



ROTHESAY COUNCIL

OPEN SESSION

Monday, January 14, 2013

MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR NANCY GRANT
COUNCILLOR MATT ALEXANDER
COUNCILLOR PAT GALLAGHER JETTE
COUNCILLOR PETER J. 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
TREASURER SUSAN JOHNSON

Mayor Bishop called the Open Session to order at 8:05 p.m.

1. APPROVAL OF MINUTES

1.1 11 January 2012 Memorandum from Town Clerk Banks

Special Meeting December 4, 2012
Regular Meeting December 10, 2012
Special Meeting December 18, 2012

MOVED by Counc. Gallagher Jette and seconded by Counc. Alexander the minutes of 4 December 2012 be removed from the table.

CARRIED.

MOVED by Counc. Lewis and seconded by Deputy Mayor Grant the minutes of 4 December 2012 be approved.

CARRIED.

MOVED by Counc. Alexander and seconded by Counc. Wells the minutes of 10 December 2012 be approved, as amended.

ON THE QUESTION:

It was noted the electronic copy of the draft minutes was missing the motion to deny the Library sign under Item 5.1. The Clerk advised she would verify its inclusion in the official copy of the minutes.

CARRIED.

MOVED by Counc. MacDonald and seconded by Counc. Alexander the minutes of 18 December 2012 be approved as circulated.

CARRIED.

Business Arising from Minutes

n/a

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-2-

14 January 2013

2. APPROVAL OF AGENDA

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the agenda be approved as circulated with the addition of the following:

Item 7.0 Utility Fee Analysis

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop noted the following: the Mayor's Levee on New Year's Day drew a big crowd and last week MP Rodney Weston announced an ACOA grant for Rothesay of \$200,500 for the Renforth Park project. Deputy Mayor Grant congratulated the Mayor and Clerk on their Diamond Jubilee Awards. Counc. Alexander gave positive comments on the redesigned website and social media channels the Town is now using to inform residents of upcoming events and news items.

4. DELEGATIONS

4.1 Pine Street Road Closure By-law 2-12 King family representatives

Refer to Item 8.2

Mr. John McGillivray, Gorman Nason, spoke on behalf of King Lawn Service, 6 Master Drive. He commented on the following: public hearing notification process was not completed in accordance with the *Municipalities Act*; the advertisement indicated a road closure for a portion of Pine Street (150 feet) rather than the entire road; an amendment following public advertising to close the entire road does not follow the legislation; abutting property owners were not notified; the closure will prohibit any future development potential of his client's property; removing a second potential access will de-value the property and his client regularly uses a portion of Pine Street through its registered easement across 10 Master Drive (Town property) for clients, employees and truck deliveries. It was noted a fence had been installed around the Town Works yard.

Mayor Bishop acknowledged the error in the advertisement and subsequent amendment by Council. There was a lengthy discussion with respect to: the remedy being sought; implications to the property owner of the road closure and the options to close only a portion of Pine Street as advertised, leave it as it is or begin the process again to close the entire road.

Town Manager Jarvie advised once the road is closed, there is no access permitted by anyone other than the owner. It was noted the property is not a functional street at present and the implications of closing a portion are not clear. Town Manager Jarvie advised the process began at the request of an abutting property owner on Salmon Crescent who asked to purchase the property. He also noted the final disposition of the property is not being discussed at present.

Mr. Robert Bourque, 9 Salmon Crescent advised he was the interested property owner who requested to purchase the property to use as a driveway, noting the previous property owner advised him he did not own the property but used it as a driveway for about 32 years. Ms. Sandy Hansen, 11 Salmon Crescent advised she was not interested in changing the current disposition but would be interested in having half of the property, should it be sold.

Mayor Bishop requested the property owners submit their comments in writing to provide Council with additional information.

MOVED by Counc. Gallagher Jette and seconded by Counc. Alexander Item 8.2 be brought forward on the agenda.

CARRIED.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-3-

14 January 2013

8.2 By-law 2-12 Road Closure – Pine Street

10 January 2013

Memorandum from DPDS White

Map – right-of-way

Letter from Gorman Nason

DRAFT

By-law 2-12 Pine Street Road Closure

10 January 2013

Supplemental Memorandum from Town Clerk Banks

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald the matter of By-law 2-12 Road Closure – Pine Street be tabled.

CARRIED.

5. CORRESPONDENCE FOR ACTION

5.1 13 December 2012 Letter of resignation from representative on Board of Fire Commissioners, Kennebecasis Valley Fire Department Inc.

5.1.1 11 January 2013 Memorandum from Nominating Committee

MOVED by Counc. MacDonald and seconded by Counc. Alexander Council accept the resignation of Pat Ervin and further, approve the appointment of Mr. Roger Young as a Rothesay representative on the Board of Fire Commissioners, Kennebecasis Valley Fire Department Inc., to fill the current vacancy until December 31, 2013, at which time he is eligible for re-appointment for a three year term.

CARRIED.

5.2 4 January 2013 Letter from Symphony New Brunswick RE: funding request

MOVED by Counc. Wells and seconded by Counc. Alexander the letter from Symphony New Brunswick RE: funding request dated 4 January 2013 be referred to the Finance Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

MOVED by Counc. McGuire and seconded by Counc. Alexander the Correspondence for Information as follows, be received/filed:

6.1 5 December 2012 Letter from Quispamsis to Regional Facilities Commission RE: Operational vs. Capital Expenditures.

6.2 6 December 2012 Letter from Quispamsis to Kennebecasis Public Library RE: building expansion and new sign.

6.2.1 19 December 2012 Letter to Kennebecasis Public Library RE: library expansion update and new sign.

6.3 12 December 2012 Letter from Quispamsis RE: Oakville Acres drainage.

6.3.1 7 January 2013 Letter to Quispamsis RE: Oakville Acres drainage.

6.4 17 December 2012 Letter to Jenkei Holdings RE: 145-147 Hampton Road.

6.5 17 December 2012 Letter from Quispamsis to D/M Rinehart RE: True Growth 2.0.

6.5.1 19 December 2012 Letter to D/M Rinehart RE: True Growth 2.0.

6.6 19 December 2012 Letter to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: First Response Function.

6.7 19 December 2012 Letter to MP Rodney Weston RE: Federal Infrastructure Funding.

6.8 19 December 2012 Letter to A.E. McKay Builders RE: By-law 2-10-15 (23 Marr Rd).

6.9 30 December 2012 Letter from NB Medical Education Trust RE: update.

ON THE QUESTION:

Counc. MacDonald noted the Aquatic Centre (Item 6.1) has several capital items to be funded that may end up as part of the operating budget and the correspondence from Quispamsis addresses those concerns. Deputy Mayor Grant noted the electronic sign board (Items 6.2 and 6.2.1) was discussed at length at the Library Board meeting and the Board was assured it will only be used for Library events. They are investigating other fundraising options. Mayor

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-4-

14 January 2013

Bishop advised the two communities have reached some agreement on the Oakville Acres project (Items 6.3 and 6.3.1). He noted Quispamsis has not appointed members to sit on a committee.

CARRIED.

7. REPORTS

7.0 January 2013 Report from Closed Session

➤ Utility Fee Analysis

MOVED by Counc. Lewis and seconded by Counc. Wells Council direct staff to analyze six Atlantic towns with similar population and services as Rothesay, to review their water and sewer hookup fees, as well as the yearly fees for usage.

ON THE QUESTION:

Counc. Lewis indicated he thought the current fees are too high. Counc. MacDonald noted the hookup fee is only part of the equation and the cost of the infrastructure should be reviewed as well, including the age of the systems. He noted sewer users should not pay more to subsidize water users than they are already. Counc. Gallagher Jette reiterated the need to compare “apples to apples” to ensure the validity of the analysis.

CARRIED.

- 7.1 31 October 2012 KVFD Inc. Unaudited Financial Statements
3 October 2012 Kennebecasis Valley Fire Department Inc. Board meeting minutes
21 November 2012 Kennebecasis Valley Fire Department Inc. Board meeting minutes
Jan-Aug 2012 Kennebecasis Valley Fire Department Inc. Response Summary

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald the Kennebecasis Valley Fire Department Inc. Unaudited Financial Statements dated 31 October 2012, Board meeting minutes dated 3 October 2012 and 21 November 2012 and the Response Summary dated Jan-Aug 2012 be received/filed.

CARRIED.

- 7.2 30 November 2012 Rothesay unaudited General Fund Financial Statements
MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant the Rothesay unaudited General Fund Financial Statements dated 30 November 2012 be received/filed.

CARRIED.

- 30 November 2012 Rothesay unaudited Utility Financial Statements
MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant the Rothesay unaudited Utility Financial Statements dated 30 November 2012 be received/filed.

CARRIED.

- 8 January 2013 Draft Finance Committee meeting minutes

➤ Borrowing Authority – General Fund

MOVED by Counc. MacDonald and seconded by Counc. Wells Resolved: that Council approve the revised 2013-2017 recreation capital plan.

ON THE QUESTION:

Treasurer Johnson advised the previous plan did not include a five year capital plan for recreation which is required to obtain financing approval before a tender issue. She noted there would be costs in other years that should be included for the proposed fieldhouse project.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

14 January 2013

MOVED by Counc. MacDonald and seconded by Counc. Lewis 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 Common and Parks Upgrades	\$2,800,000	15 years
Transportation	Curb and sidewalk improvements	305,000	15 years

CARRIED.

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant the draft Finance meeting minutes dated 8 January 2013 be received/filed.

ON THE QUESTION:

Counc. MacDonald noted the Town Manager and Treasurer are reviewing the unconditional grant formula and its negative impact on Rothesay.

CARRIED.

7.3 18 December 2012 Draft Heritage Preservation Review Board meeting minutes
➤ Steering Committee recommendation – Common Upgrade

MOVED by Counc. Wells and seconded by Counc. Alexander the draft Heritage Preservation Review Board meeting minutes be received/filed.

ON THE QUESTION:

Counc. Wells advised a plaque would be installed on the sculpture on the Common that will be provided by the Sculpture Symposium. She also indicated the Board recommended two members to sit on a Common Upgrade Committee, due to the sensitivity of the area and the upcoming project. She offered to Chair the Committee as she serves on the Heritage Board, Parks and Recreation, and Planning Advisory Committees. It was noted two members would also be recruited from the Parks and Recreation Committee. There was a brief discussion with respect to the role of the Nominating Committee and the creation of a new committee.

CARRIED.

7.4 December 2012 Monthly Building Permit Summary Report

MOVED by Counc. MacDonald and seconded by Counc. McGuire the December 2012 Monthly Building Permit Summary Report be received/filed.

CARRIED.

7.5 7 January 2013 Draft Planning Advisory Committee meeting minutes

MOVED by Counc. Wells and seconded by Counc. McGuire the draft Planning Advisory Committee meeting minutes dated 7 January 2013 be received/filed.

CARRIED.

- 11 – 13 Sierra Avenue development agreement
See Item 8.3

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-6-

14 January 2013

8. UNFINISHED BUSINESS

8.1 20 Gibbon Road Municipal Plan Amendment and Zoning By-law amendment

10 January 2013	Memorandum from Town Manager Jarvie
10 January 2013	Memorandum from DPDS White
8 January 2013	Letter from Cachal Property Investments (withdrawal of application)
DRAFT	By-law 1-10-02 (tabled)
DRAFT	By-law 2-10-17 (tabled)

MOVED by Counc. Alexander and seconded by Counc. Wells Council accept withdrawal of the application for a Municipal Plan amendment and Zoning By-law amendment for PID#s 00238873, 00238956, 30085500, 30124440 and 30181036 (By-law # 1-10-02 & 1-10-17).

CARRIED.

MOVED by Counc. MacDonald and seconded by Counc. Wells Council advise the applicant it is prepared to consider waiving all or part of the fees for a revised but similar application submitted in a timely fashion.

ON THE QUESTION:

It was noted the applicant would be required to pay the costs associated with advertising.

CARRIED.

8.2 By-law 2-12 Road Closure – Pine Street

10 January 2013	Memorandum from DPDS White
	Map – right-of-way
	Letter from Gorman Nason
DRAFT	By-law 2-12 Pine Street Road Closure
10 January 2013	Supplemental Memorandum from Town Clerk Banks

Dealt with above.

Counc. McGuire left the meeting room.

8.3 11 – 13 Sierra Avenue Zoning By-law amendments (apartment building)

10 January 2013	Memorandum from Town Clerk Banks
9 January 2013	Recommendation from Planning Advisory Committee
DRAFT	By-law 2-10-19
DRAFT	By-law 2-10-20
DRAFT	Development Agreement (amended)

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council give Reading in its Entirety, to By-law 2-10-19, “A By-law to Amend the Zoning By-law”.

CARRIED.

The Clerk read By-law 2-10-19 in its entirety.

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council give 3rd Reading, by Title and Enactment, to By-law 2-10-19, “A By-law to Amend the Zoning By-law”.

CARRIED.

The Clerk read By-law 2-10-19 by title.

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council give Reading in its Entirety, to By-law 2-10-20, “A By-law to Amend the Zoning By-law”.

CARRIED.

The Clerk read By-law 2-10-20 in its entirety.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-7-

14 January 2013

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council give 3rd Reading, by Title and Enactment to By-law 2-10-20, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-10-20 by title.

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council authorize the Mayor and Clerk to enter into the amended agreement with Debly Resources Inc. for the development of a 15 unit apartment building located at 11 and 13 Sierra Avenue, identified as PID#s 00478800 and 00478792.

ON THE QUESTION:

Counc. MacDonald requested clarification on the amendments. DPDS White advised there were typographical changes made and there was a change from 24 months to 48 months to allow the development to be completed. Counc. Gallagher Jette requested changes be clearly identified for reference.

CARRIED.

Counc. McGuire returned to the meeting room.

8.4 Procedural By-law Amendment

9 January 2013 Memorandum from Town Clerk Banks

DRAFT By-law 3-09-1

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette Council give Reading in its entirety, to By-law 3-09-1, "A By-law to Amend the Rothesay Procedural By-law 3-09".

CARRIED.

The Clerk read By-law 3-09-1 in its entirety.

MOVED by Counc. MacDonald and seconded by Counc. Lewis Council give 3rd Reading by Title and Enactment to By-law 3-09-1, "A Bylaw to Amend the Rothesay Procedural By-law 3-09".

CARRIED.

The Clerk read By-law 3-09-1 by title.

8.5 RES Playground funding request

10 January 2013 Memorandum from Town Manager Jarvie

8 November 2012 Memorandum from Parks and Recreation Committee

MOVED by Counc. Wells and seconded by Counc. MacDonald Council table a funding request for the Rothesay Elementary School playground project pending receipt of further information regarding the sources of funding.

CARRIED.

MOVED by Deputy Mayor Grant and seconded by Counc. Alexander Council endorse a letter of support for the Rothesay Elementary School Community Park for the purposes of obtaining other funding.

ON THE QUESTION:

Mayor Bishop noted additional information was needed by the Town prior to making a decision on funding and advised the letter is in support of the group's funding request, identifying it as a legitimate project. Counc. Gallagher Jette requested clarification on the recommendation from the Parks and Recreation Committee. Counc. Wells advised the Committee had insufficient information at the time of the decision to deny the request in November 2012.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-8-

14 January 2013

8.6 CN Rail line tree clearing

10 January 2013 Memorandum from Town Manager Jarvie
8 January 2013 Memorandum from DO McLean

Mayor Bishop questioned the need to hire an arborist to determine the best approach. Counc. Lewis agreed and noted the clearing done at the bottom of Fox Farm Road was done well. He also requested a map of the privately owned land along the river between East Riverside-Kingshurst Park and the Renforth Boat Club. Counc. Alexander commented in addition to assessing the trees, an arborist would also review the stability of the bank and potential concerns with branches/trees falling onto the tracks. DO McLean noted it would likely involve a one day walk-through of the area.

MOVED by Counc. Alexander and seconded by Deputy Mayor Grant Council authorize the engagement of a qualified arborist to assess the condition of the trees between Rothesay Road and shoreline and produce a plan for selective trimming and tree removal. This project would include the real estate between the East Riverside Park and the Renforth Boat Club.

CARRIED.

8.7 Kennebecasis Park Emergency Access

8 January 2013 Memorandum from DO McLean

Town Manager Jarvie advised the Town has a right-of-way over the property for service purposes or in the case of emergency, noting there is a layer of compacted material covered by topsoil and grass. Counc. Lewis expressed concern about access by heavy equipment in the case of a train derailment and the current construction may be limiting. DO McLean noted the Town has an easement only and it is not a paved surface. He further advised the Diocese has indicated its support for providing an emergency route but is not interested in negotiating additional access that would potentially have a negative impact on its property. Deputy Mayor Grant requested further investigation be undertaken for other possible access, as well as a review of the engineering quality of the existing easement across the Bishop's property.

MOVED by Counc. MacDonald and seconded by Counc. McGuire the memorandum RE: Kennebecasis Park Emergency Access dated 8 January 2013 be tabled pending receipt of additional information.

CARRIED.

9. NEW BUSINESS OPERATIONS

9.1 Shipyard Road Lift Station

8 January 2013 Memorandum from DO McLean

MOVED by Counc. Wells and seconded by Counc. Lewis Council award the Shipyard Road Lift Station Supply tender to the low tenderer Sansom Equipment Limited, at the tendered price of \$54,522.50 (including HST) and further that the Mayor and Town Clerk be authorized to execute the necessary contract documents.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-9-

14 January 2013

RECREATION

9.2 Renforth Park Concept

10 January 2013 Memorandum from Town Manager Jarvie

7 January 2013 Memorandum from DPR Jensen

Council requested additional information with respect to the proposed project, including: will washrooms be included, the condition of the lighthouse, a detailed list of the scope of the project, anticipated project costs, and comments from the Parks and Recreation Committee. DPR Jensen noted the Committee would be reviewing the project at its January 15th meeting. He advised BDA Landscape Architects are doing work on the project through to the tender stage and the Director of Operations is also involved in the project. Town Manager Jarvie noted the ACOA deadline has been extended to March 2014 but some funds must be spent in this fiscal year. Council requested a review of the detailed information to allow for input prior to the issuance of a tender for the project. DPR Jensen advised this could be provided to Council at the February meeting.

MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette the memoranda RE: Improvements to Renforth Park dated 10 January 2013 and 7 January 2013 be tabled until additional information is received from staff and the Parks and Recreation Committee.

ON THE QUESTION:

Mayor Bishop noted additional detail is required on the scope of the project and although the grant from ACOA has been approved, the process may take a little longer to ensure Council is fully apprised on the project.

CARRIED.

ADMINISTRATION

9.3 Risk Management Report (By-law 1-11)

10 January 2013 Memorandum from Town Manager Jarvie

Risk Management Report SCM Risk Management Services Inc.

Counc. MacDonald requested clarification on the next steps to be followed now that the report has been received. Town Manager Jarvie advised it would be posted to the website and property owners will need to be contacted. He further noted there is a By-law in place (By-law 1-11) and the report provides objective information that can be given to property owners as a basis for discussions on resolution of the issues. Town Manager Jarvie advised all affected property owners would be contacted and the high risk cases would have priority. Counc. Lewis noted the report was very well done.

MOVED by Counc. Gallagher Jette and seconded by Counc. McGuire the report from Risk Management Services entitled Rothesay K-Park Public Corridors Risk Assessment (29 November 2012) be received for information.

CARRIED.

10. NEXT MEETING

The next meeting will be held on Monday, February 11, 2013 beginning at **7:00 p.m.**

Counc. Lewis requested clarification on his email of December 16, 2012 with respect to changes to the Sign By-law. Town Clerk Banks advised it had been forwarded to the appropriate staff for consideration in preparing an amendment to the Sign By-law, as requested by Council at the December 10th Council meeting.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-10-

14 January 2013

11. ADJOURNMENT

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald the meeting be adjourned.

CARRIED.

The meeting adjourned at 10:55p.m.

MAYOR

CLERK