



ROTHESAY COUNCIL

OPEN SESSION
Tuesday, October 13, 2009
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 regular meeting to order at 8:00 pm.

1. **APPROVAL OF MINUTES** Regular Meeting – September 14, 2009
MOVED by Counc. Shea and seconded by Counc. Mullett the minutes of September 14, 2009 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

Mayor Bishop requested an update on the Renforth Wharf tender. DO Hatcher advised it is in the process of being re-tendered and it is hoped to get part of the work done in 2009.

Deputy Mayor MacDonald requested an update on the Dunedin Road fire event with respect to theoretical causes and the time of the call. Town Manager Jarvie advised the Police Chief has not responded with respect to the time of the call and the Deputy Chief has no additional information. Mayor Bishop requested the Town Manager to obtain answers for next month's meeting. Counc. Gallagher Jette asked under what authority is the report privileged.

2. **APPROVAL OF AGENDA**
MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the agenda be approved as circulated with the following change:

Item 9.1 be brought forward to follow Item 4.4

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

Mayor Bishop noted Senator John Wallace and MLA Margaret-Ann Blaney were in attendance at the meeting. He further noted Council had a good meeting with Oakville Acre residents last week at Rothesay High School and the strategies and recommendations will be reviewed later in the agenda.

Deputy Mayor MacDonald noted Mayor Bishop recently received an award from UMNb for 36 years of service as an elected official and is the second longest serving in New Brunswick. Mayor Legacy from Atholville has 40 years of service.

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4. DELEGATIONS

4.1 KV Chamber of Commerce **Phil Brodersen, President**

Phil Brodersen, President – KVCC gave a presentation to Council with respect to matters identified by Chamber members, following the request for same by Mayors Bishop and Driscoll. They focused on signage, beautification and traffic. The Chamber has some suggestions and recommendations and is requesting an action plan within 3 months and ongoing discussions with the Town.

Mayor Bishop thanked Mr. Brodersen for his presentation and advised the Town is willing to work with the Chamber to continue to make Rothesay a desirable place to live.

4.2 Symphony New Brunswick **Dr. Thomas Condon**

Dr. Thomas Condon thanked Council for the opportunity to appear before them on behalf of Symphony New Brunswick (SNB) Inc. and Symphony New Brunswick Foundation. The request before Council is for an operating grant of \$1000 for the 2009-2010 season and a pledge of \$10,000 to the capital campaign, over a five year period.

Dr. Condon spoke to the background, activities and future of SNB. He outlined the capital campaign “VIVO” and advised the intent is to raise an endowment fund of \$2.5 million to add 5 full-time professional brass and woodwind musicians to the current 4 fulltime string members. Dr. Condon outlined funding received from other levels of government and grants from Heritage Canada and ACOA.

Mayor Bishop thanked Dr. Condon for his presentation.

4.3 40 Developmental Asset Survey **Thelma Messer, SD6 Charles Jensen, Rothesay – Recreation**

Thelma Messer gave a brief presentation to Council with respect to the 40 Developmental Asset Survey School District 6 will be completing, with the support of Atlantic Health Sciences Corporation. She noted an initial survey of the entire district had been completed in 2002, with Kennebecasis Valley students identifying 19.1/40. Mrs. Messer advised the full report from Sussex Corner to Rothesay would be made available to the Town. However, the Town could request the statistics for the Kennebecasis Valley as a separate report. The cost is \$500 which could be shared with Quispamsis. Charles Jensen advised the report can be used as measuring tool to gauge the impact of various projects the Town participates in, such as the Big Rothesay Read. He noted the Master Recreation Plan emphasizes the importance of engaging the youth in the community.

Mayor Bishop thanked Mrs. Messer and Mr. Jensen for their presentation.

4.4 Scott Avenue residents **Joy Clowater**

Joy Clowater appeared before Council and gave a brief presentation with respect to the residents at 10 Scott Avenue. She gave a summary of the residents who live in her building and commented on the sense of family throughout the building. Ms. Clowater noted they work together to do maintenance work in the building and also in the garden area behind the building. Ms. Clowater advised they had a paper petition containing 126 names and an online petition containing 185 names. She advised the residents are not against the project but are against the location on Scott Avenue.

Mayor Bishop thanked Ms. Clowater for her presentation. Counc. Gallagher Jette noted

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she had a more comprehensive understanding of the residents affected.

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald this Council not proceed with plans which would displace residents of Scott Avenue by purchasing the apartments on Scott Avenue.

ON THE QUESTION:

Counc. Shea suggested an amendment to the motion to reflect the earlier discussion; that “at this time” be included in the motion. Mayor Bishop noted some weeks ago Council endorsed the Master Recreation Plan in principle. He advised Council still supports the main recommendations but are not prepared to proceed with the property purchases on Scott Avenue at this time.

Mayor Bishop indicated this is an example of democracy at work. He stated the owners advised they were not interested in selling the properties and Council has now heard from the residents this evening.

MOVED by Counc. Shea and seconded by Counc. Gallagher Jette the words, “at this time” be added to the end of the motion.

ON THE QUESTION:

Counc. Gallagher Jette noted it is the wish of this Council not to proceed with the property acquisition but councils are never precluded from reviewing any action. She further noted this council could not speak for future councils.

Amending motion CARRIED.

NAY vote recorded from Counc. Cochrane.

Main motion, as amended CARRIED.

Mr. Warren Mahar, Scott Avenue, expressed concern with the wording “at this time”. Mayor Bishop indicated one can “never say never”. He noted Council is sympathetic to the residents in the area and this Council will not purchase the properties in the near future but they cannot speak for future councils.

9.1 BUSINESS ARISING FROM DELEGATIONS

- KVCC (Powerpoint presentation)

Mayor Bishop advised the Town would be happy to meet with representatives from the Kennebecasis Valley Chamber of Commerce. Counc. Cochrane noted the Chamber was requesting a committee be struck to review the Sign By-law. Mayor Bishop advised the approach would be on a consulting basis rather than through a committee.

- Symphony New Brunswick
5 October 2009 Letter from Symphony New Brunswick

MOVED by Counc. Kilfoil and seconded by Counc. Young the request from Symphony New Brunswick for an operating grant of \$1000 for 2009-2010 and a capital contribution of \$10,000 over five years be referred to the Finance Committee.

CARRIED.

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- 40 Developmental Asset Survey
7 October 2009 Letter from District Health Advisory Committee
MOVED by Counc. Shea and seconded by Counc. Mullett Council authorize the expenditure to obtain a separate report on the results for Kennebecasis Valley students, as part of the 40 Developmental Asset Survey to be undertaken by School District 6.
CARRIED.

- Scott Avenue residents
7 October 2009 Letter from J. Clowater with attached petition
6 October 2009 Letter from J. Clowater
6 October 2009 Letter from D. Ellis
6 October 2009 Letter from J. Fairweather
6 October 2009 Letter from T. Ewart
6 October 2009 Letter from the Forrest Family

Dealt with above.

5. CORRESPONDENCE - FOR ACTION

- 5.1 24 September 2009 Letter from PACK-09 RE: support for School District 6 priorities.
9 October 2009 Memorandum from Town Clerk Banks with attached correspondence.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette Council send a letter of support to Ministers Schryer and Jamieson in support of the School District 6 priorities.

ON THE QUESTION:

It was noted a letter had been sent to Minister Lamrock in June 2009 and a response received from Minister Haché on August 5, 2009.

CARRIED.

- 5.2 5 October 2009 Email from Don Moore RE: crosswalks on Gondola Point Road.
MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the email from Don Moore RE: crosswalks on Gondola Point Road be referred to the Public Works and Infrastructure Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

- 6.1 23 September 2009 Email from Anne Dolan RE: Recreation Plan.
MOVED by Counc. Young and seconded by Counc. Gallagher Jette the email from Anne Dolan RE: Recreation Plan be received/filed.

CARRIED.

- 6.2 23 September 2009 Email from Clarence Dolan RE: general comments (Gondola Point Rd. sidewalk, Scott Avenue properties, cooperation with Quispamsis).

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the email from Clarence Dolan RE: general comments be received/filed.

CARRIED.

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7. REPORTS

7.0 October 2009

Report from Closed Session

MOVED by Counc. Kilfoil and seconded by Counc. Shea the Kennebecasis Valley Fire Department Monthly Response Report be received/filed in Open Session.

CARRIED.

7.1 24 June 2009

Rothesay Regional Joint Board of Police Commissioners Meeting Minutes

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the 24 June 2009 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes be received/filed.

ON THE QUESTION:

Counc. Shea asked if the new appointment had been made. Mayor Bishop advised he was searching for a suitable candidate. There was a brief discussion as to whether the appointment was a Council member appointment to be made by the Mayor or a citizen appointment to be made by the nominating committee. The Clerk noted she would review the Procedural By-law and advise the Mayor.

CARRIED.

7.2 31 July 2009

Kennebecasis Valley Fire Department Unaudited Financial Statements

August 2009

Kennebecasis Valley Fire Department Monthly Response Report Summary

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the 31 July 2009 Kennebecasis Valley Fire Department Unaudited Financial Statements and August 2009 Monthly Response Report summary be received/filed.

ON THE QUESTION:

Deputy Mayor MacDonald noted he was dissatisfied with the lack of response to his requests for additional information from the Fire Department. Counc. Cochrane advised there is no additional information and the Board Chair misunderstood the Deputy Mayor's question with respect to obtaining a copy of the investigative report. It was suggested the Deputy Mayor contact the Deputy Chief and report back to Council. Counc. Kilfoil also advised he was satisfied with the response and there is no additional information. Mayor Bishop advised he would resolve the issue.

CARRIED.

7.3 12 August 2009

Kennebecasis Public Library Board Meeting Minutes

MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the 12 August 2009 Kennebecasis Public Library Board Meeting Minutes be received/filed.

CARRIED.

7.4 31 August 2009

Draft Unaudited General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 August 2009 draft unaudited General Fund Financial Statements be received/filed.

CARRIED.

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31 August 2009 Draft Unaudited Utility Fund Financial Statements
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the 31 August 2009 draft unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

- 7.5 15 September 2009 Parks and Recreation Committee Meeting Minutes
MOVED by Counc. Shea and seconded by Counc. Young the 15 September 2009 Parks and Recreation Committee Meeting Minutes be received/filed.

ON THE QUESTION:

There was a brief discussion with respect to the Olympic Torch Relay that will be travelling through Rothesay on November 24, 2009. It was noted the torchbearers are selected through RBC and Coca-Cola and Ellen Steeves and Alex Coffin are two area residents who will be carrying the torch.

CARRIED.

- 7.6 17 September 2009 Draft Public Works and Infrastructure Committee Meeting Minutes
MOVED by Counc. Mullett and seconded by Counc. Gallagher Jette the draft Public Works and Infrastructure Committee Meeting Minutes be received/filed.

ON THE QUESTION:

There was discussion with respect to the proposed work at 2274 Rothesay Road. DO Hatcher noted there are two property owners and the majority of the work will take place on private property. He further noted that if the work on private land is completed to correct the drainage on the private lands then work will be required on the public right of way so as not to create a hazard on the public road..

CARRIED.

➤ Flooding Evaluations

MOVED by Counc. Mullett and seconded by Deputy Mayor MacDonald Council consider the drainage issue on Robinson Street in the evaluation of all the flooding difficulties and that the drainage structure also be considered in the budget process for 2010.

CARRIED.

- 7.7 5 October 2009 Draft Planning Advisory Committee Meeting Minutes
MOVED by Counc. Young and seconded by Counc. Cochrane the draft Planning Advisory Committee Meeting Minutes be received/filed.

CARRIED.

➤ Public Hearing – Municipal Plan

Main motion:

MOVED by Counc. Young and seconded by Counc. Gallagher Jette Council schedule the Public Hearing for the Rothesay Municipal Plan for Thursday, November 19, 2009 at 7:00 p.m. to be held in the Rothesay High School Cafeteria, 61 Hampton Road, in accordance with the *Community Planning Act*, and subject to:

- the removal of Figure 1 outlining the integrated development scheme for Millennium Park;
- related amendments to the text of the Millennium Park section, AND
- no more than 10% being allocated to green space in the Millennium Park integrated development scheme.

ON THE QUESTION:

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Counc. Cochrane advised he would be voting against the motion as he was concerned about the limit being placed on the amount of green space, particularly if the Town proceeds with a detention pond in the area. There was general discussion with respect to green area, land for public purposes, the amount the Town is authorized to take as part of a project and various options for detention infrastructure. There was a brief discussion with respect to \$750 per lot for cash in lieu of land for public purposes. DDS Drescher noted the policy had been discussed at a working session of Council.

Amending motion:

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the words, “excluding any detention pond” be inserted in the third condition, following the words, “green space”.

Amending motion CARRIED.

Main motion, as amended CARRIED.

7.8 7 October 2009 Operations Report

➤ Upper Works Garage Siding replacement

MOVED by Counc. Young and seconded by Counc. Cochrane Council award the subject quote to the low bidder, Dowd Cladding & Metals Ltd. for the total quoted price of \$22,543.50, inclusive of HST.

CARRIED.

➤ RFP 2009-001WS: Water Line Extension Rothesay Road

MOVED by Counc. Young and seconded by Counc. Kilfoil Council engage Terrain Limited to complete the Engineering Services for this construction project at an estimated costs of \$338,581.90, inclusive of HST.

ON THE QUESTION:

Deputy Mayor MacDonald requested clarification of the criteria used to make the selection. DO Hatcher gave a brief summary and advised a summary was available.

CARRIED.

➤ RFP 2009-002WS: Water Line Hillside Development Area

MOVED by Counc. Young and seconded by Counc. Kilfoil Council engage ADI Ltd. to complete the Engineering Services for this construction project at an estimated costs of \$314,140.00, inclusive of HST.

CARRIED.

➤ Addendum Well Development R91-1 Infrastructure Project

MOVED by Counc. Kilfoil and seconded by Counc. Young Council award this quotation to the low bidder Sullivan’s Well Drilling, a division of Maritime Water Supply ltd for the quotation price of \$48,800.18, inclusive of HST.

CARRIED.

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8. **UNFINISHED BUSINESS**

8.1 Oakville Acres – Preliminary Flood Abatement Design

8 October 2009 Memorandum from Town Manager Jarvie

MOVED by Counc. Young and seconded by Counc. Mullett Council approve the preparation of a preliminary design for a storm detention pond and related storm sewer improvements in Oakville Acres and:

- a. approve a project budget of \$50,000 from the operating reserve;
- b. authorize the engagement of CBCL Engineering Ltd for the work described above;
- c. authorize acquisition of access easements from the effected property owners; and
- d. invite Quispamsis Council to meet to discuss the implications of the project.

CARRIED.

9. **NEW BUSINESS**

9.1 BUSINESS ARISING FROM DELEGATIONS

- KVCC (Powerpoint presentation)

Dealt with above following Item 4.4

- Symphony New Brunswick
5 October 2009 Letter from Symphony New Brunswick

Dealt with above following Item 4.4

- 40 Developmental Asset Survey
7 October 2009 Letter from District Health Advisory Committee

Dealt with above following Item 4.4

- Scott Avenue residents
7 October 2009 Letter from J. Clowater with attached petition
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6 October 2009 Letter from J. Fairweather
6 October 2009 Letter from T. Ewart
6 October 2009 Letter from the Forrest Family

Dealt with above following Item 4.4

9.2 JEPP Funding Application (City of Saint John)

7 October 2009 Memorandum from Town Clerk Banks
DRAFT JEPP Funding Application
21 September 2009 Letter from Sentinel Systems Ltd.

MOVED by Counc. Young and seconded by Counc. Shea Council forward a letter in support of the City of Saint John JEPP Application for acquisition of the Emergency Management Planning Software Suite.

CARRIED.

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9.3 Committee Appointments (ratification)

5 October 2009

Memorandum from Mayor Bishop

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald

Council ratify the appointments to the 150th Anniversary Committee as follows:

- Bill Artiss, Chair
- Elizabeth Reid
- Gary Corscadden
- Juliet Hickman
- David Case
- Krista Ferguson
- Counc. Don Shea
- Mayor Bill Bishop
- Gay Drescher
- Charles Jensen
- Ellen Steeves

CARRIED.

10. **NEXT MEETING**

The next regular meeting of Council will be Monday, November 9, 2009.

11. **ADJOURNMENT**

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

CARRIED.

The meeting adjourned at 9:50 p.m.

MAYOR

CLERK