



# ROTHESAY COUNCIL

OPEN SESSION  
Monday, May 9, 2012  
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP  
DEPUTY MAYOR BLAIR MacDONALD  
COUNCILLOR SCOTT COCHRANE  
COUNCILLOR PAT GALLAGHER JETTE  
COUNCILLOR TERRY KILFOIL  
COUNCILLOR NORMA MULLETT  
COUNCILLOR DON SHEA  
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF OPERATIONS BRETT McLEAN  
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER  
DIRECTOR OF PARKS AND RECREATION CHARLES JENSEN

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

## 1. APPROVAL OF MINUTES Regular Meeting – April 10, 2012

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the minutes of 10 April 2012 be approved as circulated.

**CARRIED.**

### Business Arising from Minutes

N/A

## 2. APPROVAL OF AGENDA

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

**CARRIED.**

## 3. OPENING REMARKS OF COUNCIL

Mayor Bishop reminded those in attendance of the municipal election on Monday, May 14, 2012. He acknowledged Councils. Mullett and Young who are not re-offering as candidates. He commended them both on their many years of service in local government and presented them with gifts on behalf of the Town.

Deputy Mayor MacDonald advised those in attendance two local pharmacists, Jim Hutton and Ivan Ho from Kennebecasis Drugs are the New Brunswick recipients of the Whitehall Robins Bowl of Hygeia Award that is presented by the NB Pharmacists' Association and Whitehall Robins/Pfizer. It is presented to one of New Brunswick's 800 pharmacists each year with a special emphasis on community service.

## 4. DELEGATIONS

### 4.1 Joshua Group

**Melissa Bewick (Fundraising Co-chair)**

(See Item 9.1)

Melissa Bewick gave a presentation to Council on behalf of the Joshua Group and made the following comments: founded in 1993 and a registered charity since 2008, serving "at risk" children in the greater Saint John area, all volunteer staff, founder Bobby Hayes has gained national attention, types of services provided by the Joshua Group, provincial statistics for child poverty rates, the current location and proposed acquisition of the former Peacock Garden Centre. The charity is using the CityKidz program in Hamilton as a model. Ms. Bewick advised she joined Joshua Group in November 2011 and shared some stories of some of the children who participate in the various programs. On questioning, she advised the Joshua Group

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-2-

9 May 2012

is different than other children's organizations (Boys and Girls Club, Big Brothers/Big Sisters) in that they actively seek out "at risk" children who may not be able to participate otherwise. She noted that Bobby Hayes is the mainstay of the charity at present but there are others who are coming up through the ranks. She advised a permanent location will help stabilize the organization and allow them to move forward. She concluded by stating they have raised \$60,000 to date.

Mayor Bishop thanked Ms. Bewick for her presentation.

### 9.1 Joshua Group Funding Request

19 April 2012 Letter from Joshua Group, Board of Directors

9 May 2012 *Presentation circulated by email prior to meeting*

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Item 9.1 Funding Request from the Joshua Group be brought forward on the agenda and referred to the Finance Committee.

**CARRIED.**

### 4.2 By-law 1-11 Town-owned Lands Susan Flood

(See Item 8.1)

Susan Flood appeared before Council and gave a presentation with respect to By-law 1-11. She commented on the following: majority of opinion is to keep the status quo, question of rights, fairness and reasonableness, boat docks and access to the waterfront, insurability, costs of government services, increased liability and property ownership. Mrs. Flood suggested those adjacent to the waterfront property and rights-of-way may have prescriptive rights, the property owners are not able to obtain insurance on land they do not own, there will be additional costs for yearly inspections, the fee structure is unreasonable and the By-law is a response by the Town to a dispute between property owners. She concluded by requesting the By-law be dropped and the situation be returned to the status quo. In the alternative, if the Town establishes ownership, it be transferred to the waterfront property owners with a covenant guaranteeing access to the waterfront to all community residents.

Mayor Bishop advised Mrs. Flood the Town does own the land. The following comments were made by Council: if a structure is built on Town property and someone is injured, the Town will be sued, the proposed fees are applicable to those adjacent property owners who build structures on Town property, the issue arose at the request of the Building Inspector who was dealing with unapproved structures on the property and happened at the same time as a dispute arose between a few property owners, other respondents indicated there should not be any structures permitted on Town property and those in place should be removed and what would prevent an "inside" property owner from building a structure on the Town land.

It was noted there had been a public meeting and the matter was no clearer after that session. Counc. Gallagher Jette suggested this Council should not be making a decision with respect to the By-law. Deputy Mayor MacDonald suggested the fee structure should be reviewed. Mayor Bishop noted property owners have deeded rights to beach access. He advised he has beach access rights in his deed on Gibbon Road but if someone were to build a structure on the beach that would be completely different matter as it is land they do not own. He questioned who would build, control and maintain those structures built on Town property. Counc. Kilfoil noted the Town has interests to protect but there is still a great deal of confusion.

## **ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-3-

9 May 2012

**MOVED** by Counc. Gallagher Jette Council defer 3<sup>rd</sup> Reading of By-law 1-11 to an acceptable date to be set by the new Council within time limits of legislation, if required.

### **ON THE QUESTION:**

Counc. Young asked what had changed between 1<sup>st</sup>, 2<sup>nd</sup> and recommended 3<sup>rd</sup> Reading. Counc. Gallagher Jette advised further comments had been received from residents subsequent to the first two readings by title.

**MOTION WITHDRAWN.**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett By-law 1-11 be tabled.

**CARRIED.**

### **5. CORRESPONDENCE FOR ACTION**

5.1 30 March 2012 Letter from City of Saint John RE: funding for 50+ Friendship Games.

**MOVED** by Counc. Cochrane and seconded by Counc. Shea the letter from City of Saint John RE: funding for 50+ Friendship Games dated 30 March 2012 be referred to the Finance Committee.

**CARRIED.**

5.2 13 April 2012 Letter from Mayor Carroll, McAdam RE: Ambulance NB “designated hospitals”.

**MOVED** by Counc. Shea and seconded by Deputy Mayor MacDonald correspondence be sent as requested in the letter from Mayor Carroll, McAdam RE: Ambulance NB “designated hospitals” dated 13 April 2012.

**CARRIED.**

5.3 17 April 2012 Email from W. Alexander RE: KV3C funding.

**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil the email from W. Alexander RE: KV3C funding dated 17 April 2012 be referred to the Finance Committee.

### **ON THE QUESTION:**

Deputy Mayor MacDonald requested additional information be obtained from KV3C with respect to financial needs, future plans and funding options prior to the next Finance Committee meeting.

**CARRIED.**

5.4 Various (April 23/12) Emails between Andre Castonguay, staff and Council RE: Town water – Dunedin Road.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Cochrane the emails between Andre Castonguay, staff and Council RE: Town water – Dunedin Road be referred to the Water and Sewer Committee.

### **AMENDING MOTION:**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald the following be added to the main motion:

... subsequent to a review by staff of the Water By-law and the authority to charge the property owner if the correct address is 6 Valpy Drive.

**Amending motion CARRIED.**

**MAIN MOTION CARRIED (as amended).**

## ROTHESAY COUNCIL

Open Session  
Meeting Minutes

-4-

9 May 2012

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 25 April 2012 Copy of letter from H. Crawford, Kennebecasis Public Library to Minister Coulombe (PETL) RE: library staffing.

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the letter from H. Crawford, Kennebecasis Public Library to Minister Coulombe (PETL) RE: library staffing (copy) be received/filed.

**CARRIED.**

6.2 23 April 2012 Letter from Minister Fitch (Environment and Local Government) RE: Environmental Trust Awards.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the letter from Minister Fitch (Environment and Local Government) RE: Environmental Trust Awards be received/filed.

**CARRIED.**

### 7. REPORTS

7.0 May 2012 **Report from Closed Session**  
**Oakville Acres Detention Pond**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Cochrane Council direct staff to design and prepare tenders for the construction of a detention pond (Phase I) at an elevation of 27.5 metres.

**CARRIED.**

7.1 31 December 2011 Kennebecasis Valley Fire Department (KVFD) Inc. Audited Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the Kennebecasis Valley Fire Department (KVFD) Inc. Audited Financial Statements dated 31 December 2011 be received/filed.

**CARRIED.**

29 February 2012 Unaudited KVFD Inc. draft Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Counc. Kilfoil the Unaudited Kennebecasis Valley Fire Department (KVFD) Inc. draft Financial Statements dated 29 February 2012 be received/filed.

**CARRIED.**

7.2 31 December 2011 Rothesay Regional Joint Board of Police Commissioners Audited Financial Statements

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the Rothesay Regional Joint Board of Police Commissioners Audited Financial Statements dated 31 December 2011 be received/filed.

**CARRIED.**

7.3 8 February 2012 Kennebecasis Public Library Board meeting minutes  
20 February 2012 Kennebecasis Public Library Board meeting minutes  
14 March 2012 Kennebecasis Public Library Board meeting minutes

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Mullett the Kennebecasis Public Library Board meeting minutes dated 8 February 2012, 20 February 2012 and 14 March 2012 be received/filed.

#### ON THE QUESTION:

There was a brief discussion with respect to the HST rebate.

**CARRIED.**

7.4 31 March 2012 Unaudited Draft Utility Financial Statements

**MOVED** by Counc. Cochrane and seconded by Counc. Young the Unaudited Draft Utility Financial Statements dated 31 March 2012 be received/filed.

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-5-

9 May 2012

**CARRIED.**

31 March 2012 Unaudited Draft General Fund Financial Statements  
**MOVED** by Counc. Cochrane and seconded by Counc. Young the Unaudited Draft General Fund Financial Statements dated 31 March 2012 be received/filed.

**CARRIED.**

7.5 4 April 2012 DRAFT Parks and Recreation Committee meeting minutes  
**MOVED** by Counc. Shea and seconded by Counc. Young the draft Parks and Recreation Committee meeting minutes dated 4 April 2012 be received/filed.

**ON THE QUESTION:**

It was noted the Active Transportation study has begun and meetings have been held with the Director of Parks and Recreation and Director of Operations.

**CARRIED.**

7.6 19 April 2012 DRAFT Rothesay Heritage Preservation Review Board meeting minutes  
**MOVED** by Counc. Young and seconded by Counc. Cochrane the draft Rothesay Heritage Preservation Review Board meeting minutes dated 19 April 2012 be received/filed.

**ON THE QUESTION:**

Counc. Cochrane noted his concern with respect to the selection of the location and appropriateness of the sculpture for the Rothesay Common and whether the authority rests with the Heritage Board or Council.

**CARRIED.**

7.7 19 April 2012 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 dated 19 April 2012 be received/filed.

**CARRIED.**

➤ Lighted Crosswalk – D. Moore  
**MOVED** by Counc. Mullett and seconded by Counc. Kilfoil a letter be written to Mr. Moore advising that a lighted pedestrian crosswalk for the suggested location has not been included in the 2012 Capital Works Budget, and further indicating that a lighted crosswalk at the intersection of Clark Road and Gondola Point Road, and Hampton Road will be installed in 2012.

**ON THE QUESTION:**

Town Manager Jarvie recommended withdrawal of the motion as the exact location on either Clark Road or Gondola Point Road has not been determined and there are cost implications if Gondola Point Road is chosen because of the requirement to cross three lanes. He also noted further review had been done by staff following the Committee meeting and consultants are currently working on a transportation study. Deputy Mayor MacDonald requested clarification on site selection criteria. Town Manager Jarvie advised budget deliberations include consideration of traffic volumes, staff assessment and requests from the public.

**MOTION WITHDRAWN.**

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Cochrane Council refer the matter back to the Public Works and Infrastructure Committee.

## ROTHESAY COUNCIL

Open Session

Meeting Minutes

-6-

9 May 2012

### ON THE QUESTION:

Town Manager Jarvie advised staff have been in contact with Mr. Moore.

**CARRIED.**

7.8 April 2012 Monthly Building Permit Report

**MOVED** by Counc. Gallagher Jette and seconded by Counc. Shea the April Monthly Building Permit Report be received/filed.

### ON THE QUESTION:

It was noted there was an error in the calculations for the yearly summary totals.

**CARRIED.**

## 8. UNFINISHED BUSINESS

### 8.1 By-law 1-11 A By-law to Manage Town-owned Lands

4 May 2012 Memorandum from Town Manager Jarvie

DRAFT By-law 1-11 (amended)

Various Emails/letters from Kennebecasis Park residents

3 May 2012 Presentation from Susan Flood

**Dealt with following Item 4.2 above.**

## 9. NEW BUSINESS

### BUSINESS ARISING FROM DELEGATIONS

#### 9.1 Joshua Group Funding Request

19 April 2012 Letter from Joshua Group, Board of Directors

9 May 2012 *Presentation circulated by email prior to meeting*

**Dealt with following Item 4.1 above.**

### DEVELOPMENT SERVICES

#### 9.2 367 Gondola Point Road Subdivision

30 April 2012 Staff Report to Planning Advisory Committee

8 May 2012 Memorandum from Planning Advisory Committee

**MOVED** by Counc. Young and seconded by Counc. Shea Council accept cash in lieu of land for public purposes in the amount of \$25,434.00 for the subdivision of a parcel of land at 367 Gondola Point Road, identified as PID# 00244418, into six (6) lots meeting the requirements of the R1B Zone of the Rothesay Zoning By-law as shown on the tentative subdivision plan, Drawing No. T-0345 prepared by Kierstead Quigley and Roberts Ltd., for the Orchard Manor Subdivision, dated March 24, 2011.

### ON THE QUESTION:

Deputy Mayor MacDonald suggested the property was quite large to only develop into six lots. It was noted the property is six acres and the original concept was for a 28 lot development with mixed housing. Town Manager Jarvie advised a cost sharing agreement had been budgeted to bring water lines down Cove Crescent to the back of the proposed development which would provide service to other existing residences in the area. The developer determined this was not cost effective and is proposing six lots. DDS Drescher noted the property owner, "as of right" could develop the entire property as one building lot.

**CARRIED.**

**MOVED** by Counc. Young and seconded by Counc. Cochrane Council authorize the Mayor and Clerk to enter into the development agreement for the subdivision situate generally 367 Gondola Point Road, identified as PID # 00244418, as shown on the tentative subdivision plan, Drawing

## **ROTHESAY COUNCIL**

Open Session

Meeting Minutes

-7-

9 May 2012

No. T-0345 prepared by Kierstead Quigley and Roberts Ltd., for the Orchard Manor Subdivision, dated March 24, 2011.

### **ON THE QUESTION:**

Counc. Cochrane indicated his concerns with respect to sight lines for the driveways of the six proposed lots and Mr. Gerry Roberts indicated at the Planning Advisory Committee he would bring those concerns to the attention of the developer.

**CARRIED.**

## **OPERATIONS**

### **9.3 Rothesay Watermain Cleaning and Relining (Contract 2012-RU01)**

4 May 2012 Memorandum from Town Manager Jarvie

3 May 2012 Memorandum from DO McLean

**MOVED** by Counc. Mullett and seconded by Deputy Mayor MacDonald Council award Contract 2012-RU01: Rothesay Watermain Cleaning and Lining, be awarded to the sole tenderer, AllTech Solutions Inc., at the tendered price of \$479,013.78 (including HST), as calculated based on estimated quantities, and further that the Mayor and Clerk be authorized to execute the necessary contract documents.

**ROTHESAY COUNCIL**

Open Session  
Meeting Minutes

-8-

9 May 2012

**ON THE QUESTION:**

It was noted there is only company in New Brunswick providing the service. One company from Ontario and one from Quebec took tender packages but did not submit a tender bid.

**CARRIED.**

**10. NEXT MEETING**

The Oath of Office Ceremony will be held on Wednesday, May 30, 2012. The next regular meeting of Council will be held on Monday, June 11, 2012 following a Public Hearing (Sign By-law amendment).

**11. ADJOURNMENT**

**MOVED** by Counc. Young and seconded by Counc. Mullett the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 9:30 p.m.

---

MAYOR

---

CLERK