



ROTHESAY COUNCIL  
OPEN SESSION  
Monday, January 12, 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

Mayor Bishop called the regular session of Council to order at 8:00 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting – 8 December 2008  
**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the minutes of 8 December 2008 be approved as circulated.

**CARRIED.**

**1.1 Business Arising from Minutes**  
N/A

2. **APPROVAL OF AGENDA**  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the agenda be approved as circulated with the following additions:

*Item 7 Gordon Fairweather (recognition) Mayor Bishop*  
*Item 9.5 Procedural By-law Memorandum from Town Clerk*

**CARRIED.**

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop advised Rothesay lost one of its prominent citizens with the passing of Gordon Fairweather shortly before Christmas, noting the funeral was attended by senators, provincial cabinet ministers and MLAs.

Mayor Bishop noted the Kennebecasis Valley Chamber of Commerce is holding its annual dinner on January 28<sup>th</sup> at Riverside Golf and Country Club and the guest speaker will be David Alward, Leader of the Opposition.

Mayor Bishop advised the Mayor's Levee was well attended, despite the weather and further noted there is a new multi-cultural board in Saint John whose task it is to bring more people into the labour force in the region.

4. **DELEGATIONS**  
N/A

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-2-

12 January 2009

### 5. CORRESPONDENCE - FOR ACTION

- 5.1 25 November 2008 Letter from M. Lawson RE: water overflow Birch  
Crescent

**MOVED** by Counc. Mullett and seconded by Counc. Shea the letter from M. Lawson RE: water overflow at Birch Crescent be forwarded to the Public Works and Infrastructure Committee.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

- 6.1 5 December 2008 Letter from Enterprise Saint John RE: 2009 Operating Fund Request.

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the letter from Enterprise Saint John RE: 2009 Operating Fund Request be received and filed.

**CARRIED.**

- 6.2 24 December 2008 Letter to Minister Landry, Department of Transportation RE: speed limit zones on Hampton Road.

**MOVED** by Counc. Shea and seconded by Counc. Mullett the letter to Minister Landry, Department of Transportation RE: speed limit zones on Hampton Road be received/filed.

**CARRIED.**

- 6.3 3 January 2009 Letter (email) from K. McCormack RE: Darling Construction proposal for ice surface facility.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the letter from K. McCormack RE: Darling Construction proposal for ice surface facility be received/filed.

**CARRIED.**

### 7. REPORTS

#### 7.0 January 2009 Report from Closed Session

Mayor Bishop noted the late Gordon Fairweather was a significant presence in Rothesay and suggested Council recognize his many contributions – local, provincial, federal and international, by giving a scholarship this June. There was general discussion with respect to the criteria, the amount, whether it should be a one-time scholarship or annually, a Rothesay student at Rothesay High School (RHS) only or both RHS and Kennebecasis Valley High School.

**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette the Mayor strike a committee to draw up guidelines for review by Council.

**CARRIED.**

- 7.1 30 November 2008 Draft General Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Young the November 2008 General Fund Financial Statements be received/filed.

**CARRIED.**

30 November 2008 Draft Utility Fund Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the November 2008 Utility Fund Financial Statements be received/filed.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session

Meeting Minutes

-3-

12 January 2009

- 7.2 November 2008 Kennebecasis Valley Fire Department Monthly Response Report  
30 November 2008 Unaudited Financial Statements Kennebecasis Valley Fire Department

**MOVED** by Counc. Kilfoil and seconded by Counc. Shea the November 2008 Kennebecasis Valley Fire Department Monthly Response Report and November 2008 Unaudited Financial Statements be received/filed.

**CARRIED.**

- 7.3 16 December 2008 Draft Heritage Preservation Review Board Meeting Minutes  
**MOVED** by Counc. Young and seconded by Counc. Mullett the draft Heritage Preservation Review Board Meeting Minutes be received/filed.

**CARRIED.**

- 7.4 December 2008 Building Permit Report  
**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the December 2008 Monthly Building Permit Report be received/filed.

ON THE QUESTION:

Mayor Bishop noted the total construction for 2008 was \$15.3 million.

**CARRIED.**

- 7.5 5 January 2009 Draft Planning Advisory Committee Meeting Minutes  
**MOVED** by Counc. Young and seconded by Counc. Shea the draft Planning Advisory Committee Meeting Minutes be received/filed.

ON THE QUESTION:

There was discussion with respect to the project on Holland Drive and widening of the road and related costs. DDS Drescher advised it is the current Town policy when a developer wants to access a street that doesn't meet the needs for the purpose of the development, the developer is required to build the road to Town standards. Deputy Mayor MacDonald indicated he was trying to follow the flow of information from staff to committee to Council. Town Manager Jarvie indicated the staff report is provided to Council in conjunction with the recommendation from the committee when Council is required to make a decision. He further noted there are copies of all committee packages available for review at the Town Hall.

**CARRIED.**

➤ Rothesay Estates Subdivision

**MOVED** by Counc. Young and seconded by Counc. Shea Council schedule the Public Presentation, in accordance with the *Community Planning Act*, for Monday, February 9, 2009 commencing at 8:00 p.m. to give consideration to the proposed development for the properties situate generally off Isaac Street, identified as PID#s 00243683 (portion), 30239784, 30239776, 30239792, located in Rothesay Estates subdivision.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-4-

12 January 2009

- 7.6 7 January 2009 Operations Report  
**MOVED** by Counc. Young and seconded by Counc. Kilfoil the Operations Report be received/filed.

### ON THE QUESTION:

Mayor Bishop clarified Project 014-159 is the CNR Crossing at Kingshurst Lane. Counc. Cochrane requested clarification on the Garbage Collection contract and was advised there was a net 37 new residential starts in 2008 and there is no fuel surcharge on the current contract. Counc. Kilfoil requested clarification on the CNR Crossing project. It was noted there is an existing easement along the south side on the railway and an easement is required to extend the line onto private property. Council was advised there are ongoing discussions and the matter is before the Planning Advisory Committee.

**CARRIED.**

### ➤ Letter to Rothesay Park Road residents

Deputy Mayor MacDonald requested additional signage be added to Rothesay Park Road. He noted there are 17 children in the area, the roadway is one-way and narrow with poor sight lines. He suggested a blind crest sign and hidden driveways. Clarification was requested with respect to the existing signage on Rothesay Park Road. Town Manager Jarvie advised the Town follows Transportation Association of Canada guidelines for consistency in the Town and signage concerns are normally dealt with by the Public Works and Infrastructure Committee. He further noted this matter has been reviewed by the Committee, a traffic study was done and the results were provided to residents. Councils. Cochrane and Mullett noted the Public Works and Infrastructure Committee had dealt with the matter and advised the traffic study indicated a majority of the traffic is travelling at a speed lower than the posted speed limit of 40 km/hr so reducing the posted speed to 30 km/hr would have no effect.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette staff review the existing signage on Rothesay Park Road, review the TAC guidelines and Town standards and report back to Council.

**NAY votes recorded from Councils. Cochrane, Kilfoil and Mullett.**

**CARRIED.**

## 8. UNFINISHED BUSINESS

### 8.1 By-law 4-98 A2 Animal Control By-law (amendment)

7 January 2009 Memorandum from Town Clerk Banks

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil By-law 4-98 A2, "A By-law to Amend By-law 4-98" be read in its entirety.

**CARRIED.**

The Clerk read By-law 4-98 A2 in its entirety.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil 3<sup>rd</sup> Reading by Title, and Enactment be given By-law 4-98 A2, "A By-law to Amend By-law 4-98".

**CARRIED.**

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

12 January 2009

**9. NEW BUSINESS  
RECREATION**

**9.1 Recreation Consultant Study – Terms of Reference**

9 January 2009 Memorandum from Town Manager Jarvie

There was general discussion related to the draft Requests for Proposals (RFP) for Consulting Services for the preparation of the Rothesay Master Recreation Plan. Town Manager Jarvie advised the RFP would be advertised and distributed to interested parties. Deputy Mayor MacDonald indicated it covered what he had in mind but questioned the composition of the steering committee and suggested it should be composed of an equal number of councillors and committee members. Town Manager Jarvie advised all Recreation Committee members expressed an interest. Mayor Bishop indicated the steering committee would have more than one councillor and also include the Deputy Mayor.

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald Council authorize the circulation of the terms of reference for a recreation master plan.

**CARRIED.**

**9.2 Arena Use in Rothesay**

8 January 2009 Memorandum from Town Manager Jarvie

The memorandum from Town Manager Jarvie dated 8 January 2009 RE: Arena Use in Rothesay was received for information.

**ADMINISTRATIVE SERVICES**

**9.3 2009 Committee Appointments**

7 January 2009 Memorandum from Town Clerk Banks

**MOVED** by Counc. Kilfoil and seconded by Counc. Young Council ratify the appointments of Roy Marr and Joanne Gormley to the Parks and Recreation Committee for a term to expire December 31, 2010.

**CARRIED.**

**FINANCE**

**9.4 MCBB Application – Capital Budget Items**

7 January 2009 Memorandum from Treasurer Johnson

Mayor Bishop advised Treasurer Johnson had compiled the list of required motions from the approved Capital Budget for 2009. Counc. Cochrane advised the work cannot be started without an “Order-In-Council” or OIC from the province. He further noted the applications are being requested in anticipation of possible works. Counc. Gallagher Jette requested clarification that the works will not proceed until authorized by Council.

**MOVED** by Counc. 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	Rothesay Arena Parking Lot	\$ 110,000	10 years
Recreation	Sidewalks - AM Fields	90,000	10 years
Transportation Serv.	Traffic Control Device	125,000	10 years
Transportation Serv.	Aries Court Box Culvert	200,000	10 years

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

12 January 2009

Transportation Serv.	Monaco Dr. Storm Sewer	375,000	10 years
----------------------	------------------------	---------	----------

**Utilities Fund**

<b>Function</b>	<b>Purpose</b>	<b>Amount</b>	<b>Term</b>
Environmental Health - <b>Water</b>	Rothesay Rd Ext. to K-Park	\$1,600,000	20 years
Environmental Health - <b>Water</b>	Disinfection Remediation	400,000	20 years
Environmental Health - <b>Water</b>	Well Redevelopment	60,000	20 years
Environmental Health - <b>Sewer</b>	WWTP Preliminary Design	75,000	20 years
Environmental Health - <b>Sewer</b>	Waste Water Pumping Station	450,000	20 years
Environmental Health - <b>Sewer</b>	Birch Ave. Collector	550,000	20 years
Environmental Health - <b>Sewer</b>	Colwell Lane Force Main	375,000	20 years

**CARRIED.**

**9.5 Procedural By-law Review**

8 January 2009 Memorandum from Town Clerk Banks

Mayor Bishop gave a brief summary of the history of the existing procedural by-law and noted the comments received from Council members. Mayor Bishop suggested the proposed amendments be individually reviewed.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Shea a more active search be undertaken for committee members and the Mayor and two Councillors, with a term of one year, review written applications, conduct interviews, etc. for committee positions.

**CARRIED.**

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Shea no fewer than two Rothesay councillors be appointed to each of the following: Parks and Recreation Committee, Rothesay Regional Joint Board of Police Commissioners, and Kennebecasis Valley Fire Department Board.

**ON THE QUESTION:**

Counc. Cochrane noted there are a number of committees of Council on which councillors serve already and by appointing at least two to each committee, there are less positions available for members of the public to serve. He further noted no committees can spend money without Council authorization. Deputy Mayor MacDonald noted there is no background information for councillors if they do not sit on the committee. Town Manager Jarvie indicated there are existing appointments that will not expire and the procedure would have to be phased in.

**CARRIED.**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-7-

12 January 2009

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette staff recommendations include complete financial implications to the taxpayers or utility users of any recommendations put forth by staff, as well as disclosure of any variance/exception from normal procedures, practices and legislation.

### ON THE QUESTION:

Deputy Mayor MacDonald indicated he was not clear on the cost implications of previous staff recommendations. Counc. Gallagher Jette advised she was not aware of what had been spent on the Hillside Development project to date and suggested it was a good idea for Council to be kept up to date. Mayor Bishop indicated Council is concerned with financial implications of decisions. Town Manager Jarvie voiced concern with respect to the interpretation of “complete... implications” and suggested perhaps the request be adopted as a policy rather than included in the procedural By-law. Counc. Gallagher Jette suggested the groundwork was already in place for inclusion in the By-law itself. Mayor Bishop concluded the provisions should be in the By-law.

**CARRIED.**

Comments received from Counc. Cochrane addressed general formatting and editing comments. His comments as included in the memorandum will be clarified in the amending By-law.

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the comments as indicated by Counc. Cochrane be corrected in the amending by-law.

**CARRIED.**

Counc. Gallagher Jette noted her comments with respect to committees of council had been addressed, noting Council requires financial implications of decisions that come from committees. She further reiterated the existing by-law clearly states minutes shall be kept of committees of Council, noting there are implications with respect to the Personnel Committee. There was a brief discussion with respect to job descriptions, performance appraisals and resulting financial implications. Deputy Mayor MacDonald indicated as Chair of the Personnel Committee, there are some matters to be resolved.

Counc. Gallagher Jette requested an accounting of bills paid be included with the Council kit. Mayor Bishop advised the list is prepared with the bi-monthly cheque runs and can be made available to any councillor on request.

The motion from 23 November 2007 as related to Public Hearings will be included as well in the amending By-law.

Council requested the Clerk report back with respect to existing legislation or case law pertaining to the practice of councillors who are not in attendance at the public hearing are not entitled to votes on the By-law.

**ROTHESAY COUNCIL**

Open Session

Meeting Minutes

-8-

12 January 2009

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, February 9, 2009 following a Public Presentation.

11. **ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 9:30 p.m.

---

MAYOR

---

CLERK