



ROTHESAY COUNCIL

OPEN SESSION
Tuesday, October 12, 2010
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 (DO) SCOTT HATCHER
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

Mayor Bishop called the Open Session of Council to order at 8:05 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting 13 September 2010
MOVED by Counc. Shea and seconded by Counc. Mullett the minutes of 13 September 2010 be approved as circulated.

CARRIED.

2. **APPROVAL OF AGENDA**
MOVED by Counc. Gallagher Jette and seconded by Counc. Kilfoil the agenda be approved as circulated.

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

UMNB Certificates of Recognition Mayor Bishop

Mayor Bishop presented Certificates of Recognition to Councs. Mullett (13 years), Gallagher Jette (15 years) and Young (15 years) on behalf of UMNB for their years of service on Council.

4. **DELEGATIONS**

4.1 Curbside Recycling

(See Item 9.1)

Marc MacLeod, General Manager

Fundy Region Solid Waste Commission

Mr. MacLeod appeared before Council and gave a presentation with respect to the activities of the Fundy Region Solid Waste Commission. He commented on the following:

- Crane Mountain Landfill – Receiving/Treatment/Diversion
- Impact of Market Crash in 2008 (newsprint)
- Recycle Industry – Collection/Processing/Markets/Differential
- Material Recovery Facility (MRF)
- Curbside Recycling in Rothesay
 - collection vs. processing
 - Commission risks
 - Proposal to Rothesay

Mr. MacLeod advised the Commission would consider six months to be a reasonable length of time but the risks are too high for a five year period. The proposal is as follows:

- \$0/MT tip fee first full fiscal year of Commission operation. January – December. Typical is \$105/MT
- Annual review of tip fees will occur in October with same risk and contract amendments as garbage and compost. No advantage to treat recycling differently
- No bags – blue/grey bins like Fredericton
- Material exclusivity/no scavenging; public education; closed site

The following points were made following questions from Council: unsure who paid for the

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-2-

12 October 2010

bins in use in Fredericton but may be eligible for ETF Funding; a brief discussion with respect to revenue loss vs. extending the cell life; brief discussion with respect to the waste streams; the Commission would not answer a tender for collection; and the maximum expectation for diversion would be about 18-19% (consistent in Atlantic Canada).

Mayor Bishop thanked Mr. MacLeod for his presentation.

4.2 Oakville Acres

Jim Sherrard

(See Item 9.2)

Mr. Sherrard appeared before Council and gave a brief presentation on behalf of the Oakville Acres Citizens Committee. He requested an update on the status of the project and commented on the following: clearwater sewer project, detention pond and overflow/diversion pipe. Mr. Sherrard requested further detail with respect to property acquisition, the status of the Quispamsis pumping station, status of easements and possible requirement to move utilities (NBPower, Bell, Rogers). He concluded by requesting the Town release CBCL to do the design work for both the detention pond and overflow/diversion pipe.

Mayor Bishop advised the clearwater sewer project is underway and the property acquisition is continuing for the detention pond. He further noted the consulting engineers have advised the design work cannot be done until the properties have been acquired so they know what they are working with. Mayor Bishop also noted the Department of Fisheries and Department of Environment are involved with the project. Town Manager Jarvie advised approximately fifty percent of the land has been acquired and negotiations are ongoing with the other property owners. He further noted CBCL is involved with the land acquisition but cannot do design work until property acquisition is completed. Mayor Bishop noted initial discussions with Quispamsis about the pumping station have been less than successful.

Mayor Bishop thanked Mr. Sherrard for his presentation.

4.3 International Sculpting Symposium Mike Wennberg

(See Item 9.3)

Mr. Wennberg appeared before Council and gave a presentation with respect to a proposed International Sculpting Symposium for the greater Saint John area in 2012. He noted a presentation had been made to the Regional Mayors' Group and was well-received. The following comments were made: it is an international competition will bring together world-renowned artists and will provide educational opportunities and serve as a cultural attraction, indirectly showcasing Southern New Brunswick stone. Mr. Wennberg advised that typically host communities cover expenses for the artists, along with a small commission. There is a very competitive selection process for the sculptors. Once funding sources are identified, site locations are confirmed and the sculptors ultimately decide the piece composition for the community. Each partner retains ownership of the completed sculpture. Mr. Wennberg advised the cost to Rothesay would potentially be \$15,000-\$25,000, depending on the number of partners. It was requested perhaps Rothesay could contribute \$5000 for seed funding in 2010. He further advised Rothesay was the first community to contact the group so he cannot advise at this time other possible partners.

Mayor Bishop thanked Mr. Wennberg for his presentation.

5. CORRESPONDENCE - FOR ACTION

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-3-

12 October 2010

5.1 5 October 2010 Letter from Mr. and Mrs. Corscadden RE: proposed changes to
Rothesay Zoning By-law (daycares).

MOVED by Counc. Gallagher Jette and seconded by Counc. Kilfoil the letter dated 5 October 2010 from Mrs. and Mrs. Corscadden RE: proposed changes to Rothesay Zoning By-law (daycares) be referred to DDS Drescher, Development Officer.

ON THE QUESTION:

Counc. Cochrane noted Mr. Corscadden informed him there were up to 12 children at this daycare. DDS Drescher advised approval had been given for 6 children and 2 of her own, for a total of 8 children. She advised this is the first she had been made aware of the situation and it would be investigated.

CARRIED.

5.2 8 October 2010 Memorandum from Town Manager Jarvie RE: Capital budgets
for regional protective services organizations.

27 September 2010 Letter from Kennebecasis Valley Fire Department Inc. RE: 2010
Capital Budget re- allocation.

MOVED by Counc. Cochrane and seconded by Counc. Shea Rothesay thank the Fire Board for the information in its letter and further advise that Rothesay expects the 2011 budget submitted for approval to fully reflect the proposed expenditures for that year with no carry over from 2010; and further that surplus funds are not to be banked.

ON THE QUESTION:

Counc. Cochrane advised the funding for the Capital Budget for the Fire Department is allocated but only available when it is ready to be spent. Town Manager Jarvie advised there is a provision in the agreement that references surpluses in the operating expenses.

CARRIED.

MOVED by Counc. Cochrane and seconded by Counc. Young that up to \$15,000 of the \$175,000 capital budget be used to convert the most mechanically sound RIV for use as a forest fire suppression unit.

CARRIED.

5.3 8 October 2010 Letter from Fundy Region Solid Waste Commission RE: 2011
Proposed Budget.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the letter dated 8 October 2010 from Fundy Region Solid Waste Commission RE: 2011 Proposed Budget be received/filed.

ON THE QUESTION:

It was noted there is no change in the rates for 2011.

CARRIED.

5.3.1 8 October 2010 Letter from Fundy Region Solid Waste Commission RE: Notice
of Intention to Vote on a Borrowing Resolution.

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the letter dated 8 October 2010 from Fundy Region Solid Waste Commission RE: Notice of Intention to Vote on a Borrowing Resolution be received/filed.

ON THE QUESTION:

It was noted Cell 5 is being closed one year early and the Commission needs to start Cell 6.

CARRIED.

6. **CORRESPONDENCE - FOR INFORMATION**

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-4-

12 October 2010

6.1 3 September 2010 Letter from Minister Donald Arsenault (PETL) RE: Property tax relief for Kennebecasis Public Library.

MOVED by Counc. Young and seconded by Counc. Gallagher Jette the letter dated 3 September 2010 from Minister Donald Arsenault (PETL) RE: Property tax relief for Kennebecasis Public Library be received/filed.

CARRIED.

6.2 16 September 2010 Letter to Mr. R. Nesbitt, Chair District Education Council RE: Francophone School in Kennebecasis Valley.

MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the letter dated 16 September 2010 to Mr. R. Nesbitt, Chair District Education Council RE: Francophone School in Kennebecasis Valley be received/filed.

CARRIED.

6.3 16 September 2010 Letter to Mr. G. Friars, Chair Rothesay Regional Joint Board of Police Commissioners RE: Telecommunications Proposal.

MOVED by Counc. Shea and seconded by Counc. Mullett the letter dated 16 September 2010 to Mr. G. Friars, Chair Rothesay Regional Joint Board of Police Commissioners RE: Telecommunications Proposal be received/filed.

ON THE QUESTION:

It was requested formal contact be made directly with Quispamsis with respect to the proposed cost-sharing agreement.

CARRIED.

7. REPORTS

7.0 October 2010 Report from Closed Session

- Rothesay High School Field Maintenance Agreement

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil Council authorize the Mayor and Clerk to execute the agreement with School District 6 and the Minister of Education regarding the use and maintenance of the Rothesay High School field.

CARRIED.

- Contribution to Quispamsis Comex Bus Route

MOVED by Deputy Mayor MacDonald and seconded by Counc. Young Council agree to pay the installation of one or more bus stops, possibly on Gondola Point Road and at the Superstore, with Saint John Transit supplying the bus shelters.

ON THE QUESTION:

Mayor Bishop noted Quispamsis introduced an additional Comex route to service the QPLEX at an approximate cost of \$60,000/year, with a portion of the total costs to be covered by ridership fares.. Correspondence was subsequently received from a resident and Saint John Transit suggesting Rothesay may wish to partner with Quispamsis. Quispamsis representatives have advised a meeting is not necessary and Rothesay could submit a proposal. Mayor Bishop noted the increased ridership with additional stops in Rothesay would lead to lower costs for Quispamsis.

Counc. Shea advised he believed there was insufficient information available at the present time and suggested a review should be undertaken of the entire Comex system. Deputy Mayor MacDonald noted the Quispamsis route will be in place for at least five years and this will provide an opportunity to Rothesay residents. Town Manager Jarvie noted the costs to the Town will be the installation of the concrete pads but it is unlikely they will be installed before the cold weather. Counc. Kilfoil agreed ridership should be

ROTHESAY COUNCIL

Open Session
Meeting Minutes

encouraged.

NAY vote recorded from Counc. Shea.

CARRIED.

7.1 23 June 2010 Rothesay Regional Joint Board of Police Commissioners (RRJBPC) Meeting Minutes.

31 August 2010 RRJBPC Financial Statements

MOVED by Counc. Shea and seconded by Counc. Mullett the Rothesay Regional Joint Board of Police Commissioners Meeting Minutes dated 23 June 2010 and Financial Statements dated 31 August 2010 be received/filed.

CARRIED.

7.2 31 July 2010 Kennebecasis Valley Fire Department Inc. Unaudited Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Young the Kennebecasis Valley Fire Department Inc. Unaudited Financial Statements be received/filed.

CARRIED.

7.3 31 August 2010 Rothesay Unaudited Utility Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Rothesay Unaudited Utility Fund Financial Statements dated 31 August 2010 be received/filed.

CARRIED.

31 August 2010 Rothesay Unaudited General Fund Utility Statements

MOVED by Counc. Cochrane and seconded by Counc. Young the Rothesay Unaudited General Fund Financial Statements dated 31 August 2010 be received/filed.

CARRIED.

29 September 2010 Draft Finance Committee Meeting Minutes

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Finance Committee Meeting Minutes dated 29 September 2010 be received/filed.

CARRIED.

➤ Short Term Investment Policy

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that the Investment Policy dated October 6, 2010 be approved by Council.

CARRIED.

➤ NBIMC Financing Application

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald:

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 **\$407,000** 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.

O-I-C No.	Date of O-I-C	Date of Council Resolution	Purpose by Function	Amount	Term n Years
99-22	Apr. 12/99	Oct. 12/10	Transportation Services	\$407,000.00	5

CARRIED.

➤ KVFD Request for Budget Extension

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-6-

12 October 2010

- o 15 September 2010 Letter from Kennebecasis Valley Fire Dept Inc.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council request the Kennebecasis Valley Fire Department to present their budget at the November 8th Council meeting, including an updated 5 year plan with budget implications.

CARRIED.

- Special Council Session on Capital Budgeting

The Finance Committee has requested a working session to discuss the Capital Budget on Tuesday, October 19th at 7:00 p.m. It was noted there is a conflict with the Parks and Recreation Committee meeting already scheduled. Town Clerk Banks advised there will be tenders closing this week and there will need to be a special meeting of Council prior to the Working Session.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald a Special Meeting of Council be scheduled for Tuesday, October 19, 2010 commencing at 5:00 p.m., to be followed by a working session to discuss the preliminary capital budget.

CARRIED.

7.4 September 2010 Building Permit Summary Report

MOVED by Counc. Shea and seconded by Counc. Kilfoil the September 2010 Building Permit Summary Report be received/filed.

CARRIED.

7.5 21 September 2010 Draft Parks and Recreation Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. Kilfoil the draft Parks and Recreation Committee Meeting Minutes dated 21 September 2010 be received/filed.

ON THE QUESTION:

Counc. Cochrane requested clarification on the request from KVMHA for funding. Deputy Mayor MacDonald advised he had followed up with a request for financial statements from the association.

CARRIED.

7.6 29 September 2010 Draft Heritage Preservation Review Board Meeting Minutes

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the draft Heritage Preservation Review Board Meeting Minutes dated 29 September 2010 be received/filed.

CARRIED.

7.7 4 October 2010 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Kilfoil the draft Planning Advisory Committee Meeting Minutes dated 4 October 2010 be received/filed.

CARRIED.

- Fairvale Animal Hospital Rezoning (1 Campbell Drive/60 Grove Avenue)

MOVED by Counc. Young and seconded by Counc. Kilfoil Item 8.1 be brought forward on the agenda.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-7-

12 October 2010

8.1 Rezoning Application 1 Campbell Drive/60 Grove Avenue

Zoning By-laws 2-02-43 and 2-02-44 enactment/Development Agreement

7 October 2010	Memorandum from Town Clerk Banks
Draft	By-law 2-02-43
Draft	By-law 2-02-44
Draft	Amending Development Agreement
21 September 2010	Staff Report

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council give Reading in its entirety to By-law 2-02-43, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-43 in its entirety.

MOVED by Counc. Young and seconded by Counc. Shea Council give 3rd Reading by Title and enactment, to By-law 2-02-43, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-43 by title.

MOVED by Counc. Young and seconded by Counc. Kilfoil Council give Reading in its entirety to By-law 2-02-44, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-44 in its entirety.

MOVED by Counc. Young and seconded by Counc. Mullett Council give 3rd Reading by Title and enactment, to By-law 2-02-44, "A By-law to Amend the Zoning By-law".

CARRIED.

The Clerk read By-law 2-02-44 by title.

MOVED by Counc. Young and seconded by Counc. Shea Council authorize the Mayor and Clerk to enter into an amending Development Agreement for the use of a portion of the property shown as Parcel A on Schedule A, identified as PID# 30173660 situate 60 Grove Avenue by the Fairvale Animal Hospital subject to the portion of the property being consolidated with the property situate 1 Campbell Drive, identified as PID# 30040547.

CARRIED.

7.8 7 October 2010 Operations Report

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Operations Report dated 7 October 2010 be received/filed.

CARRIED.

➤ General Equipment Purchase Quotation Cold Planer

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council award the quotation Cold Planer to the low tenderer Atlantic Cat Ltd. for the total quotation price of \$16,498.00, inclusive of HST.

CARRIED.

➤ Tender Contract 1: Water Line Hillside Development Area

MOVED by Counc. Cochrane and seconded by Counc. Young Council award Contract 1 to the alternate pricing low tenderer Valley Excavation Services Inc. for the alternate tender price of \$3,430,571.52, inclusive of HST, SUBJECT TO a reduction in scope of work totalling \$295,000.00 for a final figure of \$3,135,571.52.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-8-

12 October 2010

- Tender Contract 2: Water Line Highway Crossing – Mackay Highway

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald Council award Contract 2 to the alternate pricing low tenderer 513356 N.B. Ltd. (High Tech Industries) for the alternate tender price of \$661,841.00, inclusive of HST.

CARRIED.

- Tender Contract 3: Water Reservoir

MOVED by Counc. Cochrane and seconded by Counc. Young Council award Contract 3 to the low tenderer Greatario Industrial Storage Systems Ltd. for the tender price of \$1,126,836.00, inclusive of HST, SUBJECT TO a post tender addendum to adjust the price.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council direct staff to reduce the contingencies in the 3 Contracts to no more than \$250,000.00 in total, producing a reduction of \$200,000.00.

CARRIED.

Mayor Bishop summarized that Council just awarded the contracts for the water line from Grove Avenue to Dunedin Road, the directional drilling Mackay Highway crossing and the construction of the new water tower across the Mackay Highway.

8. OLD BUSINESS

8.1 Rezoning Application 1 Campbell Drive/60 Grove Avenue

Zoning By-laws 2-02-43 and 2-02-44 enactment/Development Agreement

7 October 2010	Memorandum from Town Clerk Banks
Draft	By-law 2-02-43
Draft	By-law 2-02-44
Draft	Amending Development Agreement
21 September 2010	Staff Report

Dealt with above.

8.2 Rothesay Zoning By-law 2-10 (Copy previously provided)

6 October 2010 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Counc. Mullett 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, November 8, 2010 commencing at 8:00 p.m.**, at Rothesay Town Hall, to give consideration to proposed By-law 2-10, "Rothesay Zoning By-law".

CARRIED.

9. NEW BUSINESS

BUSINESS ARISING FROM DELEGATIONS

9.1 Curbside Recycling

25 June 2010	Letter from M. MacLeod, General Manager Fundy Region Solid Waste Commission
25 August 2010	Letter to M. MacLeod, General Manager Fundy Region Solid Waste Commission

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the presentation from Mr. MacLeod and related documentation be referred to staff for a report back to Council.

CARRIED.

ROTHESAY COUNCIL

Open Session
Meeting Minutes

-9-

12 October 2010

9.2 Oakville Acres Drainage Project

6 October 2010 Email from J. Sherrard
Powerpoint presentation

The matter was dealt with above under Item 4.2. Town Manager Jarvie further advised in discussions with abutting property owners the major concern is the final appearance of the pond. It was suggested the area be designed as a “passive park” area that will include such items as strategic landscaping, trees, etc.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea Council give approval in principle to the pond area being designed as a passive park.

ON THE QUESTION:

The question of additional costs was raised, as well as the feasibility of using the area as a park area. Town Manager Jarvie advised the design of the pond is done in such a way that a person would be able to walk out if they should fall off the banks. Counc. Kilfoil requested Mr. Sherrard be advised of the decision of Council.

CARRIED.

9.3 International Sculpting Symposium

30 September 2010 Letter from Saint John Community Arts Board and related documentation

MOVED by Deputy Mayor MacDonald and seconded by Counc. Mullett the letter dated 30 September 2010 from the Saint John Community Arts Board and related International Sculpting Symposium documentation be referred to the Finance Committee for 2011 and 2012 budget deliberations.

CARRIED.

10. NEXT MEETING

There will be a special meeting of Council on Tuesday, October 19, 2010 at 5:00 p.m., followed by a working session for preliminary capital budget discussions.

The next regular meeting of Council will be Monday, November 8, 2010 following a Public Hearing (Zoning By-law).

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:58 p.m.

MAYOR

CLERK