



**ROTHESAY**  
COUNCIL MEETING  
Rothesay Town Hall  
**Monday, September 10, 2018**  
**7:00 p.m.**



**PRESENT:** MAYOR NANCY GRANT  
DEPUTY MAYOR MATT ALEXANDER  
COUNCILLOR GRANT BRENNAN  
COUNCILLOR PETER J. LEWIS  
COUNCILLOR TIFFANY MACKAY FRENCH  
COUNCILLOR BILL McGUIRE  
COUNCILLOR DON SHEA  
COUNCILLOR MIRIAM WELLS

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE  
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN  
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN  
TREASURER DOUG MacDONALD  
ADMINISTRATIVE ASSISTANT LIZ POMEROY

Mayor Grant called the meeting to order at 7:05 p.m.

**1. APPROVAL OF AGENDA**

**MOVED** by Counc. Mackay French and seconded by Deputy Mayor Alexander the agenda be approved as circulated.

**CARRIED.**

**2. ADOPTION OF MINUTES**

➤ Regular Meeting 13 August 2018

**MOVED** by Counc. Wells and seconded by Counc. Mackay French the Open Session Council minutes of 13 August 2018 be adopted as circulated.

ON THE QUESTION:

Mayor Grant identified a typographical error noting “Erwin” should read “Ervin” on page four.

**CARRIED.**

➤ **Business Arising from Minutes**  
N/A

**3. OPENING REMARKS OF COUNCIL**

**PRESENTATION:** Through the Lens Photo Contest Winner - Olena Ivanova

Mayor Grant noted people are invited to submit photos, and residents voted on their favourite between August 29 – September 5<sup>th</sup>. With a total of 82 “Likes” Olena Ivanova’s photograph of the lighthouse at Renforth Rotary Park was selected as the winner of the third annual Through the Lens Photo Contest. A presentation will be made to Ms. Ivanova.

Mayor Grant reported the Museum Trolley Tour occurred September 9<sup>th</sup> and was well attended.

Mayor Grant reported a letter was received from Jack Novack, Professor and Program Director of the Local Government Program at Dalhousie University notifying of Town Clerk Mary Jane Banks’ completion of the national Executive Certificate in Local Government program. Mayor Grant congratulated Town Clerk Banks on her hard work and successful completion of the program. Town Clerk Banks thanked Council.

**3.1 Declaration of Conflict of Interest**

Deputy Mayor Alexander declared a conflict of interest for Item 9.10 Encroachment Agreement (Retaining Wall – 122 Park Drive).

**4. DELEGATIONS**

**4.1 Art4Life Inc.** Anita Punamiya (see Item 9.1)

Mayor Grant welcomed Anita Punamiya. She noted Ms. Punamiya spoke to the Hive sub-Committee regarding her request.

Ms. Punamiya thanked Council and noted her mother’s personal experience with dementia influenced her to research the concept and effects of “creative aging”. She noted: there are several studies that indicate quality of life can be improved through participating in the arts, especially for seniors; the typical struggles of non-profits influenced her decision to develop Art4Life Inc. as a for-profit social enterprise; the intent is not to profit from the initiative but to implement a self-sustaining business model; she was encouraged to delay the project pending the release of Provincial funding for “Healthy Seniors Pilot Projects”; and Art4Life Inc. will host programming in Rothesay, Quispamsis, Saint John, and Grand Bay-Westfield. She described the health benefits for seniors participating in creative programs. She added creative aging programs have been successful internationally in the United States of America, the United Kingdom, and Australia.

Ms. Punamiya requested an in-kind donation of space for one day a week for the program. Counc. Shea requested clarification with respect to the organization’s name. Ms. Punamiya clarified that there are other Art4Life groups however her organization is called Art4Life Inc. There was general discussion with respect to group sizes for the programs, space requirements, and a final production for the theatre participants. Counc. Mackay French noted she has a background in Fine Arts and offered her services as a volunteer for the program. Mayor Grant requested clarification with respect to the funding for the program. Ms. Punamiya noted an application was submitted for the “Healthy Seniors Pilot Project” grant; she anticipates a decision with respect to the funding in December. She added the program is intended for research purposes and is expected to end in March 2021. She further noted if funding is approved the project will begin January 2019.

Mayor Grant thanked Ms. Anita Punamiya for her presentation and noted the item will be discussed later on the agenda. Ms. Anita Punamiya thanked Council and left the meeting.

**5. CORRESPONDENCE FOR ACTION**

**5.1 17 August 2018** Letter from resident RE: Flood of 2018 – Post Road

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire the letter from resident RE: Flood of 2018 – Post Road dated 17 August 2018 be referred to staff.

**CARRIED.**

Through the Lens Photo Contest winner Olena Ivanova arrived at the meeting. Mayor Grant welcomed Ms. Ivanova and thanked her for the beautiful photograph. Mayor Grant presented Ms. Ivanova with a certificate and gift. Ms. Ivanova thanked Mayor Grant and Council and left the meeting.

**5.2 21 August 2018** Email from Counc. Lewis RE: East Riverside-Kingshurst Park

Town Manager Jarvie advised: it is expected a concrete pad will be poured in the near future; the concrete pad will cover the bolts eliminating the safety concern; the road will be removed once the construction of the pad is complete; the grass will be replaced; the Town’s Horticulturalist indicated removal of the trees is not required or recommended; a railing is required on the pavilion; and it is expected the work will be complete within the month. He added it is expected the area will be cleaned once the work is complete.

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Counc. Lewis requested clarification with respect to the contractor. Town Manager Jarvie noted the contractor is Galbraith Construction. He added four quotes were received and Galbraith Construction submitted the lowest bid. Counc. Lewis requested the branches be removed from the roof of the East Riverside-Kingshurst pavilion.

**MOVED** by Counc. Wells and seconded by Counc. Mackay French the email from Counc. Lewis RE: East Riverside-Kingshurst Park dated 21 August 2018 be received/filed.

**CARRIED.**

5.3 27 August 2018 Letter from resident RE: Opposition to Nuisance Deer Management Program

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire the letter from resident RE: Opposition to Nuisance Deer Management Program dated 27 August 2018 be referred to Joe Kennedy, Dept. of Energy and Resource Development.

ON THE QUESTION:

Mayor Grant requested a letter be sent to the resident notifying that the correspondence was referred to the Department of Energy and Resource Development.

**CARRIED.**

5.4 31 August 2018 Letter from the Fundy Regional Service Commission RE: Draft 2019 Budget

DRAFT 2019 Fundy Regional Service Commission Budget

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the letter from the Fundy Regional Service Commission RE: Draft 2019 Budget dated 31 August 2018, and the DRAFT 2019 Fundy Regional Service Commission Budget be referred to the Finance Committee.

ON THE QUESTION:

It was noted Marc MacLeod is scheduled to present the budget at the October 9, 2018 Council meeting.

**CARRIED.**

## 6. CORRESPONDENCE - FOR INFORMATION

6.1 9 August 2018 Letter from the Canadian Armed Forces RE: Invitation to Barrack Green Armoury Open House – September 29, 2018

**MOVED** by Counc. McGuire and seconded by Counc. Mackay French the letter from the Canadian Armed Forces RE: Invitation to Barrack Green Armoury Open House – September 29, 2018 be received/filed.

ON THE QUESTION:

Mayor Grant noted she is unable to attend the event and encouraged Council to RSVP.

**CARRIED.**

6.2 24 August 2018 Letter to Minister Tassi RE: Age-Friendly Designation – Rothesay, New Brunswick

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the letter to Minister Tassi RE: Age-Friendly Designation – Rothesay, New Brunswick dated 24 August 2018 be received/filed.

ON THE QUESTION:

Mayor Grant commented that the letter is the first correspondence sent on the Hive's letterhead.

**CARRIED.**

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6.3 5 September 2018 Letters (various) from the Regional Facilities Commission RE: 2019 Budget  
2019 Regional Facilities Commission Budget

**MOVED** by Counc. McGuire and seconded by Counc. Lewis the letters (various) from the Regional Facilities Commission RE: 2019 Budget dated 5 September 2018, and the 2019 Regional Facilities Commission Budget be received/filed.

### ON THE QUESTION:

Counc. Brenan gave a brief summary of the 2019 Regional Facilities Commission Budget. He noted concerns were about the Canada Games Aquatic Centre (CGAC). Treasurer MacDonald clarified that a deficit or surplus, in the case of the CGAC, is included in the budget two years following the year that the deficit/surplus occurs.

**CARRIED.**

## 7. REPORTS

7.0 **September 2018** Report from Closed Session  
N/A

7.1 13 June 2018 Fundy Regional Service Commission Board Meeting Minutes  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the Fundy Regional Service Commission Board Meeting Minutes dated 13 June 2018 be received/filed.

### ON THE QUESTION:

Mayor Grant commented on the short duration of the meeting noting a three hour closed session followed the open session meeting.

**CARRIED.**

7.2 31 July 2018 Draft unaudited Rothesay General Fund Financial Statements  
**MOVED** by Counc. Brenan and seconded by Counc. Shea the draft unaudited Rothesay General Fund Financial Statements dated 31 July 2018 be received/filed.

### ON THE QUESTION:

Treasurer MacDonald noted there is a significant variance for flood expenses; it is expected a considerable portion of the cost will be recovered through insurance and the Disaster Financial Assistance program, with the exception of a \$50,000 deductible.

**CARRIED.**

31 July 2018 Draft unaudited Rothesay Utility Fund Financial Statements  
**MOVED** by Counc. Brenan and seconded by Counc. Shea the draft unaudited Rothesay Utility Fund Financial Statements dated 30 June 2018 be received/filed.

**CARRIED.**

30 August 2018 Draft Finance Committee Meeting Minutes  
**MOVED** by Counc. Brenan and seconded by Counc. Shea the Draft Finance Committee Meeting Minutes dated 30 August 2018 be received/filed.

### ON THE QUESTION:

Deputy Mayor Alexander commended Treasurer MacDonald on the research undertaken for the

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Kennebecasis Regional Police Force funding formula.

**CARRIED.**

➤ Application for Financing

See Item 9.5

7.3 August 2018 Monthly Building Permit Report

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the Monthly Building Permit Report dated August 2018 be received/filed.

**CARRIED.**

7.4 5 September 2018 Capital Projects Summary

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the Capital Projects Summary dated 5 September 2018 be received/filed.

ON THE QUESTION:

Counc. Lewis commented on the tire marks on the curb along Eriskay Drive and Iona Avenue. He noted the street is narrow and suggested it would have been beneficial to have rolled curb in the area. Counc. Wells noted the tire marks indicate the high curb is preventing vehicles from encroaching on the sidewalk and creating a safety hazard for pedestrians, especially children travelling to school.

**CARRIED.**

7.5 2017-2018 The Great Trail Annual Report

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the Great Trail Annual Report dated 2017-2018 be received/filed.

**CARRIED.**

### 8. UNFINISHED BUSINESS

N/A

### 9. NEW BUSINESS

#### 9.1 BUSINESS ARISING FROM DELEGATIONS

**Art4Life Inc.** Presentation

5 September 2018 Email from Counc. Wells RE: Recommendation from the Hive Sub-Committee

**MOVED** by Counc. Wells and seconded by Counc. Mackay French Council approve use of the Hive, or other community space in Rothesay, by Art4Life Inc. for one day per week from April 2019 to ~~December 2020~~ *March 2021*.

ON THE QUESTION:

Counc. Shea questioned if the item should be discussed by the Age-Friendly Committee before any action is taken. Counc. Wells noted due to time constraints the item was not discussed by the Age-Friendly Committee. There was general discussion with respect to possible locations to house the program. It was noted the organization is seeking a letter of support from the Town indicating use of space is available for the program. Counc. Wells noted it is expected the operational schedule of the Hive will permit the request. Town Manager Jarvie clarified the date should read March 2021 to allow for evaluation of the program. Mayor Grant noted the various types of programming (art, theatre, dance, etc.) may have different space requirements.

**Amending motion:**

**MOVED** by Counc. Wells and seconded by Counc. Mackay French “December 2020” be replaced with

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“March 2021”.

**Amending motion CARRIED.  
MAIN motion, as amended, CARRIED.**

### ADMINISTRATION

#### 9.2 Council Appointments to Committees

29 August 2018 Memorandum from Mayor Grant

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the memorandum from Mayor Grant RE: Council Appointments to Committees dated 29 August 2018 be received/filed.

**CARRIED.**

#### 9.3 Flag Policy

5 September 2018 Memorandum from Town Clerk Banks  
DRAFT Rothesay Flag Policy  
29 May 2018 PA Now news article

Mayor Grant noted at the direction of Council, a formal flag policy was prepared with specific parameters for use of the East Riverside-Kingshurst Park as a courtesy flagpole to fly flags (other than government flags), upon request from external organizations. She added Town staff identified a news article regarding the recent policy decision to no longer fly courtesy flags in the city of Prince Albert due to a lawsuit alleging a violation of freedom of expression. The article was included for Council's information.

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Brenan Council approve the Flag Policy subject to the removal of Section 5.4 Special Requests for Courtesy Flag Pole.

ON THE QUESTION:

Counc. Mackay French commented that Section 5.4 was well-written and will likely prevent situations similar to the lawsuit faced by the city of Prince Albert. She noted she is in favour of approving the policy with Section 5.4 included.

**YEA votes recorded from:** Deputy Mayor Alexander, and Councs. Brenan, McGuire and Shea

**NAY votes recorded from:** Councs. Lewis, Mackay French, and Wells

**CARRIED.**

#### 9.4 Renforth Boat Club Lease

6 September 2018 Memorandum from Town Manager Jarvie with attachments

**MOVED** by Counc. Wells and seconded by Counc. Mackay French Council direct staff to discuss the lease with the representatives of the Renforth Boat Club with a view to amending the lease to bring it into conformity with current conditions.

ON THE QUESTION:

Counc. Brenan inquired about the rent and questioned if the lease has been updated since its approval in 1982. Mayor Grant noted the lease has not been updated, the rent is included in the lease and has only increased to accommodate inflation.

**CARRIED.**

### FINANCE

#### 9.5 Application for Financing

4 September 2018 Memorandum from Treasurer MacDonald

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells:

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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 \$1,387,000 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.

ON THE QUESTION:

Treasurer MacDonald advised the request is to refinance an existing debenture (\$185,000) and new borrowings on the Wastewater Treatment Plant project (\$1,202,000).

**CARRIED.**

## OPERATIONS

### 9.6 Fox Farm Retaining Wall Replacement

5 September 2018 Report prepared by DO McLean

**MOVED** by Counc. Wells and seconded by Counc. Mackay French Council award contract T-2018-011 to Maguire Excavating Ltd. in the amount of \$69,575.00 plus HST for the installation of a retaining wall using concrete retaining blocks to be supplied by Rothesay to replace an existing, failing retaining wall along Fox Farm Road in Rothesay.

**CARRIED.**

### 9.7 Geo Stackhouse – Winter Maintenance Contract T-2017-012

5 September 2018 Report prepared by DO McLean

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Lewis Council approve the addition of streets to GEO W. Stackhouse Contract T-2017-012 (as per Article 6 – Changes of Work) as follows:

Domville Lane	0.280 Km
Tennis Court Road	0.245 Km
Alexander Avenue	0.232 Km
Goldie Court	0.219 Km
Knoll Lane	0.200 Km
Rothesay Park Road	0.684 Km
Wharf Road	0.183 Km
Bridle Path Lane	0.143 Km
Peters Lane	0.134 Km
Almon Lane	0.383 Km
Hibbard Lane	0.359 Km
Henderson Park Road	0.116 Km
McLaughlin Drive	0.261 Km
Grist Street	0.114 Km
Alliance Drive	0.101 Km
Kennedy Lane	0.160 Km
Rose Lane	0.039 Km
Conley Lane	0.126 Km
Christopher Lane	0.065 Km
Fairweather Lane	0.076 Km

in the amount of \$22,659.87 plus HST per year for the remaining 3 years of the contract.

ON THE QUESTION:

Counc. Wells questioned if the Town's snow plow tracking system will be applied to the route. DO McLean advised the route is already included in the system. Counc. Brennan commented on the

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difference in cost between including the route in the GEO W. Stackhouse contract compared to completion of the route using Town resources. He inquired if Town staff have explored the option of employing external companies to provide snow removal services for other streets to save costs. Town Manager Jarvie advised additional personnel are employed seasonally to assist with snow removal. He noted further exploration could be undertaken to investigate the feasibility of using external organizations to provide public services rather than Town resources. He noted other Town services are provided through the use of external companies including garbage collection and weed control. Council. Brennan clarified questioning if a cost analysis was completed to compare the use of Town resources or an external company to provide all snow removal service within Rothesay. Town Manager Jarvie advised a cost analysis has not been completed.

Mayor Grant inquired about the impact on the Town vehicle fleet. DO McLean advised a ¾ ton fleet vehicle was replaced for staff, and purchase of a one ton plow truck has been placed on hold pending Council's decision. Treasurer MacDonald identified an allocation error in the report noting the plow truck has not been purchased at this time.

**CARRIED.**

### 9.8 Park Drive Improvements

7 September 2018 Memorandum from Town Manager Jarvie

**MOVED** by Council. McGuire and seconded by Council. Mackay French the memorandum from Town Manager Jarvie RE: Park Drive Improvements dated 7 September 2018 be received/filed.

#### ON THE QUESTION:

Town Manager Jarvie advised it is expected an agreement will be prepared for the October Council meeting. Council. Lewis inquired about the condition of the road. Mayor Grant clarified that the material on the road is not gravel. Council. Lewis inquired if paving of the road will be considered for the 2019 budget. Town Manager Jarvie advised there is interest in completing the project within 2018 in order to provide winter maintenance.

**CARRIED.**

## DEVELOPMENT SERVICES

### 9.9 Encroachment Agreement (Retaining Wall – 2 Sunset Lane)

5 September 2018 Memorandum from Town Manager Jarvie with attached proposed Encroachment Agreement

**MOVED** by Council. Wells and seconded by Council. Mackay French Rothesay Council hereby authorizes the Mayor and Clerk to enter into an encroachment agreement with Michael McCormick, and Linda Sherbo of 2 Sunset Lane for the purpose of constructing a retaining wall on Town owned land (PID 00234575).

#### ON THE QUESTION:

In response to an inquiry, DPDS White advised the encroachment agreement is registered as an encumbrance against the deed of the property. He added the agreement is renewable every five years. Council. Shea questioned if the property owners must remove the retaining wall if the agreement is not renewed. Town Manager Jarvie confirmed this is correct.

**CARRIED.**

**MOVED** by Council. Wells and seconded by Council. Mackay French Rothesay Council hereby requires that the encroachment agreement be signed by Michael McCormick, and Linda Sherbo within 120 days from the date of final approval by Council otherwise this approval will be void and all obligations arising shall be at an end.

**CARRIED.**

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Deputy Mayor Alexander declared a conflict of interest and left the meeting.

**9.10 Encroachment Agreement (Retaining Wall – 122 Park Drive)**

7 September 2018 Memorandum from Town Manager Jarvie

4 September 2018 Letter from Fundy Engineering RE: Request for equipment access to K-Park Common Lands via Park Drive

DRAFT Encroachment Agreement

**MOVED** by Counc. Mackay French and seconded by Counc. Wells Rothesay Council hereby authorizes the Mayor and Clerk to enter into an encroachment agreement with Candace Hamilton and Ian Hamilton of 122 Park Drive for the purpose of constructing a retaining wall on Town owned land (PID 00234575).

**CARRIED.**

**MOVED** by Counc. Mackay French and seconded by Counc. Wells Rothesay Council hereby requires that the encroachment agreement be signed by Candace Hamilton and Ian Hamilton within 120 days from the date of final approval by Council otherwise this approval will be void and all obligations arising shall be at an end.

**CARRIED.**

Deputy Mayor Alexander returned to the meeting.

**9.11 Municipal Plan Review – Public Consultation Report**

6 September 2018 Report prepared by Town Planner Scory

**MOVED** by Counc. Wells and seconded by Counc. Mackay French the report prepared by Town Planner Scory RE: Municipal Plan Review – Public Consultation Report dated 6 September 2018 be received/filed.

**ON THE QUESTION:**

Deputy Mayor Alexander commended Town staff on the initiative noting the Co-Urbanize website was a valuable tool. It was noted that enabling residents to begin a dialogue through shared comments proved useful. In response to an inquiry, DPDS White advised continuing the Co-Urbanize platform may not be feasible due to its significant monthly cost. Mayor Grant inquired about the next steps. DPDS White advised Town staff are in the process of reviewing all the data to determine any recommendations for changes to the Municipal Plan.

**CARRIED.**

**10. NEXT MEETING**

The next meetings are scheduled as follows:

**Regular meeting**

**TUESDAY, October 9, 2018**

**Public Hearing – Bridlewood Estates**

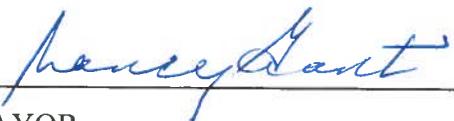
**TBD**

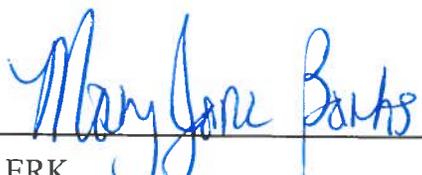
**11. ADJOURNMENT**

**MOVED** by Counc. Shea and seconded by Counc. Wells the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 8:06 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK