



ROTHESAY COUNCIL

OPEN SESSION

Monday, September 13, 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

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

ABSENT: COUNCILLOR TOM YOUNG

PUBLIC HEARINGS **By-law 2-02-43 Zoning By-law amendment** **60 Grove Avenue (portion of PID 30173660)** **By-law 2-02-44 Zoning By-law amendment**

Documentation

18 August 2010	1 st Section 68 Advertisement
8 September 2010	2 nd Section 68 Advertisement
9 September 2010	Recommendation from Planning Advisory Committee
23 August 2010	Staff Report
DRAFT	By-law 2-02-43
DRAFT	By-law 2-02-44
Appearances:	G. Drescher, Development Officer, Director of Development Services Dr. Cathy Adams, Fairvale Animal Hospital
Objections:	None received

Mayor Bishop called the Public Hearing to order at 8:01 p.m. and gave instructions to those in attendance. He noted the hearings had been duly advertised and the Planning Advisory Committee had given its recommendation. He further noted if there were no objections, the Hearings would proceed concurrently.

DDS Drescher gave a brief presentation outlining the legislative process and noting the development is to allow for a lot consolidation of the two properties, along with a rezoning. The proposal is to create a larger area to exercise animals under the care of the Fairvale Animal Hospital. DDS Drescher noted the development agreement will be provided to Council prior to third reading of the By-laws, should Council decide to proceed with the rezoning.

The Mayor called three times for those wishing to speak in opposition.

The Mayor called three times for those wishing to speak in favour.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the Public Hearing be adjourned.
CARRIED.

The Public Hearing adjourned at 8:05 p.m.

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Mayor Bishop advised those in attendance the presentation of the Terry Fox Awards will be postponed until a later date as the Executive Director had vehicle trouble enroute from Fredericton.

Mayor Bishop called the Open Session of Council to order at 8:06 p.m.

1. **APPROVAL OF MINUTES** Regular Meeting 9 August 2010
MOVED by Counc. Shea and seconded by Counc. Kilfoil the minutes of 9 August 2010 be approved as circulated.

CARRIED.

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

Item 9.1 be brought forward on the agenda to be dealt with following Item 4.1

CARRIED.

3. **OPENING REMARKS OF COUNCIL**

Deputy Mayor MacDonald commented on the quality of the development at Fairvale Mall. Mayor Bishop advised he would pass along the comments to Mr. Bamford.

4. **DELEGATIONS**

4.1 Sentinel Emergency Alert Service Mr. Brian Shanks, KV EMO Director

Brian Shanks, KVEMO Director gave a brief presentation to Council with respect to the Sentinel Emergency Alert system that Rothesay has acquired, in partnership with eight other communities in the region. He made the following comments: the project has been in development for two years, the online registration was launched on September 8th, it is a self-subscription service and residents can choose to be notified by text, email or voice message, protocols for the use of the notification system will be established by each municipality and messages can be originated by protective services, municipal EMO or by Town staff. Upon questioning, it was clarified the protocol for use will be determined by each municipality, the data is kept in a secure database and the requirement is for self-subscription which also requires the subscriber to maintain their personal information. Town Manager Jarvie noted the Town does not have a database of residents' contact information and further noted Council gave authorization for acquisition of the Sentinel emergency preparedness software in October 2009.

Mayor Bishop thanked Mr. Shanks for his presentation.

9. **NEW BUSINESS**

BUSINESS ARISING FROM THE PUBLIC HEARING

(See Public Hearing documentation)

9.1 **Zoning By-laws 2-02-43 and 2-02-44 (1 Campbell Drive/60 Grove Avenue)**

9 September 2010 Memorandum from Planning Advisory Committee

MOVED by Counc. Cochrane and seconded by Counc. Shea Council give 1st Reading by Title, 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. Cochrane and seconded by Counc. Shea Council give 2nd Reading by Title, 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.

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MOVED by Counc. Cochrane and seconded by Counc. Shea Council give 1st Reading by Title, to By-law 2-02-44, "A By-law to Amend the Zoning By-law".

CARRIED.

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

MOVED by Counc. Cochrane and seconded by Counc. Shea Council give 2nd Reading by Title, to By-law 2-02-44, "A By-law to Amend the Zoning Plan By-law".

CARRIED.

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

5. CORRESPONDENCE - FOR ACTION

5.1 19 August 2010 Letter from M. Robichaud, PEFV RE: letter of support for francophone school in the Kennebecasis Valley.

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the letter from M. Robichaud, PEFV RE: letter of support for francophone school in the Kennebecasis Valley dated 19 August 2010 be forwarded to School District 6 for comment.

ON THE QUESTION:

Deputy Mayor MacDonald noted he had difficulty supporting the request following his work on the Parent Advisory Committee at Rothesay High School and their attempts to get funding. He further noted \$10 million has recently been spent on Ecole Samuel-de-Champlain Counc. Cochrane noted School District 6 has priorities for new schools that go back well over 24 months.

CARRIED.

5.2 15 August 2010 Letter from R. Frenette, Bullying Canada RE: Request for designation of Anti-Bullying Day (December 17, 2010).

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the letter from R. Frenette, Bullying Canada RE: Request for designation of Anti-Bullying Day dated 15 August 2010 be received/filed.

CARRIED.

5.3 27 August 2010 Letter from J. Cole RE: crosswalk installation at Wells Soccer Field, French Village Road.

MOVED by Counc. Mullett and seconded by Deputy Mayor MacDonald the letter from J. Cole RE: crosswalk installation at Wells Soccer Field, French Village Road dated 27 August 2010 be forwarded to the Public Works and Infrastructure Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 13 August 2010 Letter from Environment Minister J. Prentice RE: proposed Wastewater Systems Effluent Regulations.

MOVED by Counc. Shea and seconded by Counc. Kilfoil the letter from Federal Environment Minister J. Prentice RE: proposed Wastewater Systems Effluent Regulations dated 13 August 2010 be received/filed.

CARRIED.

6.2 26 August 2010 Letter from T. DeSaulniers, P.R.O. Kids RE: thanks for sponsorship.

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the letter from T. DeSaulniers, P.R.O. Kids RE: thanks for sponsorship dated 26 August 2010 be received/filed.

CARRIED.

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6.3 30 August 2010 Letter to Minister Arsenault, PETL RE: Property Tax Relief for New Brunswick Libraries.

MOVED by Deputy Mayor MacDonald and seconded by Council. Sheathe letter to Minister Arsenault, PETL RE: Property Tax Relief for New Brunswick Libraries dated 30 August 2010 be received/filed.

CARRIED.

6.4 31 August 2010 Letter to M. MacLeod, Fundy Region Solid Waste Commission RE: Processing of Recyclable Materials, FRSWC MURF.

MOVED by Deputy Mayor MacDonald and seconded by Council. Gallagher Jette the letter to M. MacLeod, Fundy Region Solid Waste Commission RE: Processing of Recyclable Materials, FRSWC MURF dated 31 August 2010 be received/filed.

ON THE QUESTION:

Council. Gallagher Jette advised the Commission is not in agreement with a five year arrangement. She further noted Mr. MacLeod has made a request to appear before Rothesay Council at its October Council meeting.

CARRIED.

6.5 3 September 2010 Letter from P. Stapleton, Chair Municipal Review Committee RE: Review of Municipalities Act.

MOVED by Council. Shea and seconded by Council. Mullett the letter from P. Stapleton, Chair Municipal Review Committee RE: Review of Municipalities Act dated 3 September 2010 be received/filed.

CARRIED.

7. REPORTS

7.0 **September 2010** **Report from Closed Session**
N/A

7.1 9 June 2010 Kennebecasis Public Library Board Meeting Minutes
16 June 2010 Kennebecasis Public Library Board Meeting Minutes

MOVED by Council. Mullett and seconded by Council. Gallagher Jette the Kennebecasis Public Library Board Meeting Minutes dated 9 June 2010 and 16 June 2010 be received/filed.

CARRIED.

7.2 31 July 2010 Draft Unaudited Utility Fund Financial Statements

MOVED by Council. Cochrane and seconded by Council. Kilfoil the draft Unaudited Utility Fund Financial Statements be received/filed.

CARRIED.

31 July 2010 Draft Unaudited General Fund Financial Statements

MOVED by Council. Cochrane and seconded by Deputy Mayor MacDonald the draft Unaudited General Fund Financial Statements be received/filed.

ON THE QUESTION:

A correction was made on page G6 to show a \$5000 grant was received for Canada Day. It should read Canada Day Grant \$5000 and Grant – other \$4202.

CARRIED.

7 September 2010 Draft Finance Committee Meeting Minutes

MOVED by Council. Cochrane and seconded by Council. Mullett the draft Finance Committee Meeting Minutes dated 7 September 2010 be received/filed.

CARRIED.

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➤ CMHC Financing Application

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald, Whereas, at its meeting of April 12, 2010, Council did approve an application to Canada Mortgage and Housing Corporation (“CMHC”) for a loan under the Municipal Infrastructure Lending Program of CMHC up to a maximum of \$3,500,000.00, being the estimated municipal share of costs for the Rothesay Water System Expansion (the “Project”);

And Whereas the Town thereupon entered into an Application with CMHC for the Loan, to finance its share of the Project, having first obtained approval from the Municipal Capital Borrowing Board (the “Board”) pursuant to the Municipal Capital Borrowing Act to borrow amounts necessary to finance the Municipal share of the Project;

And Whereas the Application has been completed and approved by CMHC, resulting in a commitment by CMHC to lend to the Town the principal sum of \$3,500,000.00 at an interest rate of 3.70 per cent for a term and amortization of 20 years pursuant to terms and conditions contained therein (the “Loan”), all of which is comprised in an Agreement (the “Loan Agreement”) prepared by CMHC;

And Whereas the Loan Agreement, dated September 1, 2010, requires the loan period to commence on that date, and has been submitted to the Town for execution by the Town;

Now Therefore, BE IT RESOLVED that Council does hereby authorize and direct the Mayor and Clerk to sign and seal on behalf of the Town the said Loan agreement, together with such other documents as may be necessary to enable funding of the Loan pursuant to the terms thereof.

CARRIED.

➤ Rothesay History Book Remuneration

MOVED by Counc. Cochrane and seconded by Counc. Shea Council authorize additional remuneration of \$6000 to the authors of the Rothesay History book.

CARRIED.

➤ Bank of Nova Scotia Commitment Letter

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette Council Resolved that Council authorize the Mayor and Treasurer to sign the annual commitment letter and operating credit line agreements from the Bank of Nova Scotia.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that the General Fund of the town of Rothesay be authorized to borrow up to \$544,000 by way of an operating credit line.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that the Utilities Fund of the town of Rothesay be authorized to borrow up to \$1,078,000 by way of an operating credit line.

CARRIED.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Resolved that the General Fund of the town of Rothesay be authorized to borrow up to \$50,000 by way of a Visa business card.

CARRIED.

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MOVED by Counc. Shea and seconded by Counc. Mullett the draft Heritage Preservation Review Board Meeting Minutes dated 17 August 2010 be received/filed.

CARRIED.

7.4 August 2010 Monthly Building Permits Report

MOVED by Counc. Gallagher Jette and seconded by Deputy Mayor MacDonald the August 2010 Monthly Building Permits Report be received/filed.

CARRIED.

7.5 7 September 2010 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Planning Advisory Committee Meeting Minutes dated 7 September 2010 be received/filed.

ON THE QUESTION:

It was noted the next Planning Advisory Committee meeting will be held on October 4, not November 1 as indicated in the minutes.

CARRIED.

- 60 Grove Avenue/1 Campbell Drive – Zoning By-laws 2-02-43 and 2-02-44

Dealt with above.

- Rothesay Zoning By-law Public Hearing
8 September 2010 Memorandum from DDS Drescher

Received for information.

9 September 2010 Recommendation from Town Clerk Banks

MOVED by Counc. Cochrane and seconded by Counc. Shea Council postpone scheduling a Public Hearing to give consideration to Rothesay Zoning By-law 2-10 until the October Council meeting, following the working session of October 5, 2010 with the Planning Advisory Committee.

CARRIED.

7.6 8 September 2010 Operations Report

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the Operations Report dated 8 September 2010 be received/filed.

CARRIED.

- Renforth Wharf Project No. 08-6459 (Redi-rock installation)

MOVED by Counc. Kilfoil and seconded by Counc. Cochrane Council award the subject quotation to Entech Environmental Inc. for the quoted price of \$76,240.35, inclusive of HST for the Renforth Wharf Project 08-6459.

CARRIED.

- Rothesay Storm Sewer 2010 – Project No 102817

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council award the tender to the low tenderer Valley Excavation Services Ltd. for the tender price of \$383,146.28, inclusive of HST, for Rothesay Storm Sewer 2010 – Project No 102817.

CARRIED.

- Hillside Right of Way Clearing - Contract 5

MOVED by Counc. Cochrane and seconded by Counc. Shea Council award this quotation to the low tenderer Fairville Construction Ltd. for the tender price of \$153,815.60, inclusive of HST for the Right-of-way Contract 5, Clearing Hillside Development Area.

CARRIED.

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- Hillside Watercourse Crossings

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council award the quotation to the low tenderer ACL Construction Ltd. for the tender price of \$154,019.00, inclusive of HST, for the Watercourse Crossings Hillside Development Area.

CARRIED.

- 10 September 2010 Memorandum from Town Clerk Banks

Received for information.

8. UNFINISHED BUSINESS

8.1 By-law 4-10 Subdivision By-law enactment

- 9 September 2010 Memorandum from Town Clerk Banks

MOVED by Counc. Shea and seconded by Counc. Kilfoil “Rothesay Subdivision By-law 4-10” be read by section number.

CARRIED.

The Clerk read By-law 4-10 by Section number.

MOVED by Counc. Shea and seconded by Counc. Mullett 3rd Reading, by Title, and Enactment be given By-law 4-10, “Rothesay Subdivision By-law”.

CARRIED.

The Clerk read By-law 4-10 by title.

8.2 Rothesay Dog Park

8 September 2010 Memorandum from DDS Drescher

MOVED by Deputy Mayor MacDonald Council authorize the development of a dog park, including signage, appropriate access, containers and benches, at the property situate off the Homestead Road, identified as PID 30222129.

MOTION WITHDRAWN.

There was a lengthy discussion with respect to the dog park and the following comments were made: additional fencing is to provide for an enclosed area for transition into the dog park area, bottom area of the pond is a marshy area that dog owners will likely not access to clean up after their pets and it will eventually run off down into the river, possible environmental issues, and costs of approximately \$9500 with Parks and Recreation staff to mow the upper bowl area at a cost of about \$9000/year.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Kilfoil the development of a dog park be tabled pending a further report with respect to the possible environmental issues.

CARRIED.

9. NEW BUSINESS

BUSINESS ARISING FROM THE PUBLIC HEARING

(See Public Hearing documentation)

9.1 Zoning By-laws 2-02-43 and 2-02-44 (1 Campbell Drive/60 Grove Avenue)

9 September 2010 Memorandum from Planning Advisory Committee

Dealt with above following Item 4.1

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ADMINISTRATION

9.2 Comex Bus Service

9 September 2010 Memorandum from Town Manager Jarvie

25 August 2010 Letter from C. Titus, Chair - Saint John Transit Authority

MOVED by Counc. Cochrane and seconded by Counc. Gallagher Jette Quispamsis representatives be invited to a meeting to discuss possible arrangements for offering of additional bus service to Rothesay residents, with Rothesay being represented by the Finance Committee.

ON THE QUESTION:

There was discussion with respect to possible locations for an additional bus stop or possibly more than one. Suggested locations were at the Superstore and/or somewhere along Gondola Point Road, dependent upon sight lines, property availability and the availability of parking.

CARRIED.

RECREATION

9.3 Community Recognition Awards (PNB Dept of Local Government)

8 September 2010 Memorandum from Recreation Director Jensen

8 September 2010 Letter from Deputy Minister B. Hoyt-Hallett, Department of Local Government

MOVED by Counc. Mullett and seconded by Counc. Shea Council approve the submission under the Community Recognition Awards 2010 (Department of Local Government) for the Arthur Miller Fields project, under the Innovation category.

CARRIED.

DEVELOPMENT SERVICES

9.4 Hampton Road Beautification – Park Benches

8 September 2010 Memorandum from DDS Drescher

MOVED by Counc. Mullett and seconded by Deputy Mayor MacDonald Council authorize the installation of park benches along Hampton Road in accordance with the “2010 Park Bench Plan” prepared by staff.

ON THE QUESTION:

The following points were made: location appropriate distance from the sidewalk, likely to removed in the winter months, staff will work together and with the Kennebecasis Valley Chamber of Commerce to determine placement and locations on the south side of Hampton Road stop at Vogue Optical because of terrain and slope.

CARRIED.

10. NEXT MEETING

There will be a working session on Tuesday, October 5, 2010 at 6:00 p.m. and the next regular meeting of Council will be Tuesday, October 12, 2010.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 9:20 p.m.

MAYOR

CLERK