



ROTHESAY COUNCIL
OPEN SESSION
Monday, January 13, 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 OPERATIONS (DO) BRETT McLEAN
DIRECTOR OF PARKS/REC (DPR) CHARLES JENSEN
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE

Mayor Bishop called the meeting to order at 7:00 p.m.

- 1. APPROVAL OF MINUTES** Regular meeting 9 December 2013
Special meeting 16 December 2013

MOVED by Counc. Wells and seconded by Counc. Lewis the minutes of 9 December 2013 be adopted as circulated.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Counc. MacDonald the minutes of 16 December 2013 be adopted as circulated.

CARRIED.

Business Arising from Minutes

n/a

- 2. APPROVAL OF AGENDA**

MOVED by Counc. Alexander and seconded by Counc. McGuire the agenda be approved as circulated.

CARRIED.

- 3. OPENING REMARKS OF COUNCIL**

Mayor Bishop noted there was great attendance at this year's Mayor's Levee, particularly considering the weather and recent ice storm. Counc. Alexander advised there will be an Open House at the Kennebecasis Public Library on January 21st to review waste diversion options for the landfill. There will be presentations and an opportunity for residents to provide their input.

- 4. DELEGATIONS**

4.1 State of Emergency Declaration Presentation Brian Shanks, Brent Whelan
Brian Shanks, KV EMO Director gave a presentation with respect to emergency management and planning, states of emergency, general comments related to the recent ice storm and the response of KV EMO, particularly related to Rothesay residents. It was noted Brent Whelan, REMC NB EMO was unable to attend. His presentation included the following:

- emergency management process
- incident vs. emergency and their impact
- natural and human-induced events (e.g. power outages, weather-related, civil unrest, sabotage, transportation accidents, etc.)

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- declaration/termination of states of emergency and states of local emergency process, and resulting response (municipal vs. provincial declaration)

There was a lengthy discussion with respect to the recent ice storm, resulting power outages and the response from KV EMO, particularly for Rothesay residents. The following comments were made:

- recent ice storm did not surpass the capability of municipal operations
- a provincial declaration would be required to involve the army for an emergency response
- the warming centre in Quispamsis served residents from Rothesay as well
- recent meetings to start the process of working jointly on the plan for the Valley
- how does Rothesay become more involved in emergency management planning
- lack of communication from KV EMO and to Council members
- additional work is required if the two Towns are going to have a joint plan
- similar experience in 2012 with power outage and subsequent discussion with NB Power representatives
- leverage skills of KV EMO Director to move forward with a proactive approach
- alternate means of communication in the case of power outages
- discussion of appointing assistant Director for Rothesay
- preparation for future events:
 - establish warming centre with emergency power
 - provide water
 - Station 1 is a possible option for a warming centre
- role of the Fire Department is determined by the Board and Fire Chief
- provincial responsibility is for local service districts not municipalities
- need for a general information page to be provided to residents of what to do
 - possible mail-out of emergency preparedness guides (federal) as has been done in the past
- take a more proactive approach
- NB Power needs to be advised of individual power outages and also advised when power is back on
- need for signage to notify residents of locations of warming centres
- request for a tour of the EOC in Gondola Point Rec Centre
- plan for training exercises – tabletop exercise and field exercise in 2014
 - design plans have not been finalized for 2014 exercises
 - obtain copy of report from Plaster Rock train derailment
 - tabletop exercise identifies issues with the plan that can be changed prior to the field exercise

Mayor Bishop thanked Mr. Shanks for his presentation.

5. CORRESPONDENCE FOR ACTION

5.1 10 January 2014 Memorandum from Town Manager Jarvie RE: Kennebecasis Valley Fire Department Fee for Service

5.1.1 14 November 2013 Letter from KVFD RE: Fee for service (rec'd 20 Dec 2013)

MOVED by Council. Alexander and seconded by Council. MacDonald Council express interest in the concept of fee for service and request the Fire Board to develop a more detailed presentation for consideration.

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ON THE QUESTION:

Counc. Gallagher Jette requested Town Manager Jarvie contact Fire Chief Ireland to determine what additional information is being sought. It was noted this is a financial consideration that could possibly reduce operating costs. Counc. MacDonald advised other jurisdictions are being reimbursed by insurance companies and it relates mainly to accidents on the Mackay Highway. He further noted it will require a legislative change that may take a long time to achieve but the request starts the process.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 28 November 2013 Copy of letter from CN Rail to Chief Ireland, Kennebecasis Valley Fire Department RE: CN safety practices/dangerous goods transport
MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the letter (copy) from CN Rail to Chief Ireland, Kennebecasis Valley Fire Department RE: CN safety practices/dangerous goods transport dated 28 November 2013 be received/filed.

ON THE QUESTION:

Deputy Mayor Grant suggested this information be forwarded to the ad hoc Rail Safety Committee. It was suggested all Council members be notified if a meeting is scheduled.

CARRIED.

Mayor Bishop removed himself from the Chair and asked Deputy Mayor Grant to preside.

6.2 12 December 2013 Letter from City of Saint John RE: domestic natural gas resolution
MOVED by Mayor Bishop and seconded by Counc. Alexander WHEREAS the finances of the Province of New Brunswick require immediate attention, and whereas natural resources are integral to the economy of New Brunswick, vital to many Greater Saint John businesses, and provide employment to thousands of Greater Saint John residents, Rothesay Council endorses the responsible exploration of domestic natural gas in New Brunswick.

ON THE QUESTION:

Mayor Bishop advised the intent is that exploration be done to determine the feasibility of natural gas in a way that is environmentally friendly and does not mean to begin digging. It was further noted there are no financial implications to Rothesay.

CARRIED.

MOVED by Mayor Bishop and seconded by Counc. Wells that a copy of the above resolution be forwarded to the Premier, area MLAs, local area Mayors, Regional Service Commission, Enterprise Saint John and the Saint John Board of Trade.

CARRIED.

Mayor Bishop returned to the Chair.

6.3 18 December 2013 Letter from NBPower RE: LED Street Light Conversion
MOVED by Counc. Wells and seconded by Deputy Mayor Grant the letter from NBPower RE: LED Street Light Conversion dated 18 December 2013 be received/filed.

ON THE QUESTION:

It was noted NBPower has indicated planned maintenance in Rothesay has been scheduled for 2016 but they would consider placement in some areas this summer. Hampton Road was suggested as an area for consideration and it was suggested Town Manager Jarvie convey this to Mr. Boldon at NB Power.

CARRIED.

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6.4 20 December 2013 Letter of thanks from resident for service provision

MOVED by Counc. Lewis and seconded by Counc. Alexander the letter of thanks from a resident RE: service provision dated 20 December 2013 be received/filed.

CARRIED.

6.5 20 December 2013 Letter from The New Brunswick Medical Education Trust RE: successful campaign and update

MOVED by Counc. Wells and seconded by Counc. McGuire the letter from The New Brunswick Medical Education Trust RE: successful campaign and update dated 20 December 2013 be received/filed.

CARRIED.

6.6 8 January 2014 Letter to Mayor Norton (Saint John) RE: Ad hoc Committee appointment

MOVED by Counc. Alexander and seconded by Counc. McGuire the letter to Mayor Norton (Saint John) RE: ad hoc Committee appointment dated 8 January 2014 be received/filed.

ON THE QUESTION:

Mayor Bishop noted one of the areas that could be affected by a train incident would be Kennebecasis Park and the entrance is in Saint John. The ad hoc committee is chaired by Deputy Mayor Grant and Counc. Wells is also a committee member and it was determined a representative from Saint John Council should be invited to sit on the committee.

CARRIED.

Counc. Lewis declared a conflict of interest and left the meeting room.

7. REPORTS

7.0 January 2014 Report from Closed Session

- Kennebecasis Valley Fire Department 2014 Budget

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette Rothesay Council fund Rothesay's share of the additional \$41,000 required by the Fire Board.

ON THE QUESTION:

Mayor Bishop noted it had been agreed the budget increase would be limited to 5.5% and the Fire Board was advised of this decision. A revised budget has been provided by the Board that shows an increase of 6.47% (cost reduction of \$81,000). Counc. MacDonald advised Quispamsis Council has approved funding their share and noted he was not clear where the original request to reduce the budget by \$120,000 came from but the Board did review the request and submitted an amended budget showing the reduction of \$81,000.

YEA votes recorded from Mayor Bishop, Councils. Gallagher Jette, MacDonald and Wells.

NAY votes recorded from Deputy Mayor Grant, Councils. Alexander and McGuire.

CARRIED.

Counc. Lewis returned to the meeting room.

7.1 30 November 2013 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Counc. MacDonald and seconded by Counc. Alexander the draft unaudited General Fund Financial Statements dated 30 November 2013 be received/filed.

ON THE QUESTION:

Counc. MacDonald requested clarification on the Monaco/Maliseet/Wanda Cr. project. It was noted the only work done was on Maliseet Drive, which was not \$150,000.

CARRIED.

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30 November 2013 Draft unaudited Utility Financial Statements

MOVED by Counc. MacDonald and seconded by Counc. Wells the draft unaudited Utility Financial Statements dated 30 November 2013 be received/filed.

CARRIED.

16 December 2013 Finance Committee meeting minutes

MOVED by Counc. MacDonald and seconded by Counc. Alexander the Finance Committee meeting minutes dated 16 December 2013 be received/filed.

CARRIED.

7.2 December 2013 Monthly Building Permit Summary Report

MOVED by Counc. Lewis and seconded by Counc. Wells the Monthly Building Permit Summary Report dated December 2013 be received/filed.

ON THE QUESTION:

Mayor Bishop noted that despite the slow economy, there was not much difference in the value of construction for 2013 as compared to 2012. DPDS White commented that 2012 included about \$7 million for the new liquor store and Kennebecasis Park School and the majority of 2013 construction was private sector investment.

Counc. Lewis commented that the value of construction is not reflective of the actual cost of the houses being constructed. He noted Charlottetown, PEI has moved to a new method of calculating square footage costs for new construction and requested staff review other jurisdictions and report back to Council.

CARRIED.

7.3 6 January 2014 Draft Planning Advisory Committee meeting minutes

MOVED by Counc. Wells and seconded by Counc. Lewis the draft Planning Advisory Committee meeting minutes dated 6 January 2014 be received/filed.

CARRIED.

➤ Hillcrest Gardens Amending Development Agreement

MOVED by Counc. Wells and seconded by Deputy Mayor Grant Council schedule a Public Hearing, in accordance with the *Community Planning Act*, RSNB (1973) Chapter c-12 and amendments thereto, for **Monday, February 10, 2014** at 7:00 pm to consider an amending agreement with 619699 N.B. Inc. for the removal of trustee lands from the subdivision referred to as Hillcrest Gardens on lands off Eriskay Drive (PID 30279137).

CARRIED.

➤ Sign By-law 3-10-2

To be dealt with under Item 8.1

8. UNFINISHED BUSINESS

8.1 Sign By-law Amendment – By-law 3-10-2

9 January 2014 Memorandum from Town Clerk Banks

8 January 2014 Memorandum from DPDS White

Draft Amended By-law 3-10-2 (fee schedule)

MOVED by Counc. Wells and seconded by Counc. Alexander Reading in its entirety be given By-law 3-10-2, “An Amendment to By-law 3-10, ‘A By-law Respecting Signage in Rothesay’”, as amended.

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ON THE QUESTION:

It was noted the Planning Advisory Committee recommended a minor change to clarify the fee structure, particularly that there is no application fee for not for profit organizations or community groups.

NAY vote recorded from Counc. McGuire.

CARRIED.

MOVED by Counc. Wells and seconded by Counc. Lewis Council give 3rd Reading and Enactment to By-law 3-10-2, "An Amendment to By-law 3-10, 'A By-law Respecting Signage in Rothesay' ", as amended.

NAY vote recorded from Counc. McGuire.

CARRIED.

8.2 Sunday Shopping By-law 9-04

10 January 2005	By-law 9-04
17 December 2013	Letter from KV Superstore (rec'd 7 January 2014)
16 December 2013	Response from Kennebecasis Valley Chamber of Commerce
7 November 2013	Memorandum from Town Manager
27 September 2013	Letter from Retail Council of Canada

It was noted the current By-law states Sunday hours in Rothesay are from 12 pm to 5 pm and representatives from the Rothesay SuperStore have requested Council review this matter and allow retailers to establish their own hours of operation. Councils. Wells and Lewis agreed it should be considered with the recent change in the City of Saint John and that retailers be allowed to set their own hours to remain competitive. Counc. Alexander noted Mr. Barnett's comments that the SuperStore has seen a negative impact in their sales.

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette staff contact Mr. Barnett at the Rothesay SuperStore and clarify his request.

ON THE QUESTION:

Town Clerk Banks advised she had been in contact with staff from the Rothesay SuperStore and the request is for Council to consider an amendment to the By-law with respect to Sunday hours of operation in Rothesay.

Motion withdrawn.

MOVED by Counc. MacDonald and seconded by Counc. Wells Council direct staff to draft revisions to the By-law to examine the issue of Sunday hours and report back to Council with recommendations.

CARRIED.

8.3 CN Rail Clearing in Renforth

8 January 2014 Memorandum from DO McLean

MOVED by Counc. Alexander and seconded by Counc. Wells the memorandum from DO McLean RE: CN Rail clearing in Renforth dated 8 January 2014 be received/filed.

ON THE QUESTION:

DO McLean advised the memorandum was provided for information and to update Council on the status of the project for clearing along the railway along Rothesay Road. It was noted an arborist had been retained to assess and review the trees and shrubbery. DO McLean noted the original motion of Council was to use Town staff as available to begin clearing. The permits have been obtained and if the work is not completed within the timeframe (May 2014), there is no indication a subsequent permit would not be granted. It was noted the work requested to be

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taken when the river is frozen is potentially hazardous and the Town's insurance broker has been advised there is no insurance exclusion. General advice has been provided by WorkSafe NB.

Counc. Wells noted the reference to the potential risk and requested clarification as to whether it may be better to retain a contractor to complete the work. Counc. Lewis noted his frustration the project has not proceeded and now new information is being provided with respect to the process. He suggested staff could begin culling the growth along the shore and it could be collected from the ice later in February.

CARRIED.

TABLED AGENDA ITEMS *(no action recommended at this time)*

8.4 Traffic By-law 3-03 *(tabled August 2013)*

8 August 2013 Memorandum from DO McLean

No action required

8.5 47 Clark Road amending development agreement

5 November 2013 Memorandum/Staff Report
DRAFT Amending agreement

No action required

9. NEW BUSINESS

9.1 Emergency Measures

10 January 2014 Memorandum from Town Manager Jarvie

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis Council direct that a review of the current Joint Emergency Preparedness Plan be updated in advance of any field exercises, including contact information.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Counc. Alexander Council authorize staff to consult with NBPower regarding possible improvements to communications and data sharing.

ON THE QUESTION:

Mayor Bishop advised he had a meeting with Gaëtan Thomas, President NBPower and he is prepared to meet with Council to discuss storm-related concerns. Staff can be directed to contact Mr. Thomas to make arrangements for a meeting. Counc. MacDonald suggested more detail should be provided by NBPower with respect to outage locations. Town Manager Jarvie advised additional information was provided on December 30 and 31 but the locations of outages and names had changed from one day to the next.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Counc. MacDonald Council direct staff to promote the use of Sentinel as a communication channel.

ON THE QUESTION:

Counc. Alexander requested clarification on the use of Sentinel by Quispamsis during the ice storm. He suggested it be clear that messages are from KV EMO and not just Quispamsis. Mr. Shanks advised it was an automatic decision by Quispamsis to use the system and both communities have their own databases.

CARRIED.

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MOVED by Deputy Mayor Grant and seconded by Counc. MacDonald Council authorize staff to negotiate a draft agreement with Rothesay Netherwood School for use of their facilities in case of emergencies.

ON THE QUESTION:

There was general discussion with respect to the best location for a warming centre in Rothesay.

The following comments were made: Rothesay Netherwood may not be the best location; the facility is not under the control of the Town; substantial cost to purchase the generator; open on demand does not meet the needs of residents; the McGuire Centre would be appropriate until the arena project is completed and it should include kitchen facilities and be designed to accommodate a warming centre; and it should be clear that facilities are open for those who need it rather than for individual communities. Counc. Lewis noted the volume of use of the warming centre in Quispamsis and the McGuire Centre will not meet the needs of Rothesay in the case of a major power outage but is a short-term solution. He requested three quotations be obtained for a 20,000 watt generator for the McGuire Centre and a battery backup for the electronic sign board be researched.

NAY votes unanimous.

DEFEATED.

MOVED by Counc. Wells and seconded by Counc. Alexander staff begin the process to establish a warming centre at the McGuire Centre and purchase a generator for the location as soon as possible.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Counc. Wells Council seek an EMO coordinator to work jointly with Brian Shanks on emergency preparedness for Rothesay.

ON THE QUESTION:

Brian Shanks advised the plan does allow for two Assistant Directors to work with the Director.

CARRIED.

28 December 2013 Email from Deputy Mayor Grant RE: Emergency measures
Deputy Mayor Grant noted the comments in her email with respect to the recent ice storm and previous discussions with respect to EMO/Emergency Planning in Rothesay. It was noted Council already discussed the purchase of a generator for the Town Hall to maintain communications. She requested her notes be sent to the Rothesay Emergency Measures Committee and further that most of her recommendations had been covered under the memorandum from Town Manager Jarvie.

MOVED by Deputy Mayor Grant and seconded by Counc. Wells Council direct staff to develop a communications plan to brief Council members during emergency situations.

ON THE QUESTION:

Counc. Lewis suggested Town Manager Jarvie speak with Chief Ireland to consider the establishment of Station 1 as a potential warming centre location.

CARRIED.

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9.2 Development Agreements

8 January 2014

Request from Counc. MacDonald

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette Council direct staff to look at the questions raised in his memorandum and any other issues relating to compliance with developers agreements and bring the answers and recommendations back to Council at a future meeting.

ON THE QUESTION:

Counc. MacDonald requested clarification on the following: how staff ensures the terms of the agreement are complied with, what the consequences are of non-compliance and the Town should have financial security to ensure the terms and conditions are fulfilled.

CARRIED.

9.3 Rothesay Common

8 January 2014

Request from Counc. MacDonald

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette Council direct the Town Manager and Recreation Director, along with the Town Engineer, to review the inclusion of a “hockey playing surface” with the project designers and the Steering Committee and report back to Council.

ON THE QUESTION:

Counc. McGuire advised there was never an intention to permit hockey on the inside skating surface as it would be a safety issue and the area was intended as an area for those learning to skate. He also noted boards were never included as part of the project. Counc. MacDonald noted the existing surface is being used for hockey and if there is an opportunity for the area to be used for both hockey and ice skating, it should be considered.

YEA votes recorded from Councs. Gallagher Jette, Lewis and MacDonald.

NAY votes recorded from Deputy Mayor Grant, Councs. Alexander, McGuire and Wells.

DEFEATED.

10. NEXT MEETING

The next regular meeting of Council will be Monday, February 14, 2014 following a public hearing.

11. ADJOURNMENT

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells Council reconvene in Closed Session.

CARRIED.

The meeting adjourned at 8:55 p.m.

MAYOR

CLERK