



ROTHESAY COUNCIL

OPEN SESSION
Monday, March 10, 2008
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR WILLIAM ARTISS
COUNCILLOR PAUL BARRY
COUNCILLOR SCOTT COCHRANE
COUNCILLOR PAT GALLAGHER JETTE
COUNCILLOR NORMA MULLETT
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF OPERATIONS (DO) HATCHER
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER
TREASURER SUSAN JOHNSON

ABSENT: COUNCILLOR TERRY KILFOIL

PUBLIC HEARINGS 00065227)

Municipal Plan Amendment (portion of PID#

**By-law 1-02-7 (Millennium/Donlyn Drives - Shannex)
Zoning By-law Amendment**

By-law 1-02-27 (Millennium/Donlyn Drives - Shannex)

Documentation:

7 March 2008	IOM from Town Manager Jarvie
7 March 2008	Letter from McInnes Cooper on behalf of Shannex Inc.
8 February 2008	IOM from Town Clerk Banks
7 February 2008	Letter from D. Dixon, Shannex Health Care
8 February 2008	IOM from Town Clerk Banks
7 February 2008	Letter from D. Dixon, Shannex Health Care
15 February 2008	Subsequent Section 68 Advertisement, <u>Telegraph Journal</u>
5 March 2008	Subsequent Section 68 Advertisement, <u>Telegraph Journal</u>
17 January 2008	1 st Section 68 Advertisement, <u>Telegraph Journal</u>
6 February 2008	2 nd Section 68 Advertisement, <u>Telegraph Journal</u>
30 January 2008	Report from DDS Drescher with attached documentation
5 March 2008	IOM from Planning Advisory Committee
7 February 2008	IOM from Planning Advisory Committee
DRAFT	By-laws 1-02-7 and By-law 2-02-27
Appearances:	Gay Drescher, Director of Development Services
Objections:	Heather and Wayne Crawford Russell Glasgow Correspondence attached to staff report above Additional correspondence received (as attached)

Counc. Barry declared a conflict of interest and left the meeting room.

Mayor Bishop called the Public Hearings to order at 8:03 p.m. He indicated the public hearings were related to the same proposal. Mayor Bishop gave instructions to those in attendance. DDS Drescher indicated correspondence had been received from the applicant requesting Council re-schedule the Public Hearings until the next available time.

MOVED by Deputy Mayor Artiss and seconded by Counc. Gallagher Jette Council re-schedule the Public Hearing for the Municipal Plan amendment to Monday, April 14, 2008 commencing at 8:00 p.m. at Rothesay Town Hall, and a public notice of the new time and place be published.

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ON THE QUESTION:

Counc. Gallagher Jette asked if the developer would cover the advertising charges as the hearing had already been advertised. It was indicated the developer had agreed to cover the costs.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette Council re-schedule the Public Hearing for the Zoning By-law amendment to Monday, April 14, 2008 commencing at 8:00 p.m. at Rothesay Town Hall, and a public notice of the new time and place be published.

CARRIED.

The Public Hearings adjourned at 8:05 p.m.

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Counc. Barry returned to the meeting room.

Mayor Bishop called the regular meeting to order at 8:05 p.m.

1. APPROVAL OF MINUTES 11 February 2008

MOVED by Counc. Barry and seconded by Deputy Mayor Artiss the minutes of 11 February 2008 be approved as circulated.

ON THE QUESTION:

Counc. Barry requested clarification on the process of Council obtaining information. Following a brief discussion, Mayor Bishop indicated Section 117 of Procedural By-law 2-04 is sufficient.

CARRIED.

2. APPROVAL OF AGENDA

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

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop congratulated Elaine Whitney on her efforts to have Rothesay chosen for the Kraft Hockeyville 2008 competition.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor Artiss the Mayor forward Ms. Whitney a congratulatory letter on behalf of Council.

CARRIED.

Counc. Cochrane advised the Electoral Office is now open in the TD Mall in Quispamsis, in the former Dollar Store location. Deputy Mayor Artiss advised the forms are available online.

4. DELEGATIONS

N/A

5. CORRESPONDENCE - FOR ACTION

5.1 27 February 2008 Letter from Counc. Gallagher Jette RE: Rothesay arena.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor Artiss the letter from

Counc. Gallagher Jette RE: Rothesay arena be received/filed.

CARRIED.

27 February 2008 Letter from District Education Council District 6 RE: School Expansion.

MOVED by Counc. Gallagher Jette and seconded by Counc. Mullett the Mayor respond, in consultation with staff, to the letter from District Education Council District 6 RE: School Expansion.

ON THE QUESTION:

Counc. Gallagher Jette noted the letter was received by council members at home and the Mayor should respond, noting the next meeting of the District Education Council will be Wednesday, March 12, 2008.

CARRIED.

Amendment per April 14, 2008 Council minutes

MOVED by Counc. Gallagher Jette and seconded by Counc. Barry when a member of Council, having complied with the Procedural By-law 2-04 section 117, requests specific material related to town expenses, the Mayor will ensure that the councillor receives same.

CARRIED.

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- 5.2 25 February 2008 Email from J. Arnot RE: property flooding.
MOVED by Counc. Cochrane and seconded by Deputy Mayor Artiss the letter from J. Arnot RE: property flooding be forwarded to the Public Works and Infrastructure Committee.

CARRIED.

- 5.3 26 February 2008 Letter from Kennebecasis Public Library RE: federal funding.
MOVED by Counc. Young and seconded by Counc. Barry the letter from the Kennebecasis Public Library RE: federal funding be forwarded to the Finance Committee.

ON THE QUESTION:

Counc. Mullett noted the Board has met with the consultant Mr. Morganstern and he has also met with both Town Managers. He is currently looking at land in both communities and his report is due March 12, at which time it will be presented to the Board.

CARRIED.

- 5.4 29 February 2008 Letter from M. Burchill RE: Field house.
MOVED by Counc. Gallagher Jette and seconded by Counc. Young the letter from M. Burchill RE: field house be forwarded to the Parks and Recreation Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

- 6.1 4 February 2008 Letter from Regional Development Corporation RE: Miller Field project funding.
14 February 2008 Letter to Regional Development Corporation RE: funding acknowledgement.

MOVED by Deputy Mayor Artiss and seconded by Counc. Young the correspondence related to funding from the Regional Development Corporation for the Miller Fields be received/filed.

CARRIED.

- 6.2 19 February 2008 Letter from Quispamsis to Kennebecasis Valley Fire Department RE: 2008 Budget.

MOVED by Counc. Young and seconded by Counc. Barry the letter from Quispamsis to Kennebecasis Valley Fire Department RE: 2008 Budget be received/filed.

CARRIED.

7. REPORTS

- 7.0 **March 2008** **Report from Closed Session**
N/A

- 7.1 8 November 2007 Fundy Region Solid Waste Commission Meeting Minutes
13 December 2007 Fundy Region Solid Waste Commission Meeting Minutes
17 January 2008 Fundy Region Solid Waste Commission Meeting Minutes
MOVED by Counc. Gallagher Jette and seconded by Counc. Cochrane the minutes from the Fundy Region Solid Waste Commission Board meetings be received/filed.

ON THE QUESTION:

Counc. Gallagher Jette noted she has requested the minutes be forwarded in a more timely fashion.

CARRIED.

- 7.2 10 January 2008 Kennebecasis Public Library Board Meeting Minutes

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MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the Kennebecasis Public Library Board Meeting Minutes be received/filed.

CARRIED.

- 7.3 16 January 2008 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes
31 December 2007 Rothesay Regional Joint Board of Police Commissioners Preaudit Financial Statements

MOVED by Deputy Mayor Artiss and seconded by Counc. Gallagher Jette the Rothesay Regional Joint Board of Police Commissioners Meeting Minutes and preaudit Financial Statements be received/filed.

CARRIED.

- 7.4 January 2008 Kennebecasis Valley Fire Department Monthly Response Report
MOVED by Counc. Cochrane and seconded by Counc. Young the Kennebecasis Valley Fire Department Monthly Response Report be received/filed.

CARRIED.

- 7.5 18 February 2008 Finance Committee Meeting Minutes
MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette the Finance Committee Meeting Minutes be received/filed.

CARRIED.

➤ Rothesay Regional Joint Board of Police Commissioners Five Year Plan
MOVED by Counc. Cochrane and seconded by Deputy Mayor Artiss Council endorse the Rothesay Regional Joint Board of Police Commissioners Five Year Plan.

CARRIED.

➤ District 6 Innovative Learning Fund
MOVED by Counc. Cochrane and seconded by Deputy Mayor Artiss Council donate \$500 to the District 6 Innovative Learning Fund.

CARRIED.

➤ Rothesay Arena
MOVED by Counc. Cochrane and seconded by Counc. Young **BE IT RESOLVED** THAT Council intends to proceed with Rothesay Arena expansion project.

ON THE QUESTION:

There was discussion with respect to the intent of the motion and whether it was needed. Treasurer Johnson indicated there is a judgement call on the accounting treatment of the expenses and at the auditors' request, the motions were brought forward to Council to determine the wish of Council with respect to the project. Counc. Gallagher Jette asked what "related costs" would be and whether it is an expansion, noting she would not support the motion as the Town does not own the land. Counc. Cochrane advised the motion is required to provide direction for the appropriate treatment of the costs as either expenses or capital expenses, the latter requiring the asset to have a benefit to the Town in the future. There was a brief discussion with respect to financial rules to be followed, including the issue of a subsequent event.

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MOVED by Counc. Cochrane and seconded by Counc. Mullett Council direct staff to continue negotiations with School District 6 regarding the use of the land for the arena expansion.

ON THE QUESTION:

Counc. Gallagher Jette suggested an arena committee be struck to continue negotiations. Deputy Mayor Artiss noted the Mayor could strike a committee if he wished.

NAY vote recorded from Counc. Gallagher Jette.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Young Council request staff to bring a report to Council with respect to pursuing other options for expanding the arena at the current site.

CARRIED.

MOVED by Counc. Gallagher Jette and seconded by Counc. Barry councillors be advised of all committee meetings, per Section 106 of Procedural By-law 2-04.

CARRIED.

7.6 22 February 2008 Draft Public Works and Infrastructure Committee Meeting Minutes

MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

CARRIED.

7.7 February 2008 Building Permit Report

MOVED by Deputy Mayor Artiss and seconded by Counc. Young the Building Permit Report be received/filed.

CARRIED.

7.8 March 2008 Rothesay Recreation Update Report

MOVED by Counc. Young and seconded by Counc. Barry the Rothesay Recreation Update Report be received/filed.

CARRIED.

7.9 3 March 2008 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

➤ Shannex (See Public Hearing documentation and Item 9.1)
See Item 9.1

➤ Sierra Avenue – Public Hearing
MOVED by Counc. Young and seconded by Counc. Cochrane Council schedule a Public Hearing in accordance with the *Community Planning Act*, R.S.N.B. (1973) Chapter C-12, and amendments thereto, for Monday, April 14, 2008, at the Rothesay Town Hall, to give consideration to the rezoning application for the properties situate 6-12 Sierra Avenue, identified as PID#s 00478909, 00478891, 00478883, 00478873.

CARRIED.

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- Rogers Communications Inc. – telecommunications tower

MOVED by Counc. Young and seconded by Counc. Cochrane Council table approval of the location of the proposed telecommunications tower within the property situate 2524 Rothesay Road, identified as PID# 30233407 owned by the Riverside Golf and Country Club, pending a report from Rogers Communications Inc. following placement of the advertisement, approved by the Development Officer.

CARRIED.

- 7.10 4 March 2008 Operations Report

MOVED by Deputy Mayor Artiss and seconded by Counc. Mullett the Operations Report be received/filed.

ON THE QUESTION:

DO Hatcher provided an update on the treatment plant project, noting the second tank will be in production in about two weeks. The full project will be complete in three weeks. As well, he noted the Renforth Wharf tender will close on March 13 and the option is available for a fax poll to be conducted. The project could then start about three weeks following an affirmative decision. Mayor Bishop commented on the ice fishing shacks at the Renforth Wharf. It was noted about half have been removed and the deadline is March 15.

CARRIED.

8. UNFINISHED BUSINESS

N/A

9. NEW BUSINESS

9.1 BUSINESS ARISING FROM PUBLIC HEARINGS (Shannex Corporation) (See Public Hearing documentation)

- By-law 1-02-7 Municipal Plan By-law amendment
- By-law 2-02-27 Zoning By-law Amendment

No action taken.

9.2 Historic Properties Initiative

29 February 2008 IOM from DDS Drescher RE: Kennebecasis Sculpture
MOVED by Deputy Mayor Artiss and seconded by Counc. Barry Council authorize the Mayor to sign the Letter of Consent for the Kennebecasis Rowing Sculpture at the East Riverside-Kingshurst Park to permit the structure to be registered on the provincial registry system for the Historic Properties Initiative.

CARRIED.

9.3 NB Municipal Finance Corporation Application

4 March 2008 IOM from Treasurer Johnson
MOVED by Counc. Cochrane and seconded by Counc. Mullett **BE IT RESOLVED** THAT the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of Rothesay debenture in the principal amount of **\$307,000** on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and **BE IT RESOLVED** THAT the Municipality of Rothesay agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

CARRIED.

9.4 Smoking Ban in confined areas

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5 March 2008 IOM from Town Clerk Banks

MOVED by Counc. Cochrane and seconded by Deputy Mayor Artiss Rothesay Council forward a letter of support to the provincial government to give consideration to an amendment to the “Smoke-free Places Act” to prohibit smoking in vehicles carrying children under the age of eighteen (18).

CARRIED.

10. **NEXT MEETING**

Regular meeting Monday, April 14, 2008

4 March 2008 IOM from Town Clerk

MOVED by Counc. Young and seconded by Counc. Cochrane Council schedule a Council meeting for Wednesday, May 7, 2008 as the municipal elections are being held on Monday, May 12, 2008.

CARRIED.

11. **ADJOURNMENT**

MOVED by Counc. Young and seconded by Deputy Mayor Artiss the meeting be adjourned.

CARRIED.

The meeting adjourned at 8:55 p.m.

MAYOR

CLERK