



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, July 13, 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 meeting to order at 8:00 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting – 8 June 2009  
Master Recreation Plan Presentation– 22 June 2009  
**MOVED** by Counc. Shea and seconded by Counc. Gallagher Jette the minutes of 8 June 2009 and 22 June 2009 be approved as circulated.

**CARRIED.**

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

2. **APPROVAL OF AGENDA**  
**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Cochrane the agenda be approved as circulated.

**CARRIED.**

3. **OPENING REMARKS OF COUNCIL**  
Mayor Bishop advised those in attendance the Canada Day celebrations were a success despite the weather requiring them to be held inside.

Mayor Bishop noted the funeral of Geoff Sayre was held today at St. Paul's. Geoff was a pillar of the community, having served as a councillor, Mayor of Rothesay and for 41 years as Fire Chief.

Deputy Mayor MacDonald noted he and Counc. Shea were given a tour of the Wells area of Rothesay by Mike Butler and it was an insightful visit.

4. **DELEGATIONS**  
N/A

5. **CORRESPONDENCE - FOR ACTION**

- 5.1 6 July 2009 Letter from M. Cain RE: traffic lights at intersection of Marr/Hampton Rd.  
**MOVED** by Counc. Gallagher Jette and seconded by Counc. Young the letter from M. Cain RE: traffic lights at the intersection of Marr Road and Hampton Road be referred to the Public Works and Infrastructure Committee.

**CARRIED.**

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### 6. CORRESPONDENCE - FOR INFORMATION

- 6.1 3 June 2009 Letter from Health Minister Murphy RE: Pilot project with Ambulance New Brunswick (medical first responders).

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the letter from Health Minister Murphy RE: Pilot project with Ambulance New Brunswick (medical first responders) be received/filed.

**CARRIED.**

- 6.2 8 June 2009 Copy of letter from MLA Blaney to Transportation Minister Landry RE: Route 1 at Route 111 interchange.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the letter from MLA Blaney to Transportation Minister Landry RE: Route 1 at Route 111 interchange be received/filed.

**CARRIED.**

- 6.3 8 June 2009 Letter from Rothesay Regional Joint Board of Police Commissioners RE: Commission appointments.

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the letter from Rothesay Regional Joint Board of Police Commissioners RE: Commission appointments be received/filed and further that the Town forward a letter in support of the request by the Commission to change the legislation.

**CARRIED.**

- 6.3.1 17 June 2009 Copy of letter from Rothesay Regional Joint Board of Police Commissioners to Public Safety Minister Foran RE: commission appointments.

**MOVED** by Counc. Shea and seconded by Counc. Young the letter from Rothesay Regional Joint Board of Police Commissioners to Public Safety Minister Foran RE: commission appointments be received/filed.

**CARRIED.**

- 6.4 17 June 2009 Letter from Superintendent Watson, School District 6 RE: transportation changes for September 2009.

**MOVED** by Counc. Mullett and seconded by Counc. Shea further clarification be requested from Superintendent Watson with respect to the transportation changes for September 2009.

#### ON THE QUESTION:

Counc. Mullett noted she has not been advised through her employer the changes have been rescinded. She further noted the need for a crossing guard at the foot of Highland Avenue for the children from the Scott Avenue area who will be walking to Rothesay Elementary School.

**CARRIED.**

- 6.5 25 June 2009 Letter from Kennebecasis Valley Fire Department RE: investigation. There was a lengthy discussion with respect to the letter from Chief Greer. Mayor Bishop noted the Department is unable to determine the cause of the fires on Dunedin Road. Deputy Mayor MacDonald and Counc. Gallagher Jette felt the response was inadequate and unclear. Mayor Bishop advised numerous experts had been consulted and the file will remain open but the cause is undetermined. Deputy Mayor MacDonald questioned why the Provincial Fire Marshall was not brought into the investigation and

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further noted he understood the insurance company investigators had determined the cause but was unsure if that information had been shared with the Fire Department. Council. Kilfoil advised the Fire Board had received the same information as Council. Council. Gallagher Jette suggested if it was an electrical issue there is no guarantee it will not happen again.

**MOVED** by Deputy Mayor MacDonald and seconded by Council. Gallagher Jette Fire Chief Larry Greer be invited to appear before Council at its next meeting to provide additional information.

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

**CARRIED.**

- 6.6 30 June 2009 Letter from Transportation Minister Landry RE: Route 1/Route 111 interchange.

**MOVED** by Council. Young and seconded by Council. Gallagher Jette the letter from Transportation Minister Landry RE: Route 1/Route 111 interchange be received/filed.

**CARRIED.**

- 6.7 June 2009 Letter from Canadian Union of Postal Workers RE: postal delivery.

**MOVED** by Council. Shea and seconded by Deputy Mayor MacDonald the letter from Canadian Union of Postal Workers RE: postal delivery be received/filed.

**CARRIED.**

- 6.8 7 July 2009 Letter to Chair Heather Crawford, Kennebecasis Public Library RE: "Library Development Opportunity".

**MOVED** by Council. Young and seconded by Council. Mullett the letter to Chair Heather Crawford, Kennebecasis Public Library RE: "Library Development Opportunity" be received/filed.

**CARRIED.**

### 7. REPORTS

- 7.0 **July 2009** Report from Closed Session  
N/A

- 7.1 8 April 2009 Kennebecasis Valley Fire Department Board (KVFD) Meeting Minutes

May 2009 KVFD Monthly Response Report Summary

**MOVED** by Council. Cochrane and seconded by Council. Gallagher Jette the Kennebecasis Valley Fire Department Board (KVFD) Meeting Minutes dated April 8, 2009 and the KVFD Monthly Response Report Summary dated May 2009 be received/filed.

**CARRIED.**

- 7.2 16 April 2009 Fundy Region Solid Waste Commission Board Meeting Minutes

14 May 2009 Fundy Region Solid Waste Commission Board Meeting Minutes

**MOVED** by Council. Gallagher Jette and seconded by Council. Shea the Fundy Region Solid Waste Commission Board Meeting Minutes dated April 16, 2009 and May 14, 2009 be received/filed.

### ON THE QUESTION:

Mayor Bishop noted the minutes were not clear as to the various agenda items being dealt with. Council. Gallagher Jette advised she understood there were to be attachments

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provided with the minutes, particularly the Recycling Deport and Compost Tonnage Results reports and she would bring it forward at the next Commission meeting.

**CARRIED.**

- 7.3 27 May 2009 Kennebecasis Public Library Board Meeting Minutes  
**MOVED** by Counc. Mullett and seconded by Deputy Mayor MacDonald the Kennebecasis Public Library Board Meeting Minutes dated May 27, 2009 be received/filed.

### ON THE QUESTION:

Counc. Mullett advised the reports from the Planning Committee were verbal reports. Mayor Bishop clarified his previous comments in that Rothesay Council agrees the Library needs upgrades/improvements. He further noted the Council is not prepared to spend millions of dollars without answers to some of the concerns provided to the Library Board, particularly the determination of the existing site as being the best site and whether the Library needs to be four times its current size.

**CARRIED.**

- 7.4 27 May 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes  
31 May 2009 Rothesay Regional Joint Board of Police Commissioners draft Financial Statements

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes dated May 27, 2009 and the RRJBPC draft Financial Statements dated May 31, 2009 be received/filed.

### ON THE QUESTION:

Clarification was provided with respect to the revenue generated from POPA offences. The Municipal Police Assistance Fund is discretionary funding that is used for special projects and the departments can apply for funding. Mayor Bishop noted the Rothesay Regional Police have made good use of the fund. Counc. Shea advised subsequent to the Council meeting, the police had been ticketing speeders in the Anna Avenue area and advised department representatives would be willing to attend any meeting the Town may have with area residents. Town Manager Jarvie noted Council had given direction to not hold a meeting so none has been scheduled.

**CARRIED.**

- 7.5 31 May 2009 Unaudited General Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited General Fund Financial Statements dated May 31, 2009 be received/filed.

### ON THE QUESTION:

It was clarified the amounts listed on the General Fund Capital Projects Summary under Budget include non-recoverable HST and engineering fees.

**CARRIED.**

- 31 May 2009 Unaudited Utility Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Unaudited Utility Fund Financial Statements dated May 31, 2009 be received/filed.

**CARRIED.**

- 24 June 2009 Draft Finance Committee Meeting Minutes

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The draft Finance Committee Meeting Minutes dated June 24, 2009 were received for information.

➤ KV Committee for Disabled Persons (2)

**MOVED** by Counc. Cochrane and seconded Deputy Mayor MacDonald Council authorize \$1500 in startup costs to be paid to the KV Committee for Disabled Persons.

ON THE QUESTION:

Counc. Gallagher Jette requested clarification on “budget by envelope”. Counc. Cochrane advised the Town budgets by “area” rather than by “specific item”.

**CARRIED.**

➤ KV Committee for Disabled Persons (2)

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council decline to participate in the “Sponsor” program for the KV Committee for Disabled Persons at this time.

**CARRIED.**

7.6 June 2009 Building Permits – Staff Report

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the Building Permits – Staff Report dated June 2009 be received/filed.

**CARRIED.**

7.7 17 June 2009 Draft Rothesay Heritage Preservation Review Board Meeting Minutes

**MOVED** by Counc. Young and seconded by Counc. Shea the draft Rothesay Heritage Preservation Review Board Meeting Minutes dated June 17, 2009 be received/filed.

**CARRIED.**

7.8 18 June 2009 Draft Public Works and Infrastructure Committee Meeting Minutes

**MOVED** by Counc. Mullett and seconded by Deputy Mayor MacDonald the draft Public Works and Infrastructure Committee Meeting Minutes dated June 18, 2009 be received/filed.

**CARRIED.**

7.9 6 July 2009 Draft Planning Advisory Committee Meeting Minutes

**MOVED** by Counc. Cochrane and seconded by Counc. Shea the draft Planning Advisory Committee Meeting Minutes dated July 6, 2009 be received/filed.

**CARRIED.**

➤ Rothesay Landings Subdivision Phase 2 (Bel-Air Avenue)

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council assent to the continuation of Bel-Air Avenue, ending in a temporary cul-de-sac for the Phase 2 development of Rothesay Landings Subdivision, identified as PID# 00074906.

**CARRIED.**

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**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council accept land for public purposes (LPP) for the Rothesay Landings Subdivision, as noted on the Revised Tentative Plan entitled The Rothesay Landings Subdivision, Dwg. No. T-0141 – Scheme 3, prepared by Kierstead Quigley and Roberts Ltd., revised May 8, 2009.

### ON THE QUESTION:

Counc. Cochrane noted the LPP being taken is for both Phases 2 and 3 of the development.

**CARRIED.**

#### ➤ Rothesay Estates Subdivision Phase 3 (Paige Street)

**MOVED** by Counc. Cochrane and seconded by Counc. Shea Council assent to the tentative subdivision plan, (Dwg. No. T-0319) dated February 2, 2009 for the Phase 3 development of Rothesay Estates subdivision to create a public road to be known as Paige Street.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council authorize the Mayor and Clerk to enter into the Development Agreement for the development of the property off Isaac Street, identified as a portion of PID# 00243683.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council accept land for public purposes (LPP) for the Rothesay Estates Subdivision, as noted on the tentative subdivision plan, (Dwg. No. T-0319) dated February 2, 2009 for Phase 3 development.

### ON THE QUESTION:

Counc. Cochrane noted the LPP being taken in this phase will connect to the walking path taken as LPP in Phase 2.

**CARRIED.**

#### ➤ Kirkpatrick Road Subdivision

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council assent to the extension of Kirkpatrick Road, subject to a Development Agreement, to allow for the development of a 4 lot subdivision involving the properties identified as PID#s 00243287 and 00441188.

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into the Development Agreement for the development of Kirkpatrick Road in association with a subdivision involving the properties identified as PID#s 00243287 and 00441188; subject to an amendment to the agreement that allows for above ground services.

### ON THE QUESTION:

Counc. Cochrane advised the existing services along Kirkpatrick Road and Dobson Lane are above ground and the developer is investigating the possibility of bringing power along the back edge of two of the properties from Dobson Lane. He further noted the Committee had determined this to be a case of extenuating circumstances. DDS Drescher advised the Subdivision By-law requires all new development to provide underground services and any change must be granted by Council.

**CARRIED.**

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**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council accept \$2250.00 as cash in lieu of land for public purposes for the subdivision involving the properties identified as PID#s 00243287 and 00441188.

### ON THE QUESTION:

Deputy Mayor MacDonald requested clarification on the amount of \$750 per lot. DDS Drescher advised the matter had been brought forward to Council at a previous working session and is under review.

**CARRIED.**

#### 7.10 8 July 2009 Operations Report

**MOVED** by Counc. Mullett and seconded by Counc. Shea the Operations Report dated July 8, 2009 be received/filed.

### ON THE QUESTION:

DO Hatcher advised the Wharf renovation project will proceed once the required permit is received from the Department of Environment. He advised it would likely be completed in the third or fourth week of August. Deputy Mayor MacDonald requested additional information with respect to the roped-off swimming area adjacent to the wharf and expressed concern about possible debris alongside the wharf. Mayor Bishop requested DO Hatcher undertake an immediate review.

**CARRIED.**

#### ➤ Garage door purchase/installation Quotation

**MOVED** by Counc. Cochrane and seconded by Counc. Young Council award the subject quotation to the low bidder, Atlantic Window Ltd. for the quotation prices of \$8,814.00, inclusive of HST.

### ON THE QUESTION:

DO Hatcher advised a garage door will be replaced at the Master Drive works garage and the old door will be installed at the upper works garage. It was noted \$2500 modification is included in the budget and no motion is required.

**CARRIED.**

## 8. UNFINISHED BUSINESS

### 8.1 67 Kingshurst Lane development agreement (matter tabled March 2009)

No action required.

### 8.2 Tender Awards

8 July 2009 Memorandum from Town Clerk Banks

19 June 2009 Memoranda (2) from DO Hatcher

#### ➤ Project 092813 – Asphalt Resurfacing – Ratification of Award

**MOVED** by Counc. Kilfoil and seconded by Counc. Young Council ratify the tender award of June 22, 2009 more specifically; Council award this tender to the low tenderer Classic Construction Ltd., for the tender price of \$184,291.70 inclusive of HST.

**CARRIED.**

#### ➤ Project 098214 – Storm Sewer – Ratification of Award

**MOVED** by Counc. Kilfoil and seconded by Counc. Young Council ratify the tender award of June 22, 2009 more specifically; Council award this tender to the low tenderer Brad Gould Trucking and Excavating Ltd. for the tender price of \$352,294.45, inclusive of HST.

**CARRIED.**

9. **NEW BUSINESS**

**9.1 Proposed Municipal Plan By-law 1-09**

7 July 2009 Memorandum from DDS Drescher (Comments received)

The memorandum, comments and recommendations were received for information. The comments were categorized in four groups: Hillside Development, Millennium Park, General, and Specific Land Related comments. Counc. Gallagher Jette noted she was not prepared to support higher density for the Hillside Development area. Deputy Mayor MacDonald requested clarification with respect to what has changed and what has remained the same. DDS Drescher noted staff made recommendations to Council and the Planning Advisory Committee, the Public Presentation was held and the comments received have been reviewed. DDS Drescher advised the memorandum reiterated that staff recommendations be adopted. Counc. Mullett noted that issues with traffic, green space and density in the Hillside Development area will be addressed through sustainable community principles. Counc. Gallagher Jette noted she had several questions about what sustainability meant and implied as it appeared to have a broad interpretation. DDS Drescher advised Chapter 2 of the proposed Municipal Plan outlines a number of principles related to sustainability. She advised staff is trying to convey to the public through the Plan Council recognizes the need to address development, traffic issues, water concerns and green spaces. She stated if Rothesay follows the principles as presented, it will be a stand-alone community that will not need to rely heavily on other communities. It will be a viable, functioning and content community. Counc. Gallagher Jette suggested this was the practice in the former community of Renforth. DDS Drescher suggested Council has taken due diligence, reviewed the Plan in the five year required time frame and taken it to the public twice so perhaps no changes are required.

Counc. Cochrane noted the Hillside area could be developed now with single family homes. He further noted that having a secondary planning area will afford the opportunity to identify sensitive areas and protect them during development. Higher density is a sustainable practice and it appeals to both the developer and the Town. Town Manager Jarvie noted a sustainability plan will be required for the Town to access federal funding. He further noted Council has recognized developers are bringing forward proposals for higher density projects, as noted by the two developments approved this evening, and further noted higher density, noise, traffic and water are sensitive issues. Counc. Shea questioned why individual recommendations were being brought forward now when Council will vote on the entire Plan. Mayor Bishop indicates staff is seeking advice as to what is acceptable to Council and to the public. Town Manager Jarvie noted the Zoning By-law will be brought forward with the Municipal Plan and further detail will be available in the Zoning By-law, thereby suggesting there may not be a need to vote at present. Mayor Bishop noted the properties included in the Hillside Development area are privately owned. There was a brief discussion with respect to the sensitivity surrounding higher density and Council was advised the details would be outlined in the Zoning By-law.

Counc. Shea declared a conflict of interest and left the meeting room at 9:25 p.m.

Counc. Kilfoil raised concerns with respect to adopting LEED standards for development and that it may dissuade developers from a cost perspective. He further noted he was not opposed to higher density in the Hillside area. DDS Drescher noted staff is recommending LEED standards be monitored, not necessarily implemented, to determine if any opportunities may exist for development in Rothesay. Counc. Young indicated he



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had no objection to LEED standards.

Counc. Shea returned to the meeting room.

DDS Drescher noted Chapter 2 of the Municipal Plan outlines sustainable principles to be adopted, noting a monitoring program would have to be developed. Counc. Cochrane suggested LEED standards be considered for the entire community, not just in the Millennium Park area. DDS Drescher noted there are standards for building conversions but adoption across the community is not possible, particularly with the concerns expressed by council members. Mayor Bishop asked if stormwater management was included in the plan for the Hillside development area. DDS Drescher noted that stormwater management is one of the key sustainable community principles.

### 9.2 Master Recreation Plan

9 July 2009 Memorandum from Town Clerk Banks

The memorandum and correspondence were received for information. Town Manager Jarvie advised the final report is to be received by the end of August but the consultants are seeking Council comments to complete it as soon as possible. Mayor Bishop noted the recommendations were: a fieldhouse, more trails, and another arena, in that order. Deputy Mayor MacDonald noted the report had flushed out shortages in recreation services and he expected further recommendations on how to deal with those, mentioning youth centres and seniors groups. He further indicated the report focused more on surveying groups rather than individuals. Counc. Cochrane noted individuals had the opportunity to participate at the Open House. Deputy Mayor MacDonald advised his intent was to have an objective, independent study done to determine the needs of the community, not just presenting groups. Mayor Bishop advised the consultants were retained instead of Council or the Recreation Committee completing the study and the consultants are from Fredericton and did a fair job getting views from across all users. Counc. Young noted the content of the report was fine but was disappointed with the presentation, as was Counc. Gallagher Jette. Counc. Gallagher Jette advised she had hoped for best practices from across the country and noted the report emphasized the need for trails and a sensitivity toward the needs of seniors. Mayor Bishop requested Council provide any comments sooner rather than later so they could be forwarded to the consultants. Counc. Cochrane advised he thought the report was more of an inventory with no recommendations. He commented that basically a list had been provided and Council has to decide which options to pursue.

### 9.3 Project 092817 Sierra Avenue Curb and Sidewalk Tender Award

29 June 2009 Memorandum from DO Hatcher

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette Council award this tender to the low tenderer, H.E. Merchant and Sons Ltd. for the tender price of \$93,506.50, inclusive of HST.

**CARRIED.**

### 9.4 By-law 4-09 Unsightly Premises By-law

2 July 2009 Memorandum from Town Clerk Banks

Draft By-law 4-09

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil Council give 1<sup>st</sup> Reading, by Title, to By-law 4-09, "A By-law Respecting Dangerous or Unsightly Premises".

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**ON THE QUESTION:**

Mayor Bishop noted the legislation had changed and now has more strength. DDS Drescher noted most of the changes relate directly to rental units.

**CARRIED.**

The Clerk read By-law 4-09 by title.

**MOVED** by Counc. Cochrane and seconded by Counc. Young Council give 2<sup>nd</sup> Reading, by Title, to By-law 4-09, "A By-law Respecting Dangerous or Unsightly Premises".

**CARRIED.**

The Clerk read By-law 4-09 by title.

**9.5 Security Release – 259 Gondola Point Road (A Kidz Dream Daycare)**

3 July 2009 Memorandum from DDS Drescher

**MOVED** by Counc. Young and seconded by Counc. Shea Council release the security of \$4000 provided to the Town in the form of cash, in conjunction with the development of a daycare facility situate 259 Gondola Point Road.

**ON THE QUESTION:**

DDS Drescher advised the landscaping had been completed with the exception of one flower bed which will be planted by the children's parents. Counc. Shea requested clarification on the onsite septic system. There was a brief discussion and it was noted the building is significantly lower than the street level and therefore cannot connect to the gravity system. Counc. Cochrane asked if a connection could be made to Cove Crescent. Mayor Bishop requested DO Hatcher review the matter and report back to Council.

**CARRIED.**

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, August 10, 2009.

11. **ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 9:50 p.m.

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MAYOR

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CLERK