



ROTHESAY COUNCIL
OPEN SESSION
Monday, June 10, 2013
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
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
TREASURER SUSAN JOHNSON

ABSENT: DEPUTY MAYOR NANCY GRANT

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

1. APPROVAL OF MINUTES

MOVED by Counc. MacDonald and seconded by Counc. Wells the minutes of 13 May 2013 be adopted as circulated.

CARRIED.

MOVED by Counc. MacDonald and seconded by Counc. Lewis the minutes of 27 May 2013 be adopted as circulated.

CARRIED.

Business Arising from Minutes

Mayor Bishop noted the Letters Patent had been sent to Enterprise Saint John. Counc. MacDonald requested clarification on the playground project at Rothesay Elementary School. Town Manager Jarvie advised Council agreed to contribute \$100,000 and final arrangements are still being made as to the financial arrangements and management of the project. It was noted if there are cost over-runs, the playground equipment can be scaled back or the parents' committee can fundraise to cover a potential shortfall.

2. APPROVAL OF AGENDA

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the agenda be approved as circulated.

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop noted Canada Day celebrations will be held on July 1st at 12 noon on the Rothesay Common. He advised he has received positive comments about the new bike lanes as well.

Counc. Alexander noted there had been a domestic homicide in Town a few weeks ago and subsequently a six year old child has been left with no parents. He noted the Silent Witness project exhibit had been in the Valley a few weeks before. Counc. Alexander advised there has been a groundswell of support and a benefit will be held for the child on June 23 from 11 am to 5 pm at the Qplex and perhaps the Town could consider some type of monetary support for a future scholarship fund.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-2-

10 June 2013

4. DELEGATIONS

n/a

5. CORRESPONDENCE FOR ACTION

5.1 29 May 2013 Letter from Rothesay Regional Joint Board of Police Commissioners
RE: Municipal Policing Agreement

Counc. Alexander noted the Police Board is proposing another fifteen year agreement. The committee was comprised of two representatives from Quispamsis, Chief McIntyre and Counc. Alexander. The major change is a proposed name change to Kennebecasis Regional Police Force and the Commission but the associated costs to do so are not clear. Counc. Alexander noted the related costs are a concern, including the proportionate costs between Rothesay and Quispamsis and how the changes would be implemented (timeline or all at once). Quispamsis representatives have also expressed concern about the cost of the name change.

MOVED by Counc. Alexander and seconded by Counc. McGuire the proposed Municipal Policing agreement be referred to the Finance Committee to review the proportionate costs and determine what is reasonable.

CARRIED.

MOVED by Counc. Alexander and seconded by Counc. MacDonald Rothesay Council requested a detailed cost estimate be developed from the Police Board with respect to the proposed name change for the police force.

ON THE QUESTION:

It was noted costs were not the only factor to consider in proposing a name change. Counc. Alexander commented the department has a long history as the Rothesay Regional Police Force. Counc. Wells commented there is not a huge value-added to spending money on a name change at the present time of fiscal restraint. Counc. McGuire noted Quispamsis representatives commented they are paying 2/3 of the costs and a large part of the patrolled area is their Town and they are promoting the name change to Kennebecasis Regional Police Force. He clarified there are two elected representatives and two appointed representatives from each community and one independent representative appointed by the Province.

CARRIED.

5.2 30 May 2013 Email from resident RE: Traffic concerns on Highland Avenue

MOVED by Counc. Wells and seconded by Counc. McGuire the email dated 30 May 2013 RE: traffic concerns on Highland Avenue be referred to the Public Works and Infrastructure Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 3 June 2013 Memorandum from Town Clerk Banks RE: Rothesay Common Upgrade Project comments (April 10 - May 31, 2013)

MOVED by Counc. Wells and seconded by Counc. McGuire the memorandum with attachments from Town Clerk Banks dated 3 June 2013 RE: Rothesay Common Upgrade Project comments (April 10 – May 31, 2013) be received/filed

CARRIED.

ROTHESAY COUNCIL

Open Session

Meeting Minutes

-3-

10 June 2013

7. REPORTS

7.0 June 2013 Report from Closed Session

n/a

- 7.1 December 2012 Rothesay Regional Joint Board of Police Commissioners (RRJBPC)
Audited Financial Statements
24 April 2013 RRJBPC Meeting minutes
30 April 2013 RRJBPC Draft Financial documents

MOVED by Counc. Alexander and seconded by Counc. Wells the December 2012 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Audited Financial Statements be received/filed.

CARRIED.

MOVED by Counc. Lewis and seconded by Counc. Gallagher Jette the 24 April 2013 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) meeting minutes be received/filed.

CARRIED.

MOVED by Counc. Wells and seconded by Counc. Alexander the 30 April 2013 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Draft Financial documents be received/filed.

CARRIED.

- 7.2 31 March 2013 Kennebecasis Valley Fire Department (KVFD) Financial documents
MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the Kennebecasis Valley Fire Department (KVFD) Financial documents dated 31 March 2013 be received/filed.

CARRIED.

30 April 2013 KVFD Quarterly Summary Response Report
MOVED by Counc. Gallagher Jette and seconded by Counc. Lewis the Kennebecasis Valley Fire Department (KVFD) Quarterly Summary Response Report be received/filed.

CARRIED.

- 7.3 10 April 2013 Kennebecasis Public Library Board meeting minutes
MOVED by Counc. Wells and seconded by Counc. Lewis the Kennebecasis Public Library Board meeting minutes dated 10 April 2013 be received/filed.

ON THE QUESTION:

It was noted the official opening for the Library will be held on September 11.

CARRIED.

- 7.4 30 April 2013 Draft unaudited Utility Financial Statements
MOVED by Counc. MacDonald and seconded by Counc. Gallagher Jette the draft unaudited Utility Financial Statements dated 30 April 2013 be received/filed.

CARRIED.

30 April 2013 Draft unaudited General Fund Financial Statements
MOVED by Counc. MacDonald and seconded by Counc. Wells the draft unaudited General Fund Financial Statements be received/filed.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-4-

10 June 2013

7 May 2013 Draft Finance Committee meeting minutes
MOVED by Counc. MacDonald and seconded by Counc. Lewis the draft Finance Committee meeting minutes dated 7 May 2013 be received/filed.

ON THE QUESTION:

It was noted the auditors had been in the office last week and Treasurer Johnson suggested a session be scheduled with Council to explain the detailed statements based on the new PSAB standards. She noted the Town is still waiting to receive the audited financial statements from the Fire Department.

CARRIED.

7.5 15 May 2013 Draft Water and Sewer Committee meeting minutes
MOVED by Counc. Alexander and seconded by Counc. McGuire the draft Water and Sewer Committee meeting minutes dated 15 May 2013 be received/filed.

CARRIED.

7.6 15 May 2013 Draft Public Works and Infrastructure Committee meeting minutes
MOVED by Counc. Alexander and seconded by Counc. Lewis the draft Public Works and Infrastructure Committee meeting minutes dated 15 May 2013 be received/filed.

CARRIED.

➤ Rothesay Traffic Study 2012 (*report previously circulated*)
MOVED by Counc. Alexander and seconded by Counc. Lewis Council use as a guideline the Rothesay 2012 Traffic Study dated 20 April 2013 as prepared by exp, Peter Allaby, P.Eng.

CARRIED.

➤ Streets and Sidewalks By-law
MOVED by Counc. Alexander and seconded by Counc. Lewis Council give 1st Reading by Title, to By-law 1-13, "A By-law of the Municipality of Rothesay Respecting Streets and Sidewalks".

CARRIED.

The Clerk read By-law 1-13 by title.

MOVED by Counc. Alexander and seconded by Counc. Lewis Council refer By-law 1-13 to staff for a final review and edit prior to enactment.

CARRIED.

7.7 21 May 2013 Draft Parks and Recreation Committee meeting minutes
MOVED by Counc. McGuire and seconded by Counc. Wells the draft Parks and Recreation Committee meeting minutes dated 21 May 2013 be received/filed.

ON THE QUESTION:

It was noted positive comments had been received with respect to the Scribner Park Community Garden.

CARRIED.

7.8 May 2013 Building Permit Summary Report
MOVED by Counc. Wells and seconded by Counc. Alexander the May 2013 Building Permit Summary Report be received/filed.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-5-

10 June 2013

ON THE QUESTION:

It was noted the permit fee is based on construction value, not market value. It was suggested the fee for Permit 2013-71 contains a typographical error.

CARRIED.

7.9 4 June 2013 Nominating Committee (Water & Sewer Committee)

MOVED by Counc. MacDonald and seconded by Counc. Alexander Council appoints Stephen Maltby to serve on the Water and Sewer Committee, with the term ending December 31, 2014.

CARRIED.

7.10 3 June 2013 Draft Planning Advisory Committee meeting minutes

MOVED by Counc. Wells and seconded by Counc. Lewis the draft Planning Advisory Committee meeting minutes dated 3 June 2013 be received/filed.

CARRIED.

➤ 20 Gibbon Road
See item 8.1

➤ 9 Mulberry Lane – subdivision – cash in lieu of land for public purposes

MOVED by Counc. Wells and seconded by Counc. Lewis Council accepts the amount of \$8,208.00 as cash in lieu of land for public purposes for the subdivision of 9 Mulberry Lane (PID#030081749) to create Lots 13-1 and 13-2.

ON THE QUESTION:

There was a lengthy discussion with respect to the proposed subdivision. It was noted the onus is on the developer to obtain approval from the other levels of government prior to the issuance of a development permit from the Town. Counc. Alexander expressed concerns with respect to possible future flooding concerns and whether two buildings can be accommodated on the property. He noted there was no mention of federal requirements and suggested provincial approval may be difficult to obtain. Counc. Wells advised the Committee discussed in detail the watercourse through the property and the second dwelling is for his in-laws. Counc. Alexander advised he visited the property and had concerns with respect to the proposed easement being requested by the Town and the proposed development will impact on the wetland in the area.

DPDS White advised the onus is on the applicant to meet the By-law requirements. He noted the Town does not restrict development in flood risk zones but has requirements for construction standards in those areas and the applicant has presented plans indicating they can meet the requirements. DPDS White noted the onus is on the applicant to seek all permits from other levels of government prior to a development permit being issued by the Town. Contact has been made with the Department of Environment and the applicant has been assured it is possible to obtain the required permit.

DPDS White noted the decision before Council is whether to accept cash in lieu of land for public purposes as the Planning Advisory Committee has granted the variances needed for the proposed development. Town Manager Jarvie advised the development must meet the requirements of the Subdivision By-law and the next decision for Council will be to accept an easement for a sewer line and for emergency access. Counc. Alexander suggested accepting cash in lieu of land for public purposes could be seen as Council condoning the development and suggested the Town may want to consider changes to By-laws to restrict development in

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-6-

10 June 2013

flood risk areas. He further suggested the process may not be easy for the applicant to obtain required permits from the other levels of government. Counc. Lewis advised the applicant appeared before the Committee and explained he has done significant research and planning for the proposal and is aware of the requirement to obtain the required permits prior to the issuance of a development permit by the Town. He further noted DPDS White has assured the Committee and area residents the process will be followed in accordance with the legislation and By-laws.

NAY vote recorded from Counc. Alexander.

CARRIED.

➤ 5 Iona Avenue – Rezoning application – schedule Public Hearing
MOVED by Counc. Wells and seconded by Counc. Lewis Council schedule a Public Hearing for Monday, July 8, 2013 at 7:00 p.m. in accordance with the *Community Planning Act*, Chapter c-12 and amendments thereto, to give consideration to the rezoning of 5 Iona Avenue (PID# 00246801) from Single Family Residential (R1B0 to Two Family Residential (R2).

CARRIED.

8. UNFINISHED BUSINESS

8.1 Rezoning Application 20 Gibbon Road

4 June 2013	Recommendation from Town Clerk/Planning Advisory Committee
DRAFT	By-law 2-10-21
DRAFT	Development Agreement

MOVED by Counc. Alexander and seconded by Counc. Lewis Council give Reading in its entirety to By-law 2-10-21, “A By-law to Amend the Zoning By-law”.

ON THE QUESTION:

It was noted there was a typographical error in the second paragraph, second line (remove second “as”).

CARRIED.

MOVED by Counc. Wells and seconded by Counc. Alexander Council give 3rd Reading by Title and Enactment to By-law 2-10-21, “A By-law to Amend the Zoning By-law”.

CARRIED.

MOVED by Counc. MacDonald and seconded by Counc. Wells Council authorizes the Mayor and Clerk to sign an agreement with Cachal Property Investments Inc. for the development of a new public road and subdivision containing 6 lots for 6 semi-detached dwellings and 2 lots for 2 single family dwellings, situated generally at 20 Gibbon Road.

CARRIED.

MOVED by Counc. Alexander and seconded by Counc. Wells Council accepts the amount of \$4,656.96 as cash in lieu of land for public purposes for the subdivision of lands situated generally at 20 Gibbon Road (PID# 00238956 and a portion of PID#s 30124440 and 30181036).

CARRIED.

8.2 Affordable Housing Report

7 May 2013	Memorandum from DPDS White RE: Affordable Housing Report (without attachments – previously circulated)
------------	---

MOVED by Counc. Wells and seconded by Counc. Alexander the memorandum from DPDS White dated 7 May 2013 RE: Affordable Housing Report be received/filed.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-7-

10 June 2013

ON THE QUESTION:

It was noted the full report had been previously circulated to Council and Mayor Bishop noted there was good attendance at the workshop in April.

CARRIED.

8.3 Campbell Drive/Route 111 Traffic Lights

5 June 2013 Memorandum from DO McLean

MOVED by Counc. Wells and seconded by Counc. Lewis the memorandum from DO McLean dated 5 June 2013 RE: Campbell Drive/Route 111 Traffic Lights be received/filed.

ON THE QUESTION:

Couns. MacDonald and Alexander commented on the delay to activate the traffic lights on Campbell Drive and it was noted they should be activated within a few weeks. There was a question with respect to liability. Mayor Bishop suggested the delay has been caused in dealing with NBPower and the Department of Transportation and Infrastructure.

CARRIED.

8.4 Millennium Drive Development Conditions

6 June 2013 Memorandum from Town Manager Jarvie

5 June 2013 Memorandum from DPDS White

MOVED by Counc. Wells the memoranda from Town Manager Jarvie and DPDS White dated 6 June and 5 June 2013 respectively, with respect to Millennium Drive development conditions be received/filed.

ON THE QUESTION:

There was a lengthy discussion with respect to development on Millennium Drive in Rothesay. Counc. Alexander commented the existing By-laws are well laid out for development in the area and the limitations are acceptable. He suggested the layout of properties in Quispamsis may be lending itself to quicker development as the property in Rothesay is one much larger property.

Counc. Lewis commented on existing larger scale development in the area, including Kent and the SuperStore and requested clarification on the definition of a shopping centre in the existing By-law. He suggested the current restriction of a building size of 3000m² contradicts existing development in the area. DPDS White advised the 3000m² is per lot and the larger lots in Rothesay can be sub-divided to accommodate more development. He advised the Town has never received a master plan showing proposed lot development for the properties.

Counc. MacDonald noted the By-laws were drafted in the current format to give consideration to the residential properties along Wedgewood Drive whereas Kent and the SuperStore are not affected by residential properties as much. He suggested eventually the properties in Rothesay will be developed. Town Manager Jarvie advised various conversations have been held with the property owners but no proposals have been presented to the Town. Counc. Lewis suggested the building size restriction be removed from the By-law and development can be controlled through development agreements. DPDS White advised staff is of the opinion the existing By-laws are a sound approach for development of the lands and therefore are recommending the independent review if it is the wish of Council.

Counc. MacDonald requested clarification on the selection of Mr. Cantwell. Town Manager Jarvie clarified the independent review being recommended is from the perspective of a developer. Counc. Gallagher Jette requested clarification on the previous decisions of Council. Town Manager Jarvie advised the two applications from WalMart were unsuccessful and the previous Council decisions were based on resident concerns raised

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-8-

10 June 2013

during the public hearing process. Town Manager Jarvie advised there is a legislative process to be followed to amend by-laws. Council. Gallagher Jette reiterated the decisions made were based on resident concerns that were expressed at the time of the previous proposals and it was a split vote from Council.

MOTION WITHDRAWN.

MOVED by Council. Wells and seconded by Council. McGuire Council authorize staff to engage Mr. Ross Cantwell of Colliers International (Atlantic) Realty Advisors to provide staff with a "Statement of Professional Opinion" as an independent and professional opinion regarding Rothesay's regulatory approach to the Millennium Drive lands, at a cost not to exceed \$750.00.

ON THE QUESTION:

Council. Alexander commented on the selection of Mr. Cantwell and whether other options are available. Town Manager Jarvie advised Mr. Cantwell would not likely have any connection with Mr. O'Brien, the property owner.

NAY vote recorded from Council. Lewis.

CARRIED.

TABLED AGENDA ITEMS

8.5 Fieldhouse Project (*tabled December 2012*)

4 December 2012 Memorandum from Town Manager Jarvie

3 December 2012 Letter from Council. MacDonald

MOVED by Council. McGuire and seconded by Council. Lewis the matter be removed from the table.

CARRIED.

Council. McGuire commented he has been working on moving the fieldhouse project forward for some time and based on the financial implications, suggested it is not a financial reality and Council should withdraw the project and move forward with other options.

MOVED by Council. McGuire and seconded by Council. Alexander Council not proceed with the fieldhouse project.

ON THE QUESTION:

Council. Gallagher Jette requested clarification on the motion. Council. McGuire advised he was referring to the approximately \$30 million fieldhouse project.

CARRIED.

MOVED by Council. MacDonald and seconded by Council. Wells the memoranda dated 4 December 2012 and 3 December 2012 from Town Manager Jarvie and Council. MacDonald respectively, be removed from the table and received/filed.

ON THE QUESTION:

Council. Gallagher Jette requested clarification the motion was related to the documentation listed for the fieldhouse/multipurpose facility.

CARRIED.

Mayor Bishop noted although the fieldhouse projects is off the table, there are other possible recreation projects for Council to consider and further discussion will be forthcoming.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-9-

10 June 2013

Counc. Gallagher Jette requested any further recommendations for replacement projects be brought forward to the next Council meeting.

MOVED by Counc. Gallagher Jette and seconded by Counc. MacDonald any proposals, motions, recommendations vis-a-vis the arena project be dealt with no sooner than the July 8th Council meeting.

ON THE QUESTION:

There was discussion with respect to the next steps for consideration of other possible recreation projects. Mayor Bishop suggested a recommendation be provided by the Parks and Recreation Committee with additional information from staff, including research and cost estimates. Counc. Gallagher Jette indicated she wanted to limit her motion specifically to any further discussions not occur until the July 8th meeting. Mayor Bishop noted Council has requested supporting documentation on various matters from staff. Counc. MacDonald noted the Parks and Recreation Committee has already made a recommendation and staff should make a presentation to Council on that recommendation. Town Manager Jarvie noted as a matter of procedure Council has an approved agenda for this evening's meeting and the next regular meeting is scheduled for July 8th. Counc. Gallagher Jette explained her motion is to allow the normal process for meetings to be followed and no special meetings be held prior to July 8th. Counc. Wells advised the Parks and Recreation Committee had a presentation and there was some concern with respect to timelines for funding applications. It was noted there is a pending land purchase and the deadline has been extended to June 30th.

CARRIED.

8.6 Kennebecasis Park Emergency Access (*tabled January 2013*)

8 January 2013 Memorandum from DO McLean

17 April 2013 *Letter to Fundy Regional Service Commission (train derailments)*

No action required.

9. NEW BUSINESS OPERATIONS

9.1 Well Rehabilitation

6 June 2013 Memorandum from Town Manager Jarvie

5 June 2013 Memorandum from DO McLean

Town Manager Jarvie advised the project cannot be delayed and the Treasurer is of the opinion there are sufficient funds within the current borrowing authority to complete the well rehabilitation.

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells Council authorizes an additional \$120,000 (total \$150,000) in the capital budget of the water utility with funds to be borrowed as part of the water system expansion project.

ON THE QUESTION:

There was a brief discussion with respect to the determination of capital costs vs. operating costs. Treasurer Johnson noted the well rehabilitation is a result of the water system expansion and could therefore be considered a capital cost and it can be justified through the continuing chlorine contact chamber portion of the water expansion project.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-10-

10 June 2013

9.2 Equipment Supply Tender Multi-purpose Sidewalk Tractor

5 June 2013 Memorandum from DO McLean

MOVED by Counc. Wells and seconded by Counc. McGuire Council award a tender for one (1) T-2013-25: Multi-Purpose Sidewalk Tractor, to the low tenderer, Saunders Equipment Ltd., at their tendered price of \$132,515.10 (plus extended warranty in the amount of \$3,390.00) including HST.

ON THE QUESTION:

Counc. McGuire requested clarification as to whether the price included all attachments. DO McLean advised the Town already has the attachments and they are transferrable. It was this unit is replacing one from 1998. Counc. Alexander requested clarification on comparison to a normal tractor and further noted only one submission was received and he questioned whether notifications are sent in addition to postings on the NB Opportunities Network. DO McLean advised these units are 120 Hp with more capability (salt and sanding) and the wheelbase is 4.9 feet which fits on the 5 foot wide sidewalk. He further noted "Trackless" is a brand and Saunders is the only supplier in New Brunswick and registered dealers have specific areas. DO McLean noted it does not preclude others from submitting tenders with an equivalent alternative.

Counc. Lewis suggested Council should not be accepting tender awards when there is only one tenderer and the tender process should be changed. He suggested tenders should be awarded only when a minimum of three submissions are received. DO McLean noted the response on tenders has been low, particularly for the ½ ton vehicles tendered last fall. He advised five dealers were contacted and made aware of the tender and chose not to respond. Town Manager Jarvie advised there is a legislated tendering process to be followed with specific requirements and limitations as to how the Town can issue and award tenders. Counc. Lewis suggested other means of communication be investigated to distribute information on Town tenders.

CARRIED.

9.3 Rothesay History Book

6 June 2013 Memorandum from Financial Officer Steeves

MOVED by Counc. Gallagher Jette and seconded by Counc. McGuire Council agree to reduce the price of *Rothesay, New Brunswick, the First 150 Years*, to \$15.

CARRIED.

10. NEXT MEETING

The next regular meeting of Council will be held on Monday, July 8, 2013. It was noted a project update session will be held on Monday, June 24, 2013 at 6:00 p.m.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 8:45 p.m.

MAYOR

CLERK