



ROTHESAY COUNCIL

OPEN SESSION
Monday, June 8, 2009
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
COUNCILLOR PAT GALLAGHER JETTE
COUNCILLOR TERRY KILFOIL
COUNCILLOR NORMA MULLETT
COUNCILLOR DON SHEA
COUNCILLOR TOM YOUNG

TOWN CLERK MARY JANE BANKS
DIRECTOR OF OPERATIONS (DO) SCOTT HATCHER
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

ABSENT: DEPUTY MAYOR BLAIR MacDONALD
COUNCILLOR SCOTT COCHRANE
TOWN MANAGER JOHN JARVIE

Mayor Bishop called the meeting to order at 8:00 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting – 11 May 2009
Municipal Plan Presentation – 13 May 2009

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the minutes of 11 May 2009 be approved as circulated.

CARRIED.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the Meeting notes of the Municipal Plan Presentation 13 May 2009 be received/filed.

CARRIED.

1.1 Business Arising from Minutes N/A

2. **APPROVAL OF AGENDA**

MOVED by Counc. Kilfoil and seconded by Counc. Shea the agenda be approved as circulated.

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

3.1 Cheque Presentation Renforth Boat Club Paul Berube

Mayor Bishop invited Mr. Paul Berube before Council to present a cheque on behalf of the Renforth Boat Club. The donation will be put towards the Renforth Wharf restoration project. Mayor Bishop thanked Mr. Berube on behalf of Council and residents.

Mayor Bishop advised those in attendance Rothesay will be holding its annual Canada Day celebrations at the Rothesay Common.

4. **DELEGATIONS**

4.1 Anna Avenue Traffic Calming Devices 26 May 2009 Peter Lewis (see Item 9.1)

Mr. Lewis appeared before Council to express his displeasure over the proposed speed hump installation on Anna Avenue. He made the following comments: Anna Avenue is already intolerable with potholes and tree stumps coming through the chipseal, how was the decision made to bring this forward, why is Anna Avenue being used as a test site, three way stop signs are used in other areas of Rothesay, repairs were done last week and the road was left in a mess, French Village has the largest population in Rothesay and should be

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treated better, tax assessments increased substantially in the area, residents want to be treated the same as the rest of Rothesay, request for a long-term solution for roads in the area and would prefer one street be paved at a time and chipseal be discontinued.

Mayor Bishop advised the problem arose from a number of phone calls and messages from area residents about speeding in the area, the Rothesay Regional Police were notified and a public survey was done. He further indicated a number of people were in favour and a number opposed to the installation of the speed hump. Mr. Lewis advised he does not live on Anna Avenue but he does not believe there is a huge speeding issue and suggested a three way stop could work to solve the issue. Counc. Gallagher Jette clarified Mr. Lewis felt the conditions of the roads needs to be addressed. Counc. Shea asked for clarification on Mr. Lewis' objection and he responded it would be one more obstacle to get through before getting home. Mayor Bishop noted the traffic study indicated 93% of vehicles travelling in the area exceeded the speed limit. Mayor Bishop further advised the matter would be dealt with later in the agenda. Mr. Lewis left the meeting room.

5. CORRESPONDENCE - FOR ACTION

5.1 13 May 2009 Letter from KVCDP RE: "Sponsor" donation request.
MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the funding request from the Kennebecasis Valley Committee for Disabled Persons RE: "sponsor" donation request be referred to the Finance Committee.

CARRIED.

5.2 19 May 2009 Letter from PACK (KPark School) RE: request for support to province.
MOVED by Counc. Gallagher Jette and seconded by Counc. Mullett Council forward a letter to Minister Lamrock in support of the request from PACK-09 (KPark School).

CARRIED.

5.3 27 May 2009 Letter from UMN B RE: Recommendations on Finn Report.
MOVED by Counc. Young and seconded by Counc. Mullett the letter from UMN B RE: recommendations on the Finn Report be forwarded to the Town Manager for a response.

ON THE QUESTION:

Mayor Bishop advised Council to forward any comments they may have to the attention of the Town Manager.

CARRIED.

5.4 29 May 2009 Letter from Minister Arsenault PETL RE: Firefighter's Compensation Act.

5.4.1 4 June 2009 Memorandum from Town Clerk RE: Firefighter's Compensation Act.
MOVED by Counc. Kilfoil and seconded by Counc. Shea the correspondence related to the Firefighter's Compensation Act be referred to the Town Manager.

CARRIED.

5.5 29 May 2009 Letter from ESJ RE: reappointment G. Pond.
MOVED by Counc. Young and seconded by Counc. Shea Council authorize the re-appointment of Dr. Gerry Pond as the Rothesay representative on the Board of Directors for Enterprise Saint John, until 26 August 2010.

CARRIED.

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- 5.6 1 June 2009 Letter from KVCC RE: Chamber priorities.
MOVED by Counc. Shea and seconded by Counc. Kilfoil Council provide any priorities they wish to be forwarded to the KV Chamber of Commerce to the attention of Mayor Bishop by 12 June 2009.

ON THE QUESTION:

Counc. Shea suggested the KPark Elementary School capital upgrade be identified as a priority.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

- 6.1 6 May 2009 Letter from Kennebecasis Valley Chamber of Commerce RE: Improvements to Interchange at Fire Hall.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter from Letter from Kennebecasis Valley Chamber of Commerce RE: Improvements to Interchange at Fire Hall be received/filed.

CARRIED.

- 6.2 11 May 2009 Letter from MLB Community Links RE: Maritime Lumber Bureau Annual Meeting.

MOVED by Counc. Kilfoil and seconded by Counc. Shea the letter from MLB Community Links RE: Maritime Lumber Bureau Annual Meeting be received/filed.

CARRIED.

- 6.3 21 May 2009 Letter to Minister M. Murphy RE: Dispatching of Medical First Responder Services.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter to Minister M. Murphy RE: Dispatching of Medical First Responder Services be received/filed.

CARRIED.

- 6.4 21 May 2009 Letter to R. Hawkes, Enbridge Gas New Brunswick Inc. RE: Green Infrastructure Fund application.

MOVED by Counc. Mullett and seconded by Counc. Shea the letter to R. Hawkes, Enbridge Gas New Brunswick Inc. RE: Green Infrastructure Fund application be received/filed.

CARRIED.

- 6.5 21 May 2009 Letter to R. Pound, Canadian Olympic Committee RE: CRTC application letter of support.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the letter to R. Pound, Canadian Olympic Committee RE: CRTC application letter of support be received/filed.

CARRIED.

- 6.6 25 May 2009 Email from Earle and Anne Wood RE: QPlex – support for Rothesay's position.

MOVED by Counc. Mullett and seconded by Counc. Shea the email from Earle and Anne Wood RE: QPlex – support for Rothesay's position be received/filed.

CARRIED.

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- 6.7 27 May 2009 Email from Frank Ervin RE: QPlex.
MOVED by Counc. Young and seconded by Counc. Shea the email from Frank Ervin RE: QPlex be received/filed.

CARRIED.

- 6.8 2 June 2009 Letter from Josh Lawson RE: protection of trees.
MOVED by Counc. Kilfoil and seconded by Counc. Gallagher Jette the letter from Josh Lawson RE: protection of trees be received/filed.

CARRIED.

- 6.9 2 June 2009 Letter from Charles Jensen, Director of Recreation Services RE: Canada Day celebrations.
MOVED by Counc. Mullett and seconded by Counc. Shea the letter from Charles Jensen, Director of Recreation Services RE: Canada Day celebrations be received/filed.

CARRIED.

7. REPORTS

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

- 7.1 31 March 2009 Kennebecasis Valley Fire Department Inc. Unaudited Financial Statements
MOVED by Counc. Kilfoil and seconded by Counc. Young the 31 March 2009 Kennebecasis Valley Fire Department Inc. be received/filed.

CARRIED.

- April 2009 Kennebecasis Valley Fire Department Monthly Response Report Summary
MOVED by Counc. Kilfoil and seconded by Counc. Gallagher Jette the April 2009 Kennebecasis Valley Fire Department Monthly Response Report Summary be received/filed.

ON THE QUESTION:

Counc. Gallagher Jette asked if there is a report on the Dunedin Road fires. Mayor Bishop advised he is not aware of a report at this point, noting he and Deputy Mayor MacDonald have met with Chief Greer and Deputy Chief Jensen (KVFD) as well as NBPower representatives and there is no definitive answer as to the cause at this point. Counc. Gallagher Jette noted residents are very upset there has been no explanation as yet.

CARRIED.

- 7.2 30 April 2009 Unaudited Utility Financial Statements
MOVED by Counc. Shea and seconded by Counc. Mullett the 30 April 2009 Unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

- 30 April 2009 Unaudited General Fund Financial Statements
MOVED by Counc. Shea and seconded by Counc. Kilfoil the 30 April 2009 Unaudited General Fund Financial Statements be received/filed.

CARRIED.

- 7.3 12 May 2009 Finance Committee Meeting Minutes

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- 2 June 2009 Memorandum from Finance Committee RE: IKON Records Management Proposal

27 May 2009 Finance Committee Meeting Minutes

- 21 May 2009 Procedural By-law revisions
- 29 May 2009 Memorandum from Finance Committee RE: KV Committee For Disabled Persons Funding Request

11 May 2009 Letter from KV Committee for Disabled Persons

MOVED by Council. Mullett and seconded by Council. Young the 12 May 2009 and 27 May 2009 Finance Committee Meeting Minutes be received/filed.

CARRIED.

- 2 June 2009 Memorandum from Finance Committee RE: IKON Records Management Proposal

MOVED by Council. Mullett and seconded by Council. Kilfoil Council authorize staff to proceed with the acquisition and installation of the IKON Electronic Records Management System, including training and required hardware, for a cost not to exceed \$91,000.00.

ON THE QUESTION:

Council. Young asked for clarification on the funding. Mayor Bishop advised there is money in the budget, and the balance will come from Operating and Computer Reserves. Council. Gallagher Jette asked for clarification on the project. Mayor Bishop advised the staff complement will be increased by one person who will assume other responsibilities in addition to this project. She further requested clarification on the Ikon software. Town Clerk Banks advised the Information/Communications Technology Coordinator had researched the available products and further indicated there are nine municipalities in New Brunswick and four in Nova Scotia using this product, and there are approximately 150 National Ikon clients.

CARRIED.

- 21 May 2009 Procedural By-law revisions

MOVED by Council. Kilfoil and seconded by Council. Young the revisions to the Procedural By-law, paragraphs 118-125 be approved.

ON THE QUESTION:

Mayor Bishop advised the purchasing policy will be forthcoming from the Finance Committee.

CARRIED.

- 29 May 2009 Memorandum from Finance Committee RE: KV Committee For Disabled Persons Funding Request

11 May 2009 Letter from KV Committee for Disabled Persons

MOVED by Council. Shea and seconded by Council. Kilfoil Council approve the funding in the amount of \$1,000 per month for six months totalling \$6,000 to KVCDP to enable them to start an affordable accessible transportation program for the KV.

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ON THE QUESTION:

Counc. Kilfoil asked if there will be a further request following the initial six months. Mayor Bishop noted it is a six month pilot project and there is no indication as to what the usage may be for the program.

CARRIED.

7.4 20 May 2009 Draft Recreation Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the 20 May 2009 draft Recreation Committee Meeting Minutes be received/filed.

ON THE QUESTION:

Counc. Shea noted the Committee will meet with ADI prior to the June 22 presentation of the Master Recreation Plan. Mayor Bishop requested clarification on the fee schedule for fields. Counc. Shea advised the new fee structure will be brought forward in the fall as part of the budget process.

CARRIED.

7.5 27 May 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Mullett the 27 May 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes be received/filed.

CARRIED.

30 April 2009 Rothesay Regional Joint Board of Police Commissioners Financial Statements

MOVED by Counc. Shea and seconded by Counc. Kilfoil the 30 April 2009 Rothesay Regional Joint Board of Police Commissioners Financial Statements be received/filed.

CARRIED.

7.6 May 2009 Building Permits Monthly Report

MOVED by Counc. Mullett and seconded by Counc. Young the May 2009 Building Permits Monthly Report be received/filed.

CARRIED.

7.7 1 June 2009 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Shea the 1 June 2009 draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

➤ Rothesay Estates Subdivision

Deferred to Item 8.3

➤ 12 Burns Avenue Subdivision – land for public purposes (cash)

2 June 2009 Memorandum from Planning Advisory Committee

MOVED by Counc. Young and seconded by Counc. Shea Council accept \$750 as cash in lieu of land for public purposes for the subdivision of the lot situate 12 Burns Avenue, identified as PID# 30123913, into two lots.

CARRIED.

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7.8 4 June 2009 Operations Report

MOVED by Council. Mullett and seconded by Council. Shea the 4 June 2009 Operations Report be received/filed.

CARRIED.

- Anna Avenue Speed Hump installation

Deferred to Item 9.1

- Project 092815 Rothesay Chip Seal resurfacing 2009

MOVED by Council. Mullett and seconded by Council. Kilfoil Council award the tender to the low tenderer Industrial Cold Milling A Division of Miller Group Inc. for the tender price of \$282,217.50, inclusive of HST, contingent on reducing the contingency amount to \$5,000.

ON THE QUESTION:

Council. Shea asked for clarification on the contingency amount. DO Hatcher advised it is normally \$10,000 and allows for discretionary spending on the site. He further indicated sometimes it is used and sometimes not, noting he is comfortable in reducing it in this case.

CARRIED.

- Project No 014-164 Rothesay Asphalt resurfacing 2009

MOVED by Council. Shea and seconded by Council. Kilfoil Council award this tender to the low tenderer Deby Enterprises Ltd. for the tender price of \$213,869.00, inclusive of HST, contingent on reducing the contingency amount to \$5,000.

CARRIED.

- Project No. 014-163 Rothesay Street and Utility Improvements 2009

Deferred to Item 9.5

- Agreement CNR, James Renforth Drive, Mile 80.53 Sussex Subdivision

MOVED by Council. Shea and seconded by Council. Young Council authorize the execution of the CNR agreement by the Mayor and Clerk to initiate construction, as part of Project 014-163.

CARRIED.

8. UNFINISHED BUSINESS

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

5-7 May 2009 Email correspondence from/to Peter Hyslop, solicitor

The matter remained tabled.

8.2 Zoning By-law Text Amendment (Club house/facility)

- By-law 2-02-34, "A By-law to Amend the Zoning By-Law"

4 June 2009 Memorandum from Town Clerk Banks

MOVED by Council. Young and seconded by Council. Kilfoil reading in its entirety be given By-law 2-02-34, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-34 in its entirety.

MOVED by Council. Young and seconded by Council. Kilfoil 3rd Reading by Title and Enactment be given By-law 2-02-34, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-34 by title.

8.3 Rothesay Estates Subdivision (Isaac Street/Kaitlyn Street)

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- **By-law 1-02-9**, “A By-law to Amend the Municipal Plan By-law”
4 June 2009 Memorandum from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Kilfoil reading in its entirety be given By-law 1-02-9, “A By-law to Amend the Municipal Plan By-law”.

CARRIED.

The Clerk read By-law 1-02-9 in its entirety.

MOVED by Counc. Young and seconded by Counc. Kilfoil 3rd Reading by Title and Enactment be given By-law 1-02-9, “A By-law to Amend the Municipal Plan By-law”.

CARRIED.

The Clerk read By-law 1-02-9 by title.

- **By-law 2-02-35**, “A By-law to Amend the Zoning By-law”
4 June 2009 Memorandum from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Kilfoil reading in its entirety be given By-law 2-02-35, “A By-law to Amend the Zoning By-law”.

CARRIED.

The Clerk read By-law 2-02-35 in its entirety.

MOVED by Counc. Young and seconded by Counc. Kilfoil 3rd Reading by Title and Enactment be given By-law 2-02-35, “A By-law to Amend the Zoning By-law”.

CARRIED.

The Clerk read By-law 2-02-35 by title.

- **Development Agreement et al** – Rothesay Estates Subdivision
2 June 2009 Memorandum from Planning Advisory Committee

MOVED by Counc. Young and seconded by Counc. Mullett Council assent to the road right of way to be known as Kaitlyn Street, generally off Isaac Street, as shown on the Tentative Subdivision Plan, Rothesay Estates Subdivision – Phase 2, Dwg. No T-0307, prepared by Kierstead Quigley and Roberts Ltd., subject to the redesignation and rezoning of the subject properties.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Mullett Council accept Land for Public Purposes as shown on the Tentative Subdivision Plan, Rothesay Estates Subdivision – Phase 2, Dwg. No T-0307, prepared by Kierstead Quigley and Roberts Ltd., subject to the redesignation and rezoning of the subject properties.

CARRIED.

MOVED by Counc. Young and seconded by Counc. Mullett Council authorize the Mayor and Clerk to enter into the Amending Development Agreement for a 22 unit garden home development off Kaitlyn Street, identified as PID#s 30239792, 30239776, 30239784, and a portion of 00243683, subject to the redesignation and rezoning of the subject properties.

CARRIED.

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9. **NEW BUSINESS**
BUSINESS ARISING FROM DELEGATIONS

9.1 Anna Avenue Traffic Calming Devices

4 June 2009	Excerpt from Operations Report
4 June 2009	Memorandum from DO Hatcher
30 May 2009	Email from Nancy Haslett
26 May 2009	Letter from Peter Lewis
19 May 2009	Email from Nancy Haslett

MOVED by Counc. Young and seconded by Counc. Shea Council award the subject quotation to the low bidder, Debly Resources Inc., for the quotation price of \$6,185.62, inclusive of HST.

ON THE QUESTION:

Counc. Young advised he would be voting against the motion as he is fundamentally opposed to speed bumps. Counc. Kilfoil requested clarification on the use of a three-way stop sign.

DO Hatcher advised it has been the practice to not control speed with stop signs. He noted the speed limit on Town streets is 40 km/hr unless it's posted higher. The study showed over 93% of the travelling public on Anna Avenue were speeding. DO Hatcher advised the Public Works and Infrastructure Committee thought they would try a new approach. He further advised he would not recommend a stop sign. Counc. Mullett indicated there are varying speed limits in the area and it can become confusing. She also noted the road is a downhill grade with a slight curve at the bottom, with deep ditches and not much room on the shoulders for children. Counc. Gallagher Jette advised she went to the area and was not prepared to approve the installation to add another obstruction. DO Hatcher advised the capital program adopted in 2002 was to have all roads in the area chipsealed at least once by 2010. Mayor Bishop noted the Town is undertaking drainage work in the area and Council will have to make a decision about utility services in the area in the future, which will be in the road right-of-way. DO Hatcher advised a tender will be closing next week for drainage work on Joshua Street and the Town will be focusing on drainage matters in the area for the next two years.

DEFEATED.

9.2 Quotation Award – Arthur Miller Fields Interior Paving

1 June 2009	Memorandum from DRS Jensen
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MOVED by Counc. Young and seconded by Counc. Kilfoil Council award the quotation for interior paving at Arthur Miller Fields to H.W. McLean for the quotation price of \$22,450.00.

ON THE QUESTION:

Counc. Shea requested clarification on the recommendation and the information contained in the tender. Recreation Director Jensen advised he met onsite with all three contractors and explained what was required for the project. He further noted the curbing is close to the turf and the project will involve excavation work so great care will have to be exercised to prevent any damage to the artificial turf.

NAY vote recorded from Counc. Shea.

CARRIED.

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9.3 Changes to Community Planning Act

3 June 2009 Memorandum from DDS Drescher

MOVED by Counc. Shea and seconded by Counc. Kilfoil the memorandum from DDS Drescher RE: changes to the Community Planning Act (Development Officer Authority) be received/filed.

CARRIED.

9.4 Building Inspection Services

4 June 2009 Memorandum from Town Clerk Banks

MOVED by Counc. Young and seconded by Counc. Shea Council appoint Gay Drescher as the Assistant Building Inspector.

CARRIED.

9.5 Sidewalk Extension, Gondola Point Road

3 June 2009 Memorandum from DO Hatcher

2 June 2009 Letter from Gondola Point Road residents

3 June 2009 Letter from A Kidz Dream Daycare

MOVED by Counc. Kilfoil and seconded by Counc. Mullett Council award the tender to the low tenderer Fairville Construction Ltd. for the amended tender price of \$598,999.00, inclusive of HAST, contingent on reducing the contingency amount to \$10,000 under the tendered contract and the removal of the \$25,000 directional drill.

ON THE QUESTION:

DO Hatcher advised staff could mobilize its own efforts and do the drill for a lot less. He further advised the planned works on Gondola Point Road will be undertaken on Town property and a further crosswalk installation is not recommended. Counc. Gallagher Jette noted it was unusual to receive opposition to the installation of a sidewalk. Mrs. McGaghey, 273 Gondola Point Road, requested to speak. Mayor Bishop noted it was out of order but allowed her to address Council. She requested Council leave the area as it is, noting it will affect parking at 267 Gondola Point Road and the installation will also affect her driveway access to her property. She further commented on the septic system at 259 Gondola Point Road. DO Hatcher advised it is not uncommon to install a sidewalk against the curb and questioned if approval had been given for parking on Town property. He indicated the project is well within the Town's property lines and some augmentation will be required for the driveway at 273 Gondola Point Road, and they should be able to accommodate Mrs. McGaghey's wishes.

CARRIED.

10. NEXT MEETING

There will be a special Council meeting on Monday, June 22, 2009 at 7:00 p.m. at the Bill McGuire Centre, James Renforth Drive. The next regular meeting of Council will be Monday, July 13, 2009.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:20 p.m.

MAYOR

CLERK