



ROTHESAY COUNCIL

OPEN SESSION

Monday, February 14, 2011

MINUTES



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

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

Mayor Bishop called the Open Session to order at 8:00 p.m.

1. APPROVAL OF MINUTES

MOVED by Deputy Mayor MacDonald and seconded by Council. Shea the minutes of 10 January 2011 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

N/A

2. APPROVAL OF AGENDA

MOVED by Council. Gallagher Jette and seconded by Council. Cochrane the agenda be approved as circulated, with the following addition:

Item 9.6 Electronic Council kits Verbal – Mayor Bishop

3. OPENING REMARKS OF COUNCIL

Mayor Bishop wished everyone a Happy Valentine's Day and noted Winterfest 2011 is taking place in the greater Saint John communities February 18-20 and the Mayor's Breakfast is Saturday morning at 8:00 a.m. Council. Young noted the City closed Lily Lake today.

4. DELEGATIONS

4.1 Kennebecasis Public Library Leslye McVicar, Librarian

Heather Crawford, Chairperson, Mike Richard, Architect

Mrs. Crawford gave a brief presentation to Council with respect to the status of the proposed new library and outlined possible construction options. She noted it would take approximately one month to complete the schematic design phase. The additional phases are: Design Development, Contract Documentation, Tendering and Construction, with an estimated completion in the Summer/Fall 2012 at a cost of \$6 million. Mr. Richard advised there are two concepts at present and explained the next steps in the process. Council. Shea suggested additional public involvement should be pursued prior to a decision being made on the design. Mrs. Crawford noted the difficulty in facilitating a public session with little information. Ms. McVicar noted the project had been ongoing for a while and a larger library is definitely needed in the Valley.

MOVED by Council. Cochrane and seconded by Council. Mullett Council authorize Rothesay's share of the remaining \$86,000 (approximate) to be used for the Schematic Design Phase for the proposed new library.

CARRIED.

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5. CORRESPONDENCE FOR ACTION

- 5.1 26 January 2011 Email from DO Hatcher to G. Splane RE: vehicle damage
26 January 2011 Letter from G. Splane RE: vehicle damage

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the correspondence as between Mr. G. Splane and DO Hatcher RE: vehicle damage be referred to the Public Works and Infrastructure Committee.

CARRIED.

- 5.2 27 January 2011 Letter from J. Fullerton RE: Renforth Wharf

MOVED by Counc. Gallagher Jette and seconded by Counc. Kilfoil the letter dated 27 January 2011 from J. Fullerton RE: Renforth Wharf be referred to the Town Manager.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

- 6.1 10 January 2011 Letter from Statistics Canada RE: May 2011 census

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the letter dated 10 January 2011 from Statistics Canada RE: May 2011 census be received/filed.

CARRIED.

- 6.2 15 January 2011 Letter from Mr. J. Wiggins RE: amalgamation

MOVED by Counc. Young and seconded by Counc. Kilfoil the letter dated 15 January 2011 from Mr. Wiggins RE: amalgamation be received/filed.

ON THE QUESTION:

Counc. Kilfoil requested the Town Manager send a response to Mr. Wiggins addressing his comments.

CARRIED.

- 6.3 22 January 2011 Email from A. Wood RE: plowing on Appleby Drive

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the email dated 22 January 2011 from A. Wood RE: plowing on Appleby Drive be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald noted Appleby Drive is icy at the bottom. DO Hatcher advised the operator has a "blast button" that dispenses additional salt in problem areas and the concerns would be passed on the operator. Counc. Kilfoil advised he had been receiving complaints about plowing. DO Hatcher advised there is a different contractor and he has the same equipment as the previous contractor. He requested complaints be directed to his attention so they can be resolved.

CARRIED.

- 6.4 8 February 2011 Letter of thanks from Canadian Red Cross (Charlotte County flood relief)

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the letter of thanks dated 8 February 2011 from Canadian Red Cross RE: Charlotte County flood relief donation be received/filed.

CARRIED.

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7. REPORTS

7.0 February 2011 Report from Closed Session

- Oakville Acres Storm Detention Pond expropriation

MOVED by Counc. Cochrane and seconded by Counc. Shea **RESOLVED THAT:** It is the objective of Rothesay to provide flood protection for property downstream of PID 30189617 by establishing a storm water detention pond on the property to be acquired and on adjacent lands.

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 drainage.

PID	Location
30189617 (Part)	Hampton Road

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

- (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 Counc. Shea **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	Location
30189617 (Part)	Hampton Road

as generally shown in blue on the sketch attached hereto.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil **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 15, 2011, and continuing as necessary but in no event later than August 31, 2011 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.

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MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald **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 24 November 2010 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes
30 November 2010 RRJBPC Financial Statements

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes dated 24 November 2010 and Financial Statements dated 30 November 2010 be received/filed.

CARRIED.

7.2 31 December 2010 Unaudited Rothesay Utility Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited Rothesay Utility Fund Financial Statements dated 31 December 2010 be received/filed.

ON THE QUESTION:

Counc. Cochrane noted the Utility Fund has a year end surplus of \$7,929.

CARRIED.

31 December 2010 Draft Unaudited Rothesay General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited Rothesay General Fund Financial Statements dated 31 December 2010 be received/filed.

ON THE QUESTION:

Counc. Cochrane noted the General Fund has a year end surplus of \$7,164.

CARRIED.

7.3 18 January 2011 Parks and Recreation Committee Meeting Minutes

1 February 2011 Draft Parks and Recreation Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the Parks and Recreation Committee Meeting Minutes dated 18 January 2011 and 1 February 2011 (draft) be received/filed.

ON THE QUESTION:

It was noted there is a typographical error in the January 18th minutes and the number should read \$400,000 (p. 2 Item 4.2).

CARRIED.

7.4 19 January 2011 Draft Public Works and Infrastructure Committee Meeting Minutes

MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the draft Public Works and Infrastructure Committee minutes dated 19 January 2011 be received/filed.

ON THE QUESTION:

Mayor Bishop noted Item 7.2 (15 Cameron Road) had been dealt with by the Committee and the request was denied as presented. He noted Ms. Jacie Clark was present and further explained the complaint was based on a blocked catch basin. Mayor Bishop advised the Engineering Department had reviewed the matter and made a recommendation to the Committee. Ms. Clark asked to address Council. Mayor Bishop noted it was an unusual request but gave her the opportunity.

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Ms. Clark asked how a proper assessment could be done without staff accessing the house. DO Hatched advised an instrument is used from the road to take measurements and determine elevations and determinations are based on calculations. In this case, the catch basin is below the residence. Ms. Clark advised when they cleared the catch basin the water receded from the basement. It was suggested there may have been a blockage in the drain tile. Ms. Clark asked if Council would consider new information from her own engineer. Mayor Bishop advised she could provide the additional information to Council for consideration.

CARRIED.

7.5 19 January 2011 Draft Heritage Preservation Review Board Meeting Minutes
MOVED by Counc. Young and seconded by Counc. Shea the draft Heritage Preservation Review Board Meeting minutes dated 19 January 2011 be received/filed.

ON THE QUESTION:

Mayor Bishop noted it is Heritage Week and an event has been planned for February 16th at Shadow Lawn.

CARRIED.

7.6 January 2011 Building Permit Summary Report
MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the January 2011 Building Permit Summary Report be received/filed.

CARRIED.

7.7 7 February 2011 Draft Planning Advisory Committee Meeting Minutes
MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the draft Planning Advisory Committee Meeting minutes be received/filed.

ON THE QUESTION:

It was noted the Committee polling policy has been enlarged to include all rezonings and subdivisions. Residents within 100m of any proposed rezoning or subdivision will be notified under the revised polling policy.

CARRIED.

➤ 11-13 Sierra Avenue Rezoning – Public Hearings

MOVED by Counc. Young and seconded by Counc. Mullett Council schedule Public Hearings for Monday, March 14, 2011 commencing at 8:00 p.m., in accordance with the *Community Planning Act*, RSNB (1973) Chapter C-12, and amendments thereto, to give consideration to amendments to Zoning By-law 2-10. The amendments will rezone the properties situate 11 and 13 Sierra Avenue, identified as PID#s 00478792 and 00478800, from Single Family Residential – Standard (R1b) to Multi-Unit Residential (R4), to allow for development of a 15 unit apartment building.

CARRIED.

7.8 9 February 2011 Operations Report
MOVED by Deputy Mayor MacDonald and seconded by Counc. Young the Operations Report dated 9 February 2011 be received/filed.

CARRIED.

➤ General Equipment Purchase – snowblower

MOVED by Counc. Cochrane and seconded by Counc. Young Council award the General Equipment Purchase Quotation to Saunders Equipment Ltd. for the tender price of \$24,521.00, inclusive of HST.

CARRIED.

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- Oakville Acres Stormwater Management - information distribution

MOVED by Counc. Cochrane and seconded by Counc. Young Council authorize the following information to be posted on the Town website:

- Watercourse and Wetland Alteration Permit Application
- Wetland Delineation and Functional Analysis Report
- Fish and Fish Habitat Analysis Report
- Draft Environmental Management Plan
- All Report Figures, Sketches and Graphical drawings supporting the application

CARRIED.

- Contract 1 Waterline Hillside Development - Bridge purchase

MOVED by Counc. Cochrane and seconded by Counc. Shea Rothesay purchase the bridge installation for the net purchase prices of \$10,000 from Valley Excavation Services Ltd.

CARRIED.

8. OLD BUSINESS

N/A

9. NEW BUSINESS

DEVELOPMENT SERVICES

9.1 Gentleman Subdivision (Kirkpatrick Road) Security Release

- 27 January 2011 Memorandum from DDS Drescher
- 26 January 2011 Email from DO Hatcher
- 6 December 2010 Letter from W. Gentleman

MOVED by Counc. Shea and seconded by Counc. Mullett Council release \$23,800 plus interest of the security provided to the Town in the form of cash held in conjunction with the development of Gentleman Subdivision, generally situate Kirkpatrick Road.

CARRIED.

ADMINISTRATION

9.2 Committee Appointment Request

- 8 February 2011 Memorandum from Town Clerk Banks

MOVED by Counc. Kilfoil and seconded by Counc. Gallagher Jette Council approve the appointment of Mrs. Jude Carson and Mr. David Locke to the Rothesay Living Museum Committee.

CARRIED.

9.3 Local Improvement Levy

- 8 February 2011 Memorandum from Town Clerk Banks
Warrant of Assessment

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald:

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 2011 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.

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FINANCE

9.4 Funding Requests

7 February 2011 Memorandum from Treasurer Johnson

MOVED by Counc. Mullett and seconded by Counc. Shea Council authorize payment of \$5,000 to the International Sculpture Symposium for 2011.

CARRIED.

MOVED by Counc. Shea and seconded by Counc. Mullett Council authorize payment of \$2,000 to KV Committee on Disabled Persons for 2011 operations.

CARRIED.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Young Council authorize payment of \$11,000 to Cherry Brook Zoo for 2011 operations.

CARRIED.

RECREATION

9.5 Community Garden

11 February 2011 Memorandum from Town Manager Jarvie

9 February 2011 Memorandum from Recreation Coordinator Bishop

MOVED by Counc. Young and seconded by Counc. Shea Council endorse the recommendation of a public meeting as contained in Ms. Bishop's memo and make an effort to attend.

ON THE QUESTION:

Ms. Bishop was in attendance. There was a brief discussion with respect to the proposed location and the level of community interest. Ms. Bishop advised the project was initiated by the Recreation Department and based on informal discussions was brought forward to the Parks and Recreation Committee and Council. It was noted an Environmental Impact Assessment would need to be carried out on the property.

CARRIED.

9.6 Electronic Council Kits Verbal – Mayor Bishop

Mayor Bishop noted other area Councils have gone “electronic” with their Council kits and the amount of paper and labour used to produce the kits seems high.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the Town Manager and Clerk look into options for providing electronic council kits for Rothesay Council.

CARRIED.

10. NEXT MEETING

The next regular meeting of Council will be held Monday, March 14, 2011, following public hearings.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:05 p.m.

MAYOR

CLERK