVED by Counc. Kilfoil and seconded by Counc. Cochrane the following Kennebecasis Valley Fire Department documentation be received/filed: Monthly Response Report, unaudited Financial Statements and Agreement as between KVFD and IAFF Local #3591.

ON THE QUESTION:

The changes to the agreement will be reviewed and cost implications provided to Council for the 2010 budgeting process.

CARRIED.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-6-

10 August 2009

- 7.3 30 June 2009 Unaudited Utility Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 30 June 2009 unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

30 June 2009 Unaudited General Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 30 June 2009 unaudited General Fund Financial Statements be received/filed.

CARRIED.

- 7.4 16 July 2009 Draft Public Works and Infrastructure Committee Meeting Minutes
MOVED by Counc. Mullett and seconded by Counc. Shea the 16 July 2009 draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

CARRIED.

- 7.5 24 July 2009 Operations Report
MOVED by Counc. Kilfoil and seconded by Counc. Shea the Operations Report be received/filed.

ON THE QUESTION:

It was noted the District Medical Health Officer approves septic systems and the province approves daycares.

CARRIED.

- 7.6 4 August 2009 Draft Planning Advisory Committee Meeting Minutes
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 4 August 2009 draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

➤ Grove Avenue – Hillcrest Park Subdivision Phase 11

MOVED by Counc. Cochrane and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into the development agreement for the development of a 4 lot subdivision on Grove Avenue, to be known as Hillcrest Park Subdivision Phase 11, identified as a portion of PID# 00256800, subject to amendments to the development agreement.

CARRIED.

➤ 23 Marr Road – Municipal Plan Amendment

MOVED by Counc. Cochrane and seconded by Counc. Shea Council schedule the Public Presentation, in accordance with the *Community Planning Act*, RSNB (1973) Chapter C-12 and amendments thereto, for Monday, September 14, 2009 commencing at 8:00 p.m. to give consideration to the proposed development for the property situate generally 23 Marr Road, identified as PID# 30243232.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-7-

10 August 2009

8. UNFINISHED BUSINESS

8.1 67 Kingshurst Lane development agreement (matter tabled March 2009)

6 August 2009 Memorandum from Town Manager Jarvie

27 July 2009 Letter from P. Hyslop with attached Exhibit Book

Dealt with under Item 4.2 above.

8.2 By-law 3-09 Procedural By-law

4 August 2009 Memorandum from Town Clerk Banks

DRAFT By-law 3-09

DRAFT Public Hearing Policy

MOVED by Council. Shea and seconded by Deputy Mayor MacDonald 1st Reading by Title, be given By-law 3-09, "A By-law of the Municipality of Rothesay Respecting the Procedure and Organization of Council".

CARRIED.

The Clerk read By-law 3-09 by title.

MOVED by Council. Shea and seconded by Deputy Mayor MacDonald 2nd Reading by Title, be given By-law 3-09, "A By-law of the Municipality of Rothesay Respecting the Procedure and Organization of Council".

CARRIED.

The Clerk read By-law 3-09 by title.

8.3 By-law 4-09 Unsightly Premises By-law

30 July 2009 Memorandum from Town Clerk Banks

Draft By-law 4-09

MOVED by Council. Shea and seconded by Council. Kilfoil By-law 4-09, "A By-law Respecting Dangerous or Unsightly Premises" be read in its entirety.

CARRIED.

The Clerk read By-law 4-09 in its entirety.

MOVED by Council. Shea and seconded by Council. Cochrane 3rd Reading by Title and Enactment be given By-law 4-09, "A By-law Respecting Dangerous or Unsightly Premises".

CARRIED.

The Clerk read By-law 4-09 by title.

MOVED by Council. Cochrane and seconded by Council. Young, in accordance with Section 190 of the Municipalities Act, R.S.N.B. (1973) Chapter M-22 and amendments thereto, Council appoint By-law Compliance Officer Steve Nason as Officer and the Director of Development Services, as alternate.

CARRIED.

8.4 Curbside Recycling

6 August 2009 Memorandum from Town Manager Jarvie

MOVED by Council. Kilfoil and seconded by Council. Pat Gallagher Jette Council direct staff to:

- 1) proceed with the tender for compostable and garbage collection, and
- 2) prepare a detailed analysis of costs of a curbside collection program with a view to including such a program in the 2010 budget.

ON THE QUESTION:

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-8-

10 August 2009

Town Manager Jarvie advised he has discussed the matter with the Manager of Fundy Region Solid Waste Commission. He further noted the tender is already out and the closing date was extended by Council. Town Manager Jarvie explained the tender is for current service levels and the detailed analysis is with a view to possibly implementing curbside collection at a later date.

CARRIED.

9. **NEW BUSINESS**

9.1 Master Recreation Plan

6 August 2009 Memorandum from Parks and Recreation Committee
Rothesay Recreation Master Plan

MOVED by Counc. Shea and seconded by Counc. Kilfoil Council adopt as a guide the 2009 Recreation Master Plan prepared by ADI Limited to effectively address the long term needs of residents in terms of administration, facilities and programs.

CARRIED.

9.2 Lease Agreement

6 August 2009 Memorandum from Town Manager Jarvie
DRAFT Lease Agreement – Kennebecasis Lions Club

Dealt with under Item 4.3 above.

Mayor Bishop congratulated Counc. Gallagher Jette on her appointment as Chair for the Fundy Region Solid Waste Commission.

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, September 14, 2009.

11. **ADJOURNMENT**

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

CARRIED.

The meeting adjourned at 9:40 p.m.

MAYOR

CLERK