



ROTHESAY COUNCIL

OPEN SESSION
Tuesday, June 10, 2008
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR BLAIR MacDONALD
COUNCILLOR SCOTT COCHRANE
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

ABSENT: COUNCILLOR PAT GALLAGHER JETTE
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER
TREASURER SUSAN JOHNSON

Mayor Bishop called the meeting to order at 8:00 p.m. and welcomed Councillor-Elect Blair MacDonald. The Clerk was requested to administer to the Oath of Office.

Councillor-Elect Blair MacDonald was administered the Oath of Office by Town Clerk Mary Jane Banks in accordance with Section 33(1), Municipalities Act, R.S.N.B. (1973) Chapter M-22 and amendments thereto and he accepted the office.

Mayor Bishop welcomed Blair MacDonald as Deputy Mayor, following his election to the position at the Council session of May 27, 2008.

1. **APPROVAL OF MINUTES** Regular Meeting – 7 May 2008
MOVED by Counc. Young and seconded by Counc. Cochrane the minutes of 7 May 2008 be approved as circulated.

CARRIED.

APPROVAL OF MINUTES Oath of Office - 27 May 2008
MOVED by Counc. Cochrane and seconded by Counc. Young the minutes of 27 May 2008 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

Item 2.2 Mayor Bishop noted the Arthur Miller Fields project totals approximately \$2.2 million, with funding from the following sources: \$1 million from Arthur Miller, approximately \$375,000 from the province (from the residual of the field development at Rothesay High School), and \$750,000 funded by the Town.

2. **APPROVAL OF AGENDA**
The agenda was adopted as circulated.

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop welcomed all Councillors for the new term of Rothesay Council. He noted Counc. Young was recently recognized with the national Lifetime Achievement Award from the Radio and Television News Directors Association, indicating there are very few recipients of this award across the country.

Mayor Bishop noted Brian Haddock from Rothesay Park School will be travelling to the

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Historic National Heritage Fair in Victoria, BC this summer.

Mayor Bishop noted congratulatory letters had been received from MP Paul Zed, MP Rob Moore, Minister Jack Keir, Enterprise Saint John Chair Bob Manning, the Mayor of Bathurst, the Provincial Capital Commission and David Emmerson at UNBSJ.

Counc. Mullett advised she had received complaints from residents about the recent municipal election and the fact there was only one polling station for the entire Town. She further indicated a number of residents advised they did not vote because they were not aware of the location at the Bill McGuire Memorial Centre. Counc. Cochrane noted there was no signage posted at the former locations.

MOVED by Counc. Mullett and seconded by Counc. Cochrane Council forward a letter to the Chief Electoral Officer for New Brunswick advising of the concerns with respect to notification to voters and locations of polling stations.

CARRIED.

4. DELEGATIONS

N/A

5. CORRESPONDENCE - FOR ACTION

5.1 6 May 2008 Email from D. Hudson RE: Recreation projects.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the email from D. Hudson RE: recreation projects be referred to the Town Manager for a prompt response and a copy be provided to Council members.

CARRIED.

5.2 27 May 2008 Letter from KV Block Parent Association RE: signage.

MOVED by Counc. Kilfoil and seconded by Counc. Shea the letter from the KV Block Parent Association RE: signage be forwarded to the Public Works and Infrastructure Committee.

ON THE QUESTION:

It was noted the Department of Transportation does not allow posting of signage on provincial roadways without prior authorization. Counc. Mullett noted there is a sign posted near the entrance to the Barsa subdivision which contains the previous Coat of Arms and suggested it be removed.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 15 May 2008 Email from Department of Local Government RE: An Act to Amend the Municipalities Act RE: generation of electricity.

MOVED by Counc. Shea and seconded by Counc. Mullett the Email from Department of Local Government RE: An Act to Amend the Municipalities Act RE: generation of electricity be received/filed.

CARRIED.

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- 6.2 22 May 2008 Letter from Department of Transportation RE: Rothesay Transportation Issues.
MOVED by Counc. Shea and seconded by Counc. Mullett the letter from Department of Transportation RE: Rothesay Transportation Issues be received/filed.

ON THE QUESTION:

It was noted no provincial funding will be available for Gondola Point Road as it is a municipal street. It was further noted staff will meet with Department of Transportation staff to discuss the off-ramp for the western collector road. Town Manager Jarvie noted the intersection of Route 1 and Route 111 is a provincial responsibility.

CARRIED.

- 6.3 Invitation to Opening of Miller Fields June 13, 2008.
MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the invitation to the Opening of the Arthur J. Miller Fields be received/filed.

CARRIED.

7. REPORTS

7.0 June 2008 Report from Closed Session

MOVED by Counc. Shea and seconded by Counc. Mullett staff forward the report, entitled "New Brunswick Municipalities in the 21st Century" to the Commissioner on Local Governance, Jean-Guy Finn.

CARRIED.

- 7.1 2007 P.R.O.Kids Annual Report
MOVED by Counc. Mullett and seconded by Counc. Young the 2007 P.R.O. Kids Annual Report be received/filed.

ON THE QUESTION:

Mayor Bishop noted Deputy Mayor MacDonald is involved with the program and can answer any questions Council may have.

CARRIED.

- 7.2 31 March 2008 Draft Unaudited Financial Statements Kennebecasis Valley Fire Department
April 2008 Monthly Response Report Kennebecasis Valley Fire Department
MOVED by Counc. Kilfoil and seconded by Counc. Cochrane the Draft Unaudited Financial Statements Kennebecasis Valley Fire Department dated 31 March 2008 and the April 2008 Monthly Response Report Kennebecasis Valley Fire Department be received/filed.

ON THE QUESTION:

Counc. Cochrane noted the next meeting will be held on June 18th and the new apparatus is being costed at present and will be ready to order this month.

CARRIED.

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- 7.3 30 April 2008 Unaudited Utility Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Unaudited Utility Fund Financial Statements dated 30 April 2008 be received/filed.

ON THE QUESTION:

It was clarified sewer utility bills are issued at the end of the first quarter and the large influx of cash is held in the account which has a preferential interest rate, and is used to pay the loan taken in the first quarter.

CARRIED.

- 30 April 2008 Unaudited General Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Unaudited General Fund Financial Statements dated 30 April 2008 be received/filed.

CARRIED.

- 7.4 21 May 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.

- 7.5 May 2008 Monthly Building Permit Report
MOVED by Counc. Shea and seconded by Counc. Young the May 2008 Monthly Building Permit Report be received/filed.

CARRIED.

- 7.6 2 June 2008 Draft Planning Advisory Committee Meeting Minutes
MOVED by Counc. Young and seconded by Counc. Cochrane the draft Planning Advisory Committee Meeting Minutes dated 2 June 2008 be received/filed.

CARRIED.

➤ Stack Road

4 June 2008 IOM from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Cochrane that, in accordance with Section 56 of the Community Planning Act, R.S.N.B. (1973), Chapter C-12, and amendments thereto, Council assent to the plan entitled Subdivision Plan, Kevin and Lawrence Maber Subdivision, Stack Road, Town of Rothesay, Parish of Rothesay, Kings County, New Brunswick, as shown on Dwg No. S08189, as prepared by Hughes Surveys and Consultants Inc., and dated 8 May 2008.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Cochrane Council authorize the Mayor and Clerk to enter into the Development Agreement with Kevin and Larry Maber for the development of Stack Road, fronting on the property identified as PID# 30231765.

CARRIED.

➤ Rosedale Avenue

Received for information (development agreement/land for public purposes to be brought forward in July)

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- 7.7 4 June 2008 Operations Report
MOVED by Counc. Kilfoil and seconded by Counc. Young the Operations Report dated 4 June 2008 be received/filed.

ON THE QUESTION:

There was general discussion with respect to guarantees on asphalt contracts. DO Hatcher advised testing is done daily at the asphalt plant and core samples taken. He further noted there is typically a one year warranty period. Deputy Mayor MacDonald requested clarification on the expected life of roadways under Town specifications. DO Hatcher indicated there are a number of factors, including: construction of the road bed and the type and volume of traffic. He further noted the objective is to balance the asphalt program to meet the needs of the community within the budget.

DO Hatcher further indicated the cost of petroleum has severely impacted the tender costs, noting in a 24 hour period between the two tenders before Council there was an increase of \$12.00/tonne.

CARRIED.

- Project No. 014-162 (Rothesay Asphalt Resurfacing)

MOVED by Counc. Young and seconded by Counc. Kilfoil Council award this tender to the low tenderer Classic Construction Ltd for the tender price of \$448,978.50, inclusive of HST, contingent on reducing the contingency amount to \$5,000 and reducing the paved length of Gondola Point Road to achieve project budget.

ON THE QUESTION:

Counc. Cochrane suggested Council consider further reduce the paved length of Gondola Point Road to allow for paving of the entire length of Dolan Road under project 082817. Mayor Bishop indicated the projects are being awarded to two different contractors.

NAY vote recorded from Counc. Cochrane

CARRIED.

- Project No. 082817 (Rothesay Asphalt Resurfacing)

MOVED by Counc. Kilfoil and seconded by Counc. Shea Council award this tender to the low tenderer Debly Enterprises Ltd for the tender price of \$413,968.72, inclusive of HST contingent on reducing the contingency amount to \$8,000 and reducing the paved length of Dolan Road to achieve project budget.

CARRIED.

- Project No. 082816 (Rothesay Storm Sewer 2008)

MOVED by Counc. Young and seconded by Counc. Kilfoil Council award this tender to the low tenderer H.E. Merchant and Sons Ltd for the tender price of \$269,845.69, inclusive of HST contingent on reducing the contingency amount to \$10,000.

CARRIED.

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➤ Kingswood Tank - Epoxy recoating and altitude valve
MOVED by Counc. Cochrane and seconded by Counc. Mullett Council abandon plans for recoating Kingswood Tank due to lead concentrations.

ON THE QUESTION:

DO Hatcher indicated the Kingswood Tank was constructed in 1980 and was de-commissioned when the McLachlan tank was commissioned. The Kingswood Tank was inspected and is structurally fine but it was determined there is lead in the paint and its removal would require full containment and is cost-prohibitive. The tank does have value as a location for antennas and radars for both Town and Police communications.

CARRIED.

8. UNFINISHED BUSINESS

8.1 Our Lady of Perpetual Help development

6 June 2008 IOM from DDS Drescher

MOVED by Counc. Mullett and seconded by Deputy Mayor MacDonald the \$12,000 held by the Town be released to the firm of Lawson & Creamer, who are acting on behalf of the Church for the property situate 31 Gondola Point Road.

CARRIED.

8.2 Municipal Plan Amendment – 142 Hampton Road

4 June 2008 IOM from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Shea Council schedule a Public Presentation for **Monday, July 14, 2008**, commencing at 8:00 p.m., to give consideration to a proposed amendment to the Municipal Plan to redesignate a portion of the property situate 140-142 Hampton Road, identified as PID# 30248686, from Central Commercial to Low Density Residential, in accordance with the *Community Planning Act*.

CARRIED.

8.3 McPhee Subdivision 2699 and 2709 Rothesay Road

3 June 2008 IOM from DDS Drescher

MOVED by Counc. Mullett and seconded by Counc. Kilfoil Council release the Letter of Credit, 9312542-01, in the amount of \$5,000 held by the Town for the potential development of a subdivision at 2709 and 2699 Rothesay Road, identified as PID#s 00239061 and 00239079.

CARRIED.

8.4 43 Wedgewood Drive (Dan Roy property)

3 June 2008 IOM from Town Manager Jarvie

MOVED by Counc. Shea and seconded by Counc. Young Council not proceed with the local improvement by-law for a waterline extension on Wedgewood Drive at this time.

ON THE QUESTION:

It was clarified authorization is being obtained from property owners to undertake directional drilling to access the Roy property. DO Hatcher indicated once approval is received, the work can be completed in two days. DO Hatcher was commended on his effort to resolve the problem

CARRIED.

9. NEW BUSINESS

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9.1 3011 Rothesay Road – Encroachment

3 June 2008 IOM from DDS Drescher

MOVED by Counc. Young and seconded by Counc. Kilfoil Council grant the encroachment, subject to an encroachment agreement between the property owners and the Town.

ON THE QUESTION:

Counc. Cochrane advised he had difficulty with the location of the proposed shed and whether there were topographical issues on the property to prevent locating it within the property boundary. The requested location appeared to be on the O'Blenis property and it was clarified should the Town grant approval, it would be with respect to the Town-owned property only.

Mr. MacDougall indicated the location was for aesthetics and he had been advised he would require a pad of ¼ minus to locate the shed and the southwestern corner, on Town property was the best location. It was noted the agreement can be cancelled at any time and, if required, the shed must be moved.

CARRIED.

9.2 Committee Appointments

6 June 2008 IOM from Mayor Bishop

Committee Appointment List

MOVED by Counc. Shea and seconded by Counc. Mullett Council ratify the Committee Appointments hereto attached and forming a part of the minutes of 10 June 2008.

CARRIED.

9.3 NB Tax System

6 June 2008 IOM from Town Manager Jarvie

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the memorandum RE: NB Tax System be forwarded to the Finance Committee.

CARRIED.

9.4 Orientation session/ Community Tour

It was agreed those in attendance were available on June 24, 2008 for an orientation session.

10. NEXT MEETING

The next regular meeting of Council will be Monday, July 14, 2008.

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