



# ROTHESAY COUNCIL

OPEN SESSION  
Wednesday, May 7, 2008  
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP  
DEPUTY MAYOR WILLIAM ARTISS  
COUNCILLOR PAUL BARRY  
COUNCILLOR SCOTT COCHRANE  
COUNCILLOR TERRY KILFOIL  
COUNCILLOR NORMA MULLETT  
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

ABSENT: COUNCILLOR PAT GALLAGHER JETTE  
DIRECTOR OF OPERATIONS (DO) HATCHER  
TREASURER SUSAN JOHNSON

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

1. **APPROVAL OF MINUTES** 14 April 2008  
**MOVED** by Deputy Mayor Artiss and seconded by Counc. Kilfoil the minutes of 14 April 2008 be approved as circulated.

**CARRIED.**

#### **Business Arising from Minutes**

Mayor Bishop noted a response had been received from the province with respect to the proposed quarry operation near the Renforth Bog and the request had been denied. He further noted no response had been received as yet from Department of Natural Resources with respect to deer herd management and feeding of wildlife.

2. **APPROVAL OF AGENDA**  
**MOVED** by Counc. Mullett and seconded by Counc. Cochrane the agenda be approved with the following additions:  
*Item 6.4 24 April 2008 Letter from Chief McIntyre, Rothesay Regional Police Force RE: Tech Crime Investigations*  
*Item 8.1 6 May 2008 Development Agreement – 6-12 Sierra Avenue IOM from Planning Advisory Committee*

3. **OPENING REMARKS OF COUNCIL**  
Mayor Bishop reminded those in attendance of the municipal elections on Monday, May 12, 2008 from 10:00 a.m. to 8:00 p.m.

Mayor Bishop acknowledged Counc. Barry and Deputy Mayor Artiss who are not re-offering, and commended them on their service to the community.

Mayor Bishop advised information pamphlets will be distributed to those residents affected by the recent flooding and the Red Cross will be set up at the Rothesay Arena on May 8 and 9. Town Manager Jarvie advised garbage containers will be distributed in the affected areas to help with the clean up and inspections will begin early next week. He further noted those residents wishing to make a claim must register with Service New Brunswick to obtain an inspection and have a claim processed.

4. **DELEGATIONS**

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N/A

### 5. CORRESPONDENCE - FOR ACTION

N/A

### 6. CORRESPONDENCE - FOR INFORMATION

- 6.1 18 April 2008 Letter from Health Minister Michael Murphy RE: Amendment to Smoke-free Places Act.

**MOVED** by Counc. Young and seconded by Deputy Mayor Artiss the letter from Health Minister Michael Murphy RE: Amendment to Smoke-free Places Act be received/filed.

**CARRIED.**

- 6.2 22 April 2008 Letter to Department of Natural Resources RE: Public Education and Deer Herd Management.

**MOVED** by Counc. Barry and seconded by Counc. Young the letter to Department of Natural Resources RE: Public Education and Deer Herd Management be received/filed.

**CARRIED.**

- 6.3 24 April 2008 Letter from Director Quigley, Policing Services, Department of Public Safety RE: Providing Services in Language of Choice.

**MOVED** by Counc. Young and seconded by Counc. Cochrane the letter from Director Quigley, Policing Services, Department of Public Safety RE: Providing Services in Language of Choice be received/filed.

**CARRIED.**

- 6.4 24 April 2008 Letter from Chief McIntyre, Rothesay Regional Police Force RE: Tech Crime Investigations.

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Mullett the letter from Chief McIntyre, Rothesay Regional Police Force RE: Tech Crime Investigations be received/filed.

#### ON THE QUESTION:

Deputy Mayor Artiss elaborated on the investigative work being done by Cst. Demers in the area of tech crime and noted there have been cases in the Valley.

**CARRIED.**

### 7. REPORTS

- 7.0 **May 2008** **Report from Closed Session**

N/A

- 7.1 31 December 2007 2007 Audited Financial Statements – Kennebecasis Valley Fire Department

**MOVED** by Counc. Cochrane and seconded by Counc. Young the 2007 Audited Financial Statements – Kennebecasis Valley Fire Department be received/filed.

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### ON THE QUESTION:

Counc. Kilfoil requested clarification as to whether authorization had been given to the Chief to purchase the ladder truck. Town Manager Jarvie advised a letter would be sent and he had spoken with the Chief. Counc. Cochrane requested a letter be sent approving the Operating and Capital Budget for 2008 for the Fire Department.

**CARRIED.**

March 2008                      Kennebecasis Valley Fire Department Monthly Response Report  
**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the March 2008  
Kennebecasis Valley Fire Department Monthly Response Report be received/filed.

**CARRIED.**

- 7.2    31 December 2007    2007 Audited Financial Statements – Rothesay Regional Joint Board of Police Commissioners (RRJBPC)  
**MOVED** by Deputy Mayor Artiss and seconded by Counc. Young the 2007 Audited Financial Statements – Rothesay Regional Joint Board of Police Commissioners be received/filed.

**CARRIED.**

27 February 2008        Rothesay Regional Joint Board of Police Commissioners Meeting Minutes

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Young the Rothesay Regional Joint Board of Police Commissioners Meeting Minutes be received/filed.

**CARRIED**

31 March 2008            Unaudited Financial Statements Rothesay Regional Joint Board of Police Commissioners

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Cochrane the 31 March 2008 Unaudited Financial Statements Rothesay Regional Joint Board of Police Commissioners be received/filed.

**CARRIED.**

- 7.3    31 December 2007    2007 Audited Financial Statements – Fundy Region Solid Waste Commission

**MOVED** by Counc. Barry and seconded by Counc. Young the 2007 Audited Financial Statements – Fundy Region Solid Waste Commission be received/filed.

### ON THE QUESTION:

It was noted the “Enhancement Fund” was put in place at the time of the approval of the Commission to benefit the “host community”.

**CARRIED.**

- 7.4    12 March 2008            Kennebecasis Public Library Board Meeting Minutes  
**MOVED** by Counc. Mullett and seconded by Counc. Young the 12 March 2008  
Kennebecasis Public Library Board Meeting Minutes be received/filed.

**CARRIED.**

- 7.5    31 March 2008            Unaudited Utility Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the 31 March 2008  
Unaudited Utility Fund Financial Statements be received/filed.

**CARRIED.**

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31 March 2008            Unaudited General Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Deputy Mayor Artiss the 31 March 2008 Unaudited General Fund Financial Statements be received/filed.

**CARRIED.**

7.6    16 April 2008            Draft Heritage Preservation Review Board Meeting Minutes  
**MOVED** by Counc. Young and seconded by Deputy Mayor Artiss the 16 April 2008 draft Heritage Preservation Review Board Meeting Minutes be received/filed.

**CARRIED.**

7.7    16 April 2008            Draft Public Works and Infrastructure Committee Meeting Minutes  
**MOVED** by Counc. Mullett and seconded by Deputy Mayor Artiss the 16 April 2008 draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

**CARRIED.**

➤ Sierra Avenue – Review

**MOVED** by Counc. Mullett and seconded by Deputy Mayor Artiss Council direct staff to prepare a report on the cost required to have a left-turning lane installed from Sierra Avenue onto Hampton Road.

ON THE QUESTION:

Deputy Mayor Artiss noted the rest of the recommendation from the Committee was for information only, suggesting the 2008 Capital Plan had already been approved and the 2009 work would require approval during budget deliberations in the fall of 2008.

**CARRIED.**

➤ “Adopt a Street” Program

**MOVED** by Counc. Mullett and seconded by Deputy Mayor Artiss Council implement an informal “Adopt a Street” program and advertise it on the Town website and in the Rothesay Reader.

**CARRIED.**

7.8    22 April 2008            Draft Deer Committee Meeting Minutes  
**MOVED** by Counc. Barry and seconded by Counc. Kilfoil the 22 April 2008 draft Deer Committee Meeting Minutes be received/filed.

**CARRIED.**

7.9    22 April 2008            Draft Water and Sewer Committee Meeting Minutes  
**MOVED** by Counc. Kilfoil and seconded by Counc. Cochrane the 22 April 2008 draft Water and Sewer Committee Meeting Minutes be received/filed.

ON THE QUESTION:

Counc. Kilfoil asked if the directional drilling option had been reviewed to resolve the water issue on Wedgewood Drive at the Roy residence. Town Manager Jarvie noted some work had been done and there are several options available. It was noted a temporary line could be installed to service the property.

**CARRIED.**

➤ Local Improvement Levy – Wedgewood Drive

**MOVED** by Counc. Kilfoil and seconded by Counc. Young a Local Improvement Levy

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By-law be prepared for the installation of a municipal water main to service properties situate east of the intersection of Chinook Lane and Wedgewood Drive.

### ON THE QUESTION:

Counc. Cochrane requested clarification on the legislation. Town Manager Jarvie advised the affected property owners can bring forward a petition or a By-law can be enacted with unanimity of Council. Counc. Kilfoil noted the problem with the Roy residence must be resolved. Town Manager Jarvie indicated if the project proceeded with the By-law, the line would be extended and those who don't connect would be billed \$40 per quarter (fixed charge).

**CARRIED.**

7.10 30 April 2008 Operations Report

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Mullett the 30 April 2008 Operations Report be received/filed.

**CARRIED.**

➤ Fax Poll Ratification - Renforth Wharf Tender

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Young Council ratify the fax poll of 21 April 2008, more specifically; Council award the contract for Project No. 5264 to Demar Enterprises Ltd. for the corrected amended tender price of \$790,596.91, inclusive of HST.

**CARRIED.**

➤ Tender Award - Street Improvements Tender No 041-161

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor Artiss Council award the amended tender to the low tenderer Valley Excavation Services Inc. for the tender price of \$410,508.50, inclusive of HST.

**CARRIED.**

➤ Quotation Award – Equipment (Hydraulic hammer)

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Cochrane Council award the quotation for the hydraulic hammer, for wheeled backhoes to Wajax Industries Ltd. in the amount of \$17,515.00, inclusive of HST.

**CARRIED.**

➤ Quotation Award – Bulldog 500 Roller

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Barry Council award the quotation for the Bulldog 500 Roller to Spaulding MFG., Inc. for the quotation price of \$3,650.00, inclusive of HST.

**CARRIED.**

7.11 April 2008 Monthly Building Permit Report

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Barry the April 2008 Monthly Building Permit Report be received/filed.

**CARRIED.**

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8. **UNFINISHED BUSINESS**

**8.1 Adam Hoar 6 – 12 Sierra Avenue – By-law 2-02-28**

6 May 2008 IOM from Planning Advisory Committee with attached  
draft Development Agreement  
1 May 2008 IOM from Town Clerk Banks

Deputy Mayor Artiss indicated he was not in favour of requiring the developer to install a sidewalk along the edge of his properties on Sierra Avenue. He further noted it would be dependent on the Town undertaking its work first, which may be approved in the 2009 Capital Budget. Deputy Mayor Artiss noted usually with new development the charges are charged back to the homeowners by the developer. Counc. Kilfoil concurred, noting the developer did not agree with the requirement and, if Council wanted the project to proceed, the clause should be removed.

**MOVED** by Counc. Kilfoil and seconded by Deputy Mayor Artiss Council authorize the Mayor and Clerk to enter into the Development Agreement for the properties situate 6-12 Sierra Avenue, identified as PID#s 00478909, 00478891, 00478883, 00478875 as amended, more specifically the removal of Clause 17 wherein the requirement for sidewalks is removed.

**ON THE QUESTION:**

Counc. Mullett requested clarification as to why it had been included initially. DDS Drescher indicated it had been part of the proposed agreement for a previous garden home proposal for the same property which never occurred.

**CARRIED.**

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Young 2<sup>nd</sup> Reading, by Title, be given By-law 2-02-28, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-28 by title.

**MOVED** by Counc. Young and seconded by Counc. Barry Reading in its Entirety be given By-law 2-02-28, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-28 in its entirety.

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Kilfoil 3<sup>rd</sup> Reading by Title, and Enactment be given By-law 2-02-28, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-02-28 by title.

9. **NEW BUSINESS**

**DEVELOPMENT SERVICES**

**9.1 McPhee Subdivision 2699 & 2709 Rothesay Road (PID#s 00239061 & 00239079)**

29 April 2008 IOM from DDS Drescher

DDS Drescher advised the subdivision plan and development agreement had never been registered against the properties. She further noted there were accessory buildings or cottages on the lots and is unable to confirm whether septic tank systems had been installed. There is no confirmation of Department of Environment approval, if in fact

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the septic systems were installed.

**MOVED** by Deputy Mayor Artiss and seconded by Counc. Mullett the request to release the Letter of Credit, 9312542-01, in the amount of \$5000 held by the Town for the potential development of a subdivision at 2709 and 2699 Rothesay Road, identified as PID#s 00239061 and 00239079 be tabled pending further investigation.

**CARRIED.**

**9.2 Municipal Capital Borrowing Board Application – Arthur Miller Fields**

2 May 2008 IOM from Treasurer Johnson

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil BE IT RESOLVED THAT the town of Rothesay submit to the Municipal Capital Borrowing Board an application for authorization to borrow or guarantee the repayment of money borrowed or deemed borrowed for capital expenses for the following terms and amounts:

<b>Function</b>	<b>Purpose</b>	<b>Cost</b>	<b>Term</b>
Recreation	Sports Fields	\$330,000	15 years

**CARRIED.**

10. **NEXT MEETING**

**Oath of Office Ceremony TUESDAY, May 27, 2008**

Mayor Bishop indicated the Oath of Office ceremony would be held on Tuesday, May 27, 2008.

**Regular Meeting Monday, June 9, 2008**

Mayor Bishop advised he would be out of town on Monday, June 9, 2008 and it was also Port Days in the City.

**MOVED** by Counc. Barry and seconded by Counc. Mullett the June Council meeting be held on Wednesday, June 11, 2008.

**CARRIED.**

11. **ADJOURNMENT**

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

**CARRIED.**

The meeting adjourned at 8:50 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK