



ROTHESAY COUNCIL

OPEN SESSION

Monday, May 12, 2014

MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR NANCY GRANT
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 REC/PARKS (DRP) CHARLES JENSEN
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE
TREASURER DOUG MacDONALD

PUBLIC HEARING

A By-law of the Municipality of Rothesay to Regulate Traffic By-law 1-14

Documentation

17 April 2014

6 May 2014

7 May 2014

DRAFT

Appearances:

1st Section 68 advertisement

2nd Section 68 Advertisement

Memorandum from Town Clerk Banks w/attachment

By-law 1-14

Director of Operations Brett McLean, P.Eng.

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

Mayor Bishop called the public hearing to order at 7:00 p.m. and gave instructions to those in attendance. He noted the hearing had been duly advertised and DO McLean would be giving a presentation. DO McLean noted the Traffic By-law had not undergone a major review since 2003. A request had been made by the Kennebecasis Regional Police Force to align the section numbers in the Rothesay Traffic By-law with those in the Quispamsis By-law. DO McLean outlined the general changes, particularly the section numbering to align with Quispamsis.

There was discussion with respect to speed limit zones and parking restrictions on various roads in Rothesay. DO McLean advised there are parking restrictions in the current By-law but they have not been enforced. It was suggested the changes to sidewalk construction are changing the nature of smaller lanes through Town and residents are concerned about ticketing. DO McLean advised parking violations are usually complaint-driven, particularly on Almon and Peters Lanes when people are attending events on the Common. He noted Almon Lane is to be upgraded next year with curb and drainage or open ditch.

Mayor Bishop advised Council can give By-law 1-14 first reading by title and some minor editing can be done before second reading at the next meeting. It would then be forwarded to the Registry of Motor Vehicles for review and approval prior to third reading and enactment.

Additional comments were made, including: the proposed crosswalk at the bottom of College Hill Road; additional edits are required in the schedules; enforcement of parking restrictions and the restriction of bicycles on sidewalks and footpaths. DO McLean noted the crosswalk at the bottom of College Hill Road is not currently in place and would not be included at this time; parking violations are complaint driven and the Kennebecasis Regional Police Force will enforce

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parking restrictions. He also noted the restriction of bicycles on sidewalks is in the Motor Vehicle Act and the current By-law restricts bicycles on footpaths but that is a Town decision. It was suggested the Parks and Recreation Committee review that portion of the By-law and provide a recommendation.

Mayor Bishop called three times for anyone wishing to speak in favour of the By-law.

Mayor Bishop called three times for anyone wishing to speak in opposition to the By-law.

Jamie Gallagher, 117 Park Drive (owner – Shadow Lawn Inn) spoke against the By-law. He made the following comments: Maiden Lane has been used for sixty years for overflow parking for Shadow Lawn Inn; he has had several conversations with staff and unfortunately the curb is in place now and cannot be removed but he will need some additional time to arrange for additional parking on the Inn property, at a cost of about \$15,000. Mayor Bishop suggested it would likely be two or three months before the By-law takes effect.

Counc. Lewis requested that rolled curbing be explored for future projects as they worked well on Dunedin Road project.

MOVED by Counc. Wells and seconded by Counc. Alexander the public hearing be adjourned.

CARRIED.

The public hearing adjourned at 7:30 p.m.

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Counc. McGuire returned to the meeting room.

Mayor Bishop called the regular meeting of Council to order at 7:30 p.m.

1. APPROVAL OF MINUTES

Regular meeting 14 April 2014

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the minutes of 14 April 2014 be adopted as circulated.

CARRIED.

Business Arising from Minutes

n/a

2. APPROVAL OF AGENDA

MOVED by Counc. Alexander and seconded by Counc. Wells the agenda be approved as circulated, with the following change:

Item 9.6 be brought forward to follow Item 5.2

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop advised the special ice storm clean up has finished and the regular spring clean up will take place over the next two weeks. He noted the Private Members' Bill has been passed that will allow the Town to proceed with the Rothesay Common project. Mayor Bishop advised Town Manager Jarvie did a great job representing the Town's interest in a presentation to the Committee.

4. DELEGATIONS

4.1 The LINK Program/le Maillon Thelma Messer, RN, MN - Healthy Learners in (Anglo. South School District) School Program

Pam Miller, Guidance and Positive Learning Environment Coordinator

Pam Miller and Thelma Messer gave a brief presentation to Council on the LINK Program. Anglophone School District South covers the area from Sussex Corner to Campobello/Grand Manan Island and the program is available in all middle and high schools in the District. The goal of the program is to give individuals experiencing any kind of problem or question an opportunity to access a service. It was noted the key is to work together to support our youth. The symbol of the bicycle chain represents the interrelations between individuals and if one link is broken, the whole chain is affected. Key aspects of the program were outlined and additional information can be found on the website www.thelinkprogram.com. The initiative is being expanded to the community (for both students and parents) on the premise that "We want to give everyone the chance to find a solution, through a supporting resource, to his or her problem before they become serious".

Mayor Bishop thanked Ms. Miller and Ms. Messer for their presentation, noting the Town is supportive of youth in our community and would be willing to promote the program at every opportunity. Deputy Mayor Grant thanked the presenters for speaking to Council and for reminding youth they have resources available. She noted posters have already been displayed at Town Hall and the Arena and other locations in Rothesay.

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4.2 Audited Financial Statements – Rothesay 2013

(see also Item 9.2)

Treasurer Doug MacDonald, CA

Peter Logan, CA Teed Saunders Doyle

Treasurer Doug MacDonald gave a brief summary of the 2013 Rothesay audited Financial Statements to Council, noting the statements would be presented later in the agenda. The following comments were made:

- a general overview of the differences between final audited financial statements (consolidated) and monthly operating financial statements
- statements are in compliance with PSAB and have been reviewed by the Finance Committee
- jointly controlled entities (police, fire, library) allocations are determined based upon funding formulas and contracts – change in percentage ownership resulted in a reduction in net equity of \$189,015 in 2013
- revenue sources
 - 76% property tax
 - 15% water/sewer
 - 5% conditional grants
 - 1% unconditional grant
 - 2% sale of services
 - 1% other
- expenses by function
 - 30% transportation services
 - 26% protective services
 - 13% water/sewer
 - 14% recreation/cultural services
 - 10% general government services
 - 4% environmental health services
 - 3% environmental development services
- net debt has been reducing since 2011
- Provincial rules for debt service cost are 20% maximum allowable for the general fund and 50% for water/sewer
- 2013 Rothesay debt service costs 5.45% for general and 26.65% for water/sewer
- maximum allowable yearly borrowing is 2% of tax assessment or cumulatively 6%
- summary of Rothesay's share of accrued benefits liability (sick leave, retirement allowance and pension)

Mr. Logan advised the audit went fairly smoothly with the transition in the Treasurer position; a clean audit opinion has been given under PSAB standards; the asset base was a major project for last year's audit and this year's was simpler in that the data was rolled forward for 2013; audited statements are consolidated (accrual basis) but for borrowing purposes the Town relies on the cash basis format and the GIS system is beneficial to the Town for asset-tracking and future planning. Counc. MacDonald thanked staff for their work during the audit in order to get the statements completed in a timely fashion.

5. CORRESPONDENCE FOR ACTION

5.1 23 April 2014 Letter from Minister of Natural Resources Bill Levesque RE: Nuisance Deer Management Assistance Program

Mayor Bishop advised the Regional Deer Committee met on Friday and the information collected by the Committee had been provided to the Department of Natural Resources (DNR). The Department prepared a draft management plan and is seeking the support of Rothesay, Quispamsis and Hampton.

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There was a brief discussion and the following points were made: this will not resolve the deer issue in the Town centre; the Department should be responsible for dealing with property owners and not the Towns; very few properties within Rothesay would qualify for additional licenses; the Regional Deer Committee agrees it should be the Department that is responsible; the Committee and respective Councils have discussed the matter and the proposed solution from DNR is worth a try; Council should offer a letter of support and concern was expressed about the Hillside trail area.

MOVED by Counc. Gallagher Jette and seconded by Counc. McGuire a response to the proposal from the Department of Natural Resources be prepared.

ON THE QUESTION:

It was suggested a draft could be provided for review at the working session on Wednesday evening.

CARRIED.

5.2 Various Email and supporting documentation from J. Dionne RE: Playground for French Kennebecasis Valley School and Community Centre

MOVED by Counc. Gallagher Jette and seconded by Counc. Wells the request for funding from J. Dionne RE: Playground for French Kennebecasis Valley School and Community Centre be referred to the Finance Committee.

CARRIED.

Item 9.6 brought forward.

9.6 Contract T-2014—06: Green Road project

7 May 2014 Memorandum from DO McLean

There was a lengthy discussion with respect to the Green Road Reconfiguration project. Mayor Bishop advised the proposed contract contemplates a sidewalk associated with the reconfiguration and there have been concerns expressed by residents that they do not want a sidewalk as it will reduce the road width and also possibly impact trees (on Town property).

It was noted the project had been reviewed by the Public Works and Infrastructure Committee with a recommendation to proceed with the project, with the deletion of the waterline portion of the project.

DO McLean advised the sidewalk has been contemplated as part of the project from the outset and in order to avoid the loss of trees, the entire road has been moved to one side to accommodate the sidewalk on the other side. He noted the project has been tendered and is before Council this evening to be awarded to the low tenderer. Removal of the sidewalk would reduce costs but to redesign the project and retender would delay the project at least two months and it may not get completed this year. DO McLean advised the sanitary sewer is currently located on the east side and if the project is only resurfacing of the roadway and renewal of the sanitary sewer, all the trees would be removed.

Counc. Gallagher Jette requested additional clarification on the project. It was noted the water line portion of the project has been removed. She advised she has received correspondence from a resident in opposition to the sidewalk and residents did not receive proper notice. Mayor Bishop advised that residents were properly notified, a meeting was held in Council chambers that was well advertised and some residents were out of town so were not aware of the proposed project. Town Manager Jarvie advised a meeting was held with residents on Saturday to review the design plans and the consulting engineer was onsite today to talk to residents about how individual properties may be affected.

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Mayor Bishop advised Council must decide whether to proceed with the tender award or to request the project be re-engineered with the removal of the sidewalk.

DO McLean advised Council is being asked to approve a publicly advertised tender on a previously accepted project that was sent out to contractors, with 6 bidders submitting bids on the project in good faith. If the tender is substantially altered (more than 10% of the cost), there may be potential litigation against the Town. Town Manager Jarvie advised this project was brought forward to have it completed early in 2014. There may be an option for modest changes but to re-engineer the movement of the centre line is a major change that would likely take at least two or three months. Counc. Wells requested clarification on the water line and the type of curb to be installed. DO McLean advised the water line will not be installed and this project includes a barrier curb. He noted the rolled curb also includes a gutter and therefore would be more expensive than what was included in the tender call. DO McLean noted the sanitary sewer is failing and also drainage from the road is flooding basements and affecting properties. He advised the barrier curb will help address these drainage issues.

Town Manager Jarvie asked DO McLean if an option may be to proceed with the project but the sidewalk remain unfinished. DO McLean commented this would affect the esthetics and would leave an undeveloped portion between the existing sidewalk and the edge of the new reconfigured roadway on the west side of Green Road. Town Manager Jarvie advised that future development in the area may necessitate a sidewalk on Green Road where it may not appear as necessary today. DO McLean advised the street is used on a regular basis by walkers and there is no curb on the street at present. The finished roadway will be the same width as Maiden Lane and by adding the curb to resolve drainage issues, the sidewalk is necessary for the safety of residents walking on the street. Counc. Alexander noted the tenders came in under the engineer's estimate. He also noted the Public Works and Infrastructure Committee has reviewed this issue a number of times based on residents' complaints about runoff affecting their properties. Deputy Mayor Grant advised she heard positive comments at the Open House held in March but noted the additional concerns now being raised by residents and further indicated she also shares Counc. Wells' concerns about barrier curb sidewalks and the narrowing of roadways, and suggested there be a policy developed. Counc. Lewis questioned the use of rolled curb as opposed to barrier curb and suggested rolled curb could be used in some areas of Town where there is less vehicular traffic.

MOVED by Counc. MacDonald and seconded by Counc. McGuire Council award Contract T-2014-06: Green Road Reconfiguration, to the low tenderer, L. Sanford & Sons Ltd., at the tendered price of \$1,248,105.94 (including HST) adjusted for any changes as directed by Council.

YEA votes recorded from Deputy Mayor Grant, Councs. Alexander, MacDonald and McGuire.

NAY votes recorded from Councs. Gallagher Jette, Lewis and Wells.

CARRIED.

Mr. Gary Sudul requested the opportunity to speak to Council. Mayor Bishop advised a vote of Council was required.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor Grant Council allow Mr. Sudul to speak to Council.

CARRIED.

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Mr. Sudul thanked Council for the opportunity to speak to the Green Road project. He made the following comments: long time Green Road resident; away at time of notification and open house; project reviewed with Town Manager Jarvie; letter to Council in April referred to Public Works Committee; next contact was from NB Power to move the power pole; appreciates the drainage is a priority but the addition of a sidewalk is not necessary; concern about removal of old growth trees; letters from other residents and questioned whether all reconstruction projects in Rothesay will now have curb and sidewalk. He concluded Council should consider the wishes of residents and the possible impact on properties and requested the opportunity for residents to review the project for clarification.

Mayor Bishop thanked Mr. Sudul for his comments and noted the motion has already been passed and the comments of DO McLean were given as related to this specific project. Counc. Gallagher Jette called a point of order to reconsider the motion. Mayor Bishop asked the Clerk to provide clarification on reconsideration. Town Clerk Banks left the meeting room to review Roberts Rules.

Town Manager Jarvie advised a motion to reconsider can only be made by a member on the prevailing side who has changed their position or view. The Town Clerk returned to the meeting room.

MOVED by Deputy Mayor Grant and seconded by Counc. Wells Council reconsider the motion to award the tender to L. Sanford & Sons Ltd. for the Green Road Reconfiguration project.

YEA votes recorded from Deputy Mayor Grant, Councs. Gallagher Jette, Lewis, McGuire and Wells.

NAY votes recorded from Councs. Alexander and MacDonald.

CARRIED.

Counc. Gallagher Jette suggested the matter be tabled. Counc. MacDonald commented additional financial information would be necessary if the scope of the project is changed. Town Manager Jarvie advised that tenders are issued with a specific timeframe for award to the successful bidder. DO McLean advised the award date in the tender specifications is the next regular meeting of Council or the contract expires and the project has to be re-tendered. DO McLean expressed his opinion that costs would likely increase if the project had to be re-tendered during prime construction season. Mayor Bishop noted the information was publicly available for review and it becomes difficult when Council is at a decision point and comments are received that are in opposition.

Counc. MacDonald noted recent articles with respect to litigation against municipalities and indecision could lead to a similar situation for Rothesay. Mayor Bishop suggested it may be possible to obtain additional information with respect to the award of the tender. DO McLean advised the project had been advertised; flyers were distributed to all residences on Green Road and in the general area; a number of positive comments were received at the Open House by residents not in attendance this evening and the project is for the entire area, in addition to residents on Green Road. Counc. Wells asked whether the contract could be revised from a barrier curb to a rolled curb. Mr. Sudul expressed his concern again about the sidewalk not being needed as part of the project. He also commented on the communication process followed by staff in dealing with residents.

Mayor Bishop suggested additional information could be obtained prior to Wednesday evening's session and a special meeting could be called to deal with the tender award. DO McLean advised a timeline of Wednesday would be insufficient to make changes to the contract. He also

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noted the removal of the sidewalk would be a substantial change to the original tender and it would not be reasonable to expect the bidder to hold the contract price on the other aspects of the project, and more likely would nullify the contract. DO McLean advised Mr. Sudul's letter was reviewed by the Public Works and Infrastructure Committee and he had a further conversation with Mr. Sudul that outlined the process followed in incorporating the sidewalk into the project after the Open House held at the Town Hall. Council then made the decision to include the sidewalk and remove the waterline from the project and then let for tender.

DO McLean reiterated that changes to the contract could not be completed by Wednesday and asked whether any decisions could be made on Wednesday. Mayor Bishop advised a special meeting can be called by the Mayor on 24 hours' notice but the concern is the timeline to obtain additional information by Wednesday.

Counc. MacDonald asked whether those in favour of the project would also be given the opportunity to speak to Council. Mayor Bishop advised Council gave the courtesy to Mr. Sudul to speak and the Mayor ended the debate.

6. CORRESPONDENCE - FOR INFORMATION

6.1 15 April 2014 Letter of thanks from Retail Council of Canada (Atlantic Office) RE: Sunday shopping hours

MOVED by Deputy Mayor Grant and seconded by Counc. Alexander the Letter of thanks from Retail Council of Canada (Atlantic Office) RE: Sunday shopping hours dated 15 April 2014 be received/filed.

CARRIED.

6.2 16 April 2014 Letter from Health Minister Flemming RE: request for tick drag in Rothesay, Quispamsis and Hampton

MOVED by Counc. Wells and seconded by Counc. McGuire the letter from Health Minister Flemming RE: request for tick drag in Rothesay, Quispamsis and Hampton dated 16 April 2014 be received/filed.

CARRIED.

6.3 24 April 2014 Letter of thanks from Kennebecasis Regional Joint Board of Police Commissioner RE: department name change

MOVED by Counc. Wells and seconded by Counc. Alexander the letter of thanks from Kennebecasis Regional Joint Board of Police Commissioner RE: department name change dated 24 April 2014 be received/filed.

CARRIED.

Town Clerk Banks and Town Manager Jarvie consulted with Mayor Bishop with respect to the motion to reconsider the Green Road project tender award.

Mayor Bishop called a recess at 9:05 p.m.

The meeting reconvened at 9:15 p.m. Mayor Bishop instructed those in attendance on the procedure to reconsider a motion as outlined in Roberts Rules, more specifically:

If the motion to reconsider is carried, the chairman announces that the question now recurs on the adoption of the question the vote on which has been just reconsidered; the original question is now in exactly the same condition that it was in before the first vote was taken on its adoption, and must be disposed of by vote. [§60]

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MOVED by Counc. Alexander and seconded by Counc. MacDonald Council award Contract T-2014-06: Green Road Reconfiguration, to the low tenderer, L. Sanford & Sons Ltd., at the tendered price of \$1,248,105.94 (including HST) adjusted for any changes as directed by Council.

YEA votes recorded from Deputy Mayor Grant, Councs. Alexander, MacDonald, McGuire and Wells.

NAY votes recorded from Councs. Gallagher Jette and Lewis.

CARRIED.

6.4 24 April 2014 Letter to S. Davies, Clerk of Committees RE: Private Member's Bill
MOVED by Deputy Mayor Grant and seconded by Counc. Wells the letter to S. Davies, Clerk of Committees RE: Private Member's Bill dated 24 April 2014 be received/filed.

CARRIED.

6.5 28 April 2014 Letter to Commissioner Bertrand RE: RTIPPA presentation on May 14, 2014

MOVED by Counc. Wells and seconded by Counc. McGuire the letter to Commissioner Bertrand RE: presentation on May 14, 2014 (RTIPPA) dated 28 April 2014 be received/filed.

CARRIED.

6.6 28 April 2014 Letter of thanks to Kennebecasis Valley Chamber of Commerce RE: donation

MOVED by Counc. Gallagher Jette and seconded by Counc. Alexander the letter of thanks to Kennebecasis Valley Chamber of Commerce RE: donation dated 28 April 2014 be received/filed.

CARRIED.

6.7 28 April 2014 Letter of support to St. Joseph's Hospital Foundation RE: Dragon Boat Festival

MOVED by Counc. Wells and seconded by Counc. McGuire the letter of support to St. Joseph's Hospital Foundation RE: Dragon Boat Festival dated 28 April 2014 be received/filed.

CARRIED.

6.8 28 April 2014 Letter to Board of Fire Commissioners RE: Fire Department volunteers
MOVED by Counc. Lewis and seconded by Counc. Wells the letter to Board of Fire Commissioners RE: Fire Department volunteers dated 28 April 2014 be received/filed.

ON THE QUESTION:

Counc. MacDonald noted Council heard the presentation from Chief Ireland and it would be considered on a go-forward basis with the operations of the Department and the need to rely on the professional firefighters for its operation.

CARRIED.

6.9 8 May 2014 Letter from Rothesay resident RE: Scott Avenue apartments

MOVED by Counc. Wells and seconded by Deputy Mayor Grant the letter from a Rothesay resident RE: Scott Avenue apartments dated 8 May 2014 be received/filed.

CARRIED.

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7. REPORTS

7.0 May 2014 Report from Closed Session

Deputy Mayor Grant as Chair of Personnel Committee, advised in an effort to operationalize one of the strategic goals of last year, more specifically to improve communications of Council and staff and enhance openness and transparency and organizational assessment is ongoing, she is recommending a consultant be retained to assist in the process.

MOVED by Deputy Mayor Grant and seconded by Counc. Lewis Council approve future expenditures of up to \$25,000 for anticipated periodic engagement of Montana Consulting to assist in implementing the changes in the Procedural By-law to allow for the organizational changes, with funds to come from Operational reserves.

CARRIED.

- 7.1 19 March 2014 Kennebecasis Public Library Board meeting minutes
March 2014 Librarian's Report
28 Feb 2014 Kennebecasis Public Library Draft Income Statement
2014-2015 Kennebecasis Public Library Strategic Plan

MOVED by Deputy Mayor Grant and seconded by Counc. Wells the Kennebecasis Public Library Board meeting minutes (19 March 2014), Librarian's Report (March 2014), Kennebecasis Public Library Draft Income Statement (28 February 2014) and Kennebecasis Public Library Strategic Plan (2014-2015) be received/filed.

CARRIED.

- 7.2 31 March 2014 Draft unaudited Rothesay Utility Financial Statements

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant the draft unaudited Rothesay Utility Financial Statements dated 31 March 2014 be received/filed.

CARRIED.

- 31 March 2014 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant the draft unaudited Rothesay General Fund Financial Statements be received/filed.

CARRIED.

- 7.3 2 April 2014 Kennebecasis Regional Joint Board of Police Commissioners meeting minutes
31 March 2014 Kennebecasis Regional Joint Board of Police Commissioners Statement of Financial Position

MOVED by Counc. McGuire and seconded by Counc. Alexander the Kennebecasis Regional Joint Board of Police Commissioners meeting minutes (2 April 2014) and Statement of Financial Position (31 March 2014) be received/filed.

CARRIED.

- 7.4 15 April 2014 Draft Parks and Recreation Committee meeting minutes

MOVED by Counc. Wells and seconded by Counc. McGuire the draft Parks and Recreation Committee meeting minutes dated 15 April 2014 be received/filed.

CARRIED.

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7.5 16 April 2014 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 16 April 2014 be received/filed.

ON THE QUESTION:

Mayor Bishop asked for further information on garbage collection. Town Manager Jarvie advised information has been provided to Quispamsis and discussions have been held with Saint John, Quispamsis and Hampton about possibilities of working together on garbage collection. Discussions will be ongoing.

CARRIED.

- *Winter maintenance contract (see Item 9.3)*

7.6 16 April 2014 Draft Heritage Preservation Review Board meeting minutes **MOVED** by Counc. Wells and seconded by Counc. McGuire the draft Heritage Preservation Review Board meeting minutes dated 16 April 2014 be received/filed.

ON THE QUESTION:

There was discussion at the meeting with respect to the bridges on the Common and the electrical outlets. The Board has funding available and Dan Glenn has been asked to prepare a report on options that may be available to improve the appearance of the bridges and outlets.

CARRIED.

7.7 April 2014 Monthly Building Permit Summary Report **MOVED** by Counc. Alexander and seconded by Counc. Wells the Monthly Building Permit Summary Report dated April 2014 be received/filed.

ON THE QUESTION:

Counc. Alexander requested clarification on the inconsistency in swimming pool permit fees for two properties. DPDS White advised he would look into it and report back to Council.

CARRIED.

7.8 8 May 2014 Finance Committee memorandum

- Municipal Capital Borrowing Board application

MOVED by Counc. MacDonald and seconded by Counc. McGuire be it resolved that the Municipality of Rothesay submit to the Municipal Capital Borrowing Board an application for authorization to borrow money in an amount not to exceed \$9,333,000 for the following:

<u>Purpose</u>	<u>Term</u>	<u>Amount</u>
NAME OF FUND: Recreation and cultural services		
Interim financing	3 YRS	\$4,333,000
Community Centre construction and renovation of existing facility	20 YRS	\$5,000,000

ON THE QUESTION:

It was noted the interim financing request is based on the assumption the Province will be providing a grant in that amount for the project. The Town will only be borrowing a net \$5 million. Counc. MacDonald noted the impact will increase total authorized borrowing by the Town to about \$13 million, of which \$573,000 is financing. He noted there are certain assumptions made in the tax rate calculations and what is being proposed is a significant change in the outstanding debt and it could have a significant impact on the tax rate.

CARRIED.

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8. UNFINISHED BUSINESS

8.1 20 Gibbon Rd development proposal

1 May 2014 Memorandum from Town Clerk Banks

DRAFT By-law 2-10-24

DRAFT Amended development agreement

MOVED by Council. Wells and seconded by Council. Alexander Council give reading in its entirety to By-law 2-10-24, "A By-law to Amend the Zoning By-law (No. 2-10 Rothesay)".

ON THE QUESTION:

Council. MacDonald requested clarification on the drainage plan for the project. DO McLean advised he reviewed the plan in detail with the consultant and DPDS White and some changes were made. He advised the plan is acceptable and there may be a few minor adjustments that can be accommodated through the requirement in the development agreement for a final letter of approval. DO McLean advised he is satisfied all the drainage requirements will be met.

CARRIED.

The Clerk read By-law 2-10-24 in its entirety.

MOVED by Council. Wells and seconded by Council. McGuire Council give 3rd reading by title and enactment to By-law 2-10-24, "A By-law to Amend the Zoning By-law (No. 2-10 Rothesay)".

CARRIED.

The Clerk read By-law 2-10-24 by title.

MOVED by Council. Wells and seconded by Council. Alexander Council authorize the Mayor and Clerk to enter into a development agreement, as amended, with A.E. McKay Builders Ltd. to allow for the development of a subdivision containing not more than seven (7) lots for seven (7) single family dwellings at 20 Gibbon Road (PID#s 00238956, 30124440, 30181036).

CARRIED.

8.2 Development Agreements – Control and Enforcement Compliance

7 May 2014 Memorandum from DPDS White

Town Manager Jarvie advised staff are not recommending any changes in control and enforcement compliance for development agreements. Council. MacDonald requested clarification in that he would prefer to see agreements that are enforceable. DPDS White noted past issues with older development agreements are related to the submitted drawings more so than the content and enforceability of the agreement. He suggested the requirement to obtain quality site plans is the responsibility of his department and he is moving toward obtaining better quality documentation in order to clear up some of the concerns expressed by Council. DPDS White advised demanding higher standards and by working with the development community will assist staff and Council in clearing up any vagueness in the development requirements and subsequent enforcement.

MOVED by Council. MacDonald and Council. Wells the memorandum from DPDS White RE: Development Agreements – Control and Enforcement Compliance dated 7 May 2014 be received/filed.

CARRIED.

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8.3 Land for Public Purposes (Cash in Lieu Formula)

7 May 2014 Memorandum from DPDS White

MOVED by Counc. Alexander and seconded by Counc. MacDonald the memorandum from DPDS White RE: Land for Public Purposed (Cash in Lieu Formula) dated 7 May 2014 be received/filed.

CARRIED.

8.4 Rothesay Common project

9 May 2014 Memorandum from Town Manager Jarvie

MOVED by Counc. Wells and seconded by Counc. McGuire Council approve costs for the completion of the tender documents for the Common upgrade project.

ON THE QUESTION:

Mayor Bishop noted information had been provided with respect to the project, particularly the approval of the private member's bill, annual debt service cost for the entire project and yearly operating costs.

Counc. Gallagher Jette requested clarification on the cost for the completion of the tender documents. Town Manager Jarvie advised it would be in the area of about \$75,000, based on information from Dan Glenn. The \$350,000 debt service cost is principal and interest repayment on the approved borrowing of \$2.7 million. It was also noted the operating cost of \$16,000 (97 days) came from the company who provide the ice cooling system and also in discussion with Quispamsis. A more accurate figure may be available when the mechanical design is completed. There was a brief discussion with respect to cost allocation. The total project, including consulting and contingency fees is \$2.4 million. There are three different amortization rates for this project (i.e. building 15 years and pad 10 years). Town Manager Jarvie advised the amount associated with the artificial ice portion of the project is relatively small:

- \$25,000 demolition
- \$200,000 field drainage
- \$500,000 artificial ice
- Incremental operating costs ~ \$30,000 for the rink
- \$200,000 miscellaneous (benches, basketball back boards, lights, etc)
- \$55,000 stream bed
- \$6,000 pathways
- \$150,000 playground
- \$385,000 service building
- 10% overhead and profit, 8% general conditions, 15% design contingencies

Mayor Bishop suggested the detailed figures from the Town Manager be provided to Council. Town Manager Jarvie noted the figures are from the initial costs provided by the consultant. Counc. MacDonald requested the total operating costs be included in the tax rate calculations going forward. Town Manager Jarvie suggested the current estimated incremental cost increase is about \$30,000 and could be included in the Recreation budget.

CARRIED.

8.5 Saint John Dragon Boat Festival

8 May 2014 Memorandum from DPR Jensen

MOVED by Counc. Wells and seconded by Deputy Mayor Grant the memorandum from DPR Jensen RE: Saint John Dragon Boat Festival dated 8 May 2014 be received/filed.

CARRIED.

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

9. NEW BUSINESS

Business Arising from Public Hearing

9.1 Traffic By-law 1-14

8 May 2014 Memorandum from Town Clerk Banks w/attachment

DRAFT By-law 1-14

MOVED by Counc. Alexander and seconded by Counc. Lewis Council give 1st reading by title to By-law 1-14, "A By-law of the Municipality of Rothesay to Regulate Traffic".

ON THE QUESTION:

Counc. Wells requested the comments from the public hearing be incorporated into the By-law. Mayor Bishop advised they would be incorporated prior to second reading by title. The By-law will then be sent to the Registrar of Motor Vehicles for review and approval prior to third reading by title and enactment. Counc. Alexander recommended some editing changes in the schedules. Counc. MacDonald requested a further review by the Public Works and Infrastructure Committee. Mayor Bishop requested any comments be provided in writing to DO McLean.

CARRIED.

The Clerk read By-law 1-14 by title.

Counc. McGuire returned to the meeting room.

Business Arising from Delegations

9.2 2013 Draft Rothesay Audited Financial Statements

9 May 2014 Memorandum from Treasurer MacDonald

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant resolved that Council approves Rothesay's 2013 audited financial statements and authorizes the Mayor and Treasurer to sign the financial statements.

CARRIED.

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant Council authorize the Mayor and Treasurer to sign the audit communication letter from Teed Saunders Doyle & Co.

CARRIED.

MOVED by Counc. MacDonald and seconded by Deputy Mayor Grant Council appoints Teed Saunders Doyle & Co to complete the audit of Rothesay's 2014 financial statements at a fee to be negotiated.

CARRIED.

OPERATIONS

9.3 Contract 2010-001RD – Winter Maintenance Services

6 May 2014 Memorandum from DO McLean

MOVED by Counc. Wells and seconded by Counc. Lewis the two year extension of Contract 2010-001RD ending April 15, 2015 be awarded to Geo. W. Stackhouse & Sons Ltd. in the amount of \$537,276.76 and further that the Mayor and Town Clerk be authorized to execute an updated agreement in that regard.

ON THE QUESTION:

It was noted this is an extension of an existing contract and the other contract with Miller will not be renewed and will be taken over by Town forces.

CARRIED.

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9.4 Asphalt Resurfacing/Microseal Placement 2014-2015 Engineering Services

7 May 2014 Memorandum from DO McLean

MOVED by Counc. MacDonald and seconded by Counc. Wells the proposal submitted by Brunswick Engineering & Consulting Inc. for the 2014 and 2015 Asphalt Resurfacing and Microseal Placement Programs be accepted and further that the Mayor and Clerk be authorized to execute the appropriate documentation in that regard.

ON THE QUESTION:

Counc. Lewis requested clarification on the French Village Road project. DO McLean advised the engineering is already completed and tender design was approved at the February meeting with a goal to have a tender award for the June meeting. Counc. Lewis also questioned the status of the 2015 capital projects, related to Allan and Anna Avenues and Dofred Road and whether this should be discussed now. DO McLean advised the additional \$350,000 is a separate future funding issue to be discussed with the Treasurer and will be outside this tender award. Counc. Alexander expressed concern about quality assurance when the company laying the asphalt is directly related to the company doing the quality testing. DO McLean confirmed the consultant has been advised they are providing quality assurance/spot testing for the Town and cannot provide quality control testing for any contractor. The contractor will be required to retain another geotechnical services consultant.

CARRIED.

9.5 Contract T-2014-02 Hampton Road Reconfiguration

7 May 2014 Memorandum from DO McLean

MOVED by Counc. Wells and seconded by Counc. Lewis Council award Contract T-2014-02: Hampton Road Reconfiguration to the low tenderer, Galbraith Construction Ltd., at the tendered price of \$971,324.27 (including HST).

ON THE QUESTION:

Counc. MacDonald commented on the value of the project and that the sod on the east side that was done last year be repaired as soon as possible. Mayor Bishop commented the business owners on the west side of Hampton Road have raised concerns about business interruption during the construction phase.

CARRIED.

9.6 Contract T-2014—06: Green Road project

7 May 2014 Memorandum from DO McLean

Dealt with above.

9.7 Equipment Supply – Single Axle Plow Truck Rigging

6 May 2014 Memorandum from DO McLean

MOVED by Counc. MacDonald and seconded by Counc. McGuire the required plow rigging be purchased from Parts for Trucks Inc. at the quoted price of \$93,168.50 including HST, and further that the Director of Operations be authorized to issue a purchase order for the quoted amount.

CARRIED.

9.8 Scott Avenue Building Demolition

6 May 2014 Memorandum from DO McLean

MOVED by Counc. Lewis and seconded by Counc. Alexander the demolition of 14 Scott Avenue be awarded to the low bidder, Galbraith Construction Ltd., at the quoted price of \$24,634.00 (including HST), to be completed no later than May 18, 2014.

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ON THE QUESTION:

Counc. Wells questioned whether it was premature to demolish the buildings. It was noted there has been some vandalism as 14 Scott Avenue is currently vacant.

CARRIED.

MOVED by Counc. Lewis and seconded by Counc. Alexander the demolition of 12 Scott Avenue be awarded to the low bidder, Galbraith Construction Ltd., at the quoted price of \$24,634.00 (including HST), to be completed no later than June 14, 2014.

CARRIED.

MOVED by Counc. Lewis and seconded by Deputy Mayor Grant the Director of Operations be authorized to issue purchase orders in the quoted amounts for the demolition of 14 and 12 Scott Avenue.

CARRIED.

10. NEXT MEETING

It was noted there will be a working session on Wednesday, May 14, 2014 with a presentation by a representative from Commissioner Bertrand's office (Access to Information and Privacy Commissioner). The working session originally scheduled for May 26th will be held following the presentation by the Commissioner's office.

The next regular meeting will be held on Monday, June 9, 2014.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 10:10 p.m.

MAYOR

CLERK