



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, February 8, 2010  
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

1. **APPROVAL OF MINUTES** Regular Meeting – 11 January 2010  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the minutes of 11 January 2010 be approved as circulated.  
**CARRIED.**
2. **APPROVAL OF AGENDA**  
**MOVED** by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the agenda be approved as circulated, with the following addition:  

*Item 9.6      5 February 2010      Authorization for Energy Audit*

**CARRIED.**
3. **OPENING REMARKS OF COUNCIL**  
N/A
4. **DELEGATIONS**  
N/A
5. **CORRESPONDENCE - FOR ACTION**
  - 5.1 22 January 2010 Letter from St. Joseph's Hospital Foundation RE: 2010 Dragon Boat Festival.  
**MOVED** by Counc. Shea and seconded by Counc. Kilfoil Rothesay partner with St. Joseph's Hospital Foundation to host and sponsor the 2010 Saint John Dragon Boat Festival, to be held on August 28, 2010 at the Renforth Wharf.  
**CARRIED.**
6. **CORRESPONDENCE - FOR INFORMATION**
  - 6.1 13 January 2010 Letter from Transportation Minister Landry RE: Acadian Coach Lines Bus Service changes.  
**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter from Transportation Minister Landry RE: Acadian Coach Lines Bus Service changes be received/filed.  
**CARRIED.**
  - 6.2 20 January 2010 Letter from Imperial Theatre RE: thanks for Capital Campaign Contribution.  
**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the letter from Imperial Theatre RE: thanks for Capital Campaign Contribution be received/filed.  
**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-2-

8 February 2010

6.3 21 January 2010 Letter to MLA Blaney RE: Financial Implications of Finn Recommendations.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Cochrane the letter to MLA Blaney RE: Financial Implications of Finn Recommendations be received/filed.

**CARRIED.**

### 7. REPORTS

#### 7.0 February 2010 Report from Closed Session

##### ➤ Land Expropriation

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Young WHEREAS Council, by Resolution dated December 14, 2009, authorized the commencement of expropriation proceedings and the filing with the Expropriations Advisory Officer of Notices of Intention to Expropriate the lands and premises hereinafter described;

AND WHEREAS Notices of Intention to Expropriate the hereinafter described lands and premises were filed with the Expropriations Advisory Officer on December 22, 2009;

AND WHEREAS no Notices of Objection to the proposed expropriations were filed with the Expropriations Advisory Officer within the time prescribed by statute;

AND WHEREAS Council wishes to confirm the Notices of Intention to Expropriate;

NOW THEREFORE BE IT RESOLVED that Council does hereby confirm the Notices of Intention to Expropriate and does hereby authorize the expropriation of the lands and premises described as:

1. Parcel FS-2 – Portion of PID 258426;
2. Parcel FS-3 – Portion of PID 256198
3. Parcel FS-4 – Portion of PID 30245161;
4. Parcel FS-5 – Portion of PID 255315;
5. Parcel FS-6 – Portion of PID 62729;
6. Parcel FS-7 – Portion of PID 238287;
7. Parcel FS-8 – Portion of PID 30160303;
8. Parcel FS-9 – Portion of PID 239350;
9. Parcel FS-10 – Portion of PID 238964;
10. Parcel FS-11 – Portion of PID 239632;

and the registration of Notices of Expropriation of the lands and premises hereinbefore described in the Office of the Registrar of Deeds in and for the County of Kings/Land Titles Office New Brunswick, as the case may be.

**CARRIED.**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Kilfoil WHEREAS Council has by resolution immediately preceding these presents authorized the expropriation of certain lands and premises and whereas Section 22(1) of the *Expropriation Act*, Chapter E-14 of the Revised Statutes of New Brunswick 1973 as amended, allows an Expropriating Authority to take physical possession of expropriated lands and premises and occupation as an owner as of the date of registration of the Notice of Expropriation, if at that time no owner is in occupation of the land;

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

AND WHEREAS the following lands and premises:

1. Parcel FS-2 – Portion of PID 258426;
2. Parcel FS-3 – Portion of PID 256198
3. Parcel FS-4 – Portion of PID 30245161;
4. Parcel FS-5 – Portion of PID 255315;
5. Parcel FS-6 – Portion of PID 62729;
6. Parcel FS-7 – Portion of PID 238287;
7. Parcel FS-8 – Portion of PID 30160303;
8. Parcel FS-9 – Portion of PID 239350;
9. Parcel FS-10 – Portion of PID 238964;
10. Parcel FS-11 – Portion of PID 239632;

are not occupied by the owners;

NOW THEREFORE Council does hereby authorize the taking of physical possession by Rothesay, the Expropriating Authority, of the lands and premises:

1. Parcel FS-2 – Portion of PID 258426;
2. Parcel FS-3 – Portion of PID 256198
3. Parcel FS-4 – Portion of PID 30245161;
4. Parcel FS-5 – Portion of PID 255315;
5. Parcel FS-6 – Portion of PID 62729;
6. Parcel FS-7 – Portion of PID 238287;
7. Parcel FS-8 – Portion of PID 30160303;
8. Parcel FS-9 – Portion of PID 239350;
9. Parcel FS-10 – Portion of PID 238964;
10. Parcel FS-11 – Portion of PID 239632;

on the date of registration of the Notices of Expropriation.

**CARRIED.**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Cochrane Council authorize offers to be made to each affected property owner to the value of the appraisals prepared by Appraisals (Fundy) Ltd.

**CARRIED.**

➤ Cedar Point Estates

**MOVED** by Counc. Cochrane and seconded by Counc. Shea **Resolved that:**

It is the objective of Rothesay to expand its water and road systems in accordance with the Municipal Plan adopted by Council on May 13<sup>th</sup>, 2002.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett **Resolved that:**

- (i) Raymond F. Glennie, Q.C. and Charles D. Whelley, Q.C. be authorized to commence and proceed with the expropriation process to acquire the following lands and premises for the purpose of installing a water line and constructing a road in accordance with the *Municipalities Act*, 1973 RSNB, Chap. M-22, as amended:

PID	Civic Address
239632 (part)	Dunedin Road (end of)

- (ii) Council appoint Kierstead Quigley and Roberts Ltd., Appraisals (Fundy) Ltd. – its agents to make surveys, do appraisals and conduct other investigations if required,

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

8 February 2010

(iii) Council hereby authorizes entry by its employees and by its said agents upon the lands and premises to be expropriated.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald **Resolved that:** The Mayor and Clerk be authorized to execute Forms A-2, Notices of Intention to Expropriate and related forms pursuant to the provisions of the Expropriation Act, 1973 RSNB ch. E-14, as amended and the Regulations thereunder with respect to the following parcel of land:

PID	Civic Address
239632 (part)	Dunedin Road (end of)

as generally shown on the subdivision plan and sketch attached hereto.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Shea **Resolved that:**

(i) The Mayor and Clerk be authorized to execute a Notice of Entry pursuant to the provisions of the *Expropriation Act*, Chap. E-14, RSNB, 1973 and amendments thereto and the Regulations thereunder with respect to the said lands and premises, such Notice to advise that the Town, its employees and its named agents intend to enter upon the properties in question commencing not earlier than February 8<sup>th</sup>, 2010, and continuing as necessary but in no event later than July 31<sup>st</sup>, 2010 for the purpose of conducting activity to determine the suitability of the said lands and premises for the said purposes.

(ii) Raymond F. Glennie, Q.C. or Charles D. Whelley, Q.C. arrange that such Notice of Entry be given in accordance with the requirements of the *Expropriation Act*.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett **Resolved that:**

Kierstead Quigley and Roberts Ltd. be retained to provide the Town with the survey documentation required to support the expropriation process with respect to the said lands.

**CARRIED.**

7.1 14 October 2009 Kennebecasis Public Library Board Meeting Minutes  
28 October 2009 Kennebecasis Public Library Board Meeting Minutes

**MOVED** by Counc. Mullett and seconded by Counc. Shea the 14 October 2009 and 28 October 2009 Kennebecasis Public Library Board Meeting Minutes be received/filed.

**CARRIED.**

7.2 25 November 2009 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes  
30 November 2009 RRJBPC Financial Statements

**MOVED** by Counc. Shea and seconded by Counc. Mullett the 25 November 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes and the 30 November 2009 Financial Statements be received/filed.

**ON THE QUESTION:**

It was noted the fuel contract was re-tendered and awarded to Irving.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-5-

8 February 2010

- 7.3 31 December 2009 Draft Unaudited Rothesay General Fund Financial Statements **MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 December 2009 Draft unaudited Rothesay General Fund Financial Statements be received/filed.

**CARRIED.**

31 December 2009 Draft Unaudited Rothesay Utility Fund Financial Statements **MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 December 2009 Draft unaudited Rothesay Utility Fund Financial Statements be received/filed.

**CARRIED.**

- 7.4 8 January 2010 Draft Sesquicentennial Committee Meeting Minutes  
RECEIVED FOR INFORMATION.

Mayor Bishop advised the Committee wishes to hire a coordinator for the 150<sup>th</sup> celebrations. He indicated a grant application has been made to Heritage Canada, the committee is meeting every two weeks and St. David's and St. Paul's Church are also celebrating anniversaries this year. Counc. Shea noted the proposed budget was included for information and Deputy Mayor MacDonald noted the Premier had been informally invited to attend the celebration events. Mayor Bishop indicated the Lieutenant-Governor will be attending a service at St. Paul's Church and there has been no confirmation yet to an invitation extended to the Royal Family by the City of Saint John, who is celebrating its 225<sup>th</sup> anniversary.

➤ Coordinator and budget for 150<sup>th</sup> celebrations

Town Manager Jarvie advised the coordinator's position was an unbudgeted item and therefore required Council's approval.

**MOVED** by Counc. Shea and seconded by Counc. Mullett a Coordinator be hired for the 150<sup>th</sup> anniversary celebrations, in the range of \$15,000-\$20,000.

**CARRIED.**

- 7.5 12 January 2010 Draft Parks and Recreation Committee Meeting Minutes **MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the 12 January 2010 draft Parks and Recreation Committee Meeting Minutes be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald requested clarification on the fieldhouse working group and allocation of \$10,000 for a junior architect. Counc. Shea advised the amount was included in the Recreation budget and the goal is to get a concept plan for residents to see and review. Mayor Bishop noted he had no issue with a concept plan but noted there is no commitment to go ahead with a fieldhouse at this time.

Mayor Bishop requested Counc. Shea advise the Committee members that committee appointments come from Council and it is not the responsibility of committee members to ask others to be on the committee.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-6-

8 February 2010

- Request for additional Committee members
  - 1 February 2010 Memorandum from Town Clerk
  - 18 January 2010 Memorandum from Parks & Recreation Committee

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Recreation Committee membership be expanded by three to include representatives as identified in the Master Recreation Plan; more specifically from the KV Committee for Disabled Persons, a high school student and a seniors' representative.

**CARRIED.**

**MOVED** by Counc. Shea and seconded by Counc. Cochrane the request for additional Parks and Recreation Committee members be referred to the Nominating Committee.

**CARRIED.**

- 7.6 January 2010 Building Permits Summary Report

**MOVED** by Counc. Shea and seconded by Counc. Young the January 2010 Building Permits Summary Report be received/filed.

**CARRIED.**

- 7.7 1 February 2010 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Young and seconded by Counc. Cochrane the 1 February 2010 draft Planning Advisory Committee Meeting Minutes be received/filed.

**CARRIED.**

- Scribner Crescent – Public Hearing

Council schedule a Public Hearing, in accordance with the *Community Planning Act*, for By-law 2-02-37, for **Monday, March 8, 2010 commencing at 8:00 p.m.** to give consideration to an amendment for the Zoning By-law to rezone the property situate generally Scribner Crescent, identified as PID# 00064907, from Single Family Residential - Standard (R1b) to Two Family Residential (R2).

**CARRIED.**

- Rothesay Zoning By-law

- 2 February 2010 Memorandum from DDS Drescher

**MOVED** by Counc. Young and seconded by Counc. Shea Council direct staff to undertake stakeholder consultation for the amendments to the Zoning By-law.

### ON THE QUESTION:

DDS Drescher advised the normal process would be to proceed to a public hearing. However, based on comments at the presentation and hearing for the Municipal Plan, particularly related to specific regulations (e.g. roof height, lot size, etc.) staff sees it as necessary to provide the opportunity for the public to review the proposed changes. This type of public engagement will allow for public input prior to the public hearing process.

**CARRIED.**

- 7.8 3 February 2010 Operations Report

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the 3 February 2010 Operations Report be received/filed.

**CARRIED.**

- Tender Award No. 2010-01EQ – Multi-purpose sidewalk tractor

**MOVED** by Counc. Cochrane and seconded by Counc. Mullett Tender No. 2010-01EQ – multi-purpose sidewalk tractor be awarded to the low tenderer Saunders Equipment Ltd. for the tender price of \$165,798.12, inclusive of HST.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-7-

8 February 2010

➤ Quotation Award – All Wheel Drive Parks Utility Vehicle  
**MOVED** by Counc. Cochrane and seconded by Counc. Shea the quotation for 2010 All Wheeled Drive Parks Utility vehicle be awarded to the low bidder Riverside Chain Saw (1989) Ltd. for the quoted prices of \$23,417.30, inclusive of HST.

**CARRIED.**

➤ Quotation Award – Pavement Marking Line Painter  
**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the quotation for a new pavement marking line painting machine be awarded to the low bidder, Stinson Equipment Ltd., for the quotation price of \$13,646.43, inclusive of HST.

**CARRIED.**

➤ Tender Award No. 2010-02EQ – Single Gutter Broom Vacuum Street Sweeper  
**MOVED** by Counc. Cochrane and seconded by Counc. Shea Tender No. 2010-02EQ – Single Gutter Broom Vacuum Street Sweeper be awarded to the low tenderer Saunders Equipment Ltd., for the total tender price, inclusive of attachments, of \$230,144.70, inclusive of HST.

**CARRIED.**

### 8. UNFINISHED BUSINESS

#### 8.1 23 Marr Road (High density residential proposal)

- By-law 1-02-10, “A By-law to Amend the Municipal Plan By-law”
- By-law 2-02-36, “A By-law to Amend the Zoning By-law”  
3 February 2010 Memorandum from Town Clerk Banks

**No action required.**

### 9. NEW BUSINESS

#### 9.1 Quotation Award – Turf Vehicle (Arthur Miller Fields)

21 January 2010 Memorandum from C. Jensen, Director of Recreation

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea Council authorize the award of the quotation for a Turf Vehicle to Vesey’s Seeds, for the quotation price of \$8,929.00, exclusive of HST.

**CARRIED.**

#### 9.2 Quotation Award – storage barn (Arthur Miller Fields)

29 January 2010 Memorandum from C. Jensen, Director of Recreation

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council authorize the award of the quotation for a 12’ x 20’ small storage barn to Top Notch Storage Barns, for the quotation price of \$8,119.47, exclusive of HST.

**CARRIED.**

#### 9.3 Heritage Canada – Canada Day grant application

1 February 2010 Memorandum from Town Clerk Banks

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette Be it RESOLVED THAT Charles Jensen, Director of Recreation Services, Rothesay be authorized to submit a financial request to the Department of Canadian Heritage in relation to the *Celebrate Canada!* Program for organizing activities to celebrate Canada Day.

**CARRIED.**

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

8 February 2010

**9.4 Local Improvement Levy**

3 February 2010 Memorandum from Town Clerk Banks

**MOVED** by Councillor Cochrane and seconded by Councillor Shea :

Whereas projects were undertaken as local improvements in accordance with the pertinent By-Laws, Rothesay Council hereby directs that a special warrant be issued for the sum set out in the local improvement assessment roll for 2010 and further directs the Clerk to cause such special assessments to be collected in accordance with By-Law 3-00.

Local Improvement By-Law #	Amount to be collected
By-Law 4-00	\$59,268.53

**CARRIED.**

**9.5 MCBB Application – Borrowing Authority for General and Utility Funds**

3 February 2010 Memorandum from Treasurer Johnson

**MOVED** by Councillor Cochrane and seconded by Deputy Mayor MacDonald Resolved: that the Town of Rothesay submit to the Municipal Capital Borrowing Board an application for authorization to borrow or guarantee the repayment of money borrowed or deemed borrowed for capital expenses not to exceed the following terms and amounts:

**General Fund**

Function	Purpose	Amount	Term
Recreation	Anniversary Park	\$100,000	10 years
Transportation Services	Storm Sewer Improvements, Land Acquisition	\$3,500,000	10 years

**Utilities Fund**

Function	Purpose	Amount	Term
Environmental Health -Water	Municipal Water System Expansion	\$400,000	20 years
Environmental Health -Sewer	Sanitary Sewer Improvements	\$500,000	20 years

**CARRIED.**

**9.6 Energy Audit**

5 February 2010 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald Council approve the engagement of Fundy Engineering & Consulting Ltd. to perform an energy audit of the Arena at a cost of \$3,800 plus HST.

**CARRIED.**

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, March 8, 2010.

11. **ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 8:57 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK