



# ROTHESAY

COUNCIL MEETING

Rothesay Town Hall

**Monday, January 14, 2019**

**Immediately following Public Hearing**



**PRESENT:** MAYOR NANCY GRANT  
DEPUTY MAYOR MATT ALEXANDER  
COUNCILLOR GRANT BRENNAN  
COUNCILLOR PETER J. LEWIS  
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

**ABSENT:** COUNCILLOR TIFFANY MACKAY FRENCH

Mayor Grant called the meeting to order at 7:15 p.m.

## 1. APPROVAL OF AGENDA

**MOVED** by Counc. Shea and seconded by Counc. Lewis the agenda be approved as circulated.

### ON THE QUESTION:

Mayor Grant advised the staff report prepared by DO McLean under Item 9.1 should be dealt with prior to consideration of 2<sup>nd</sup> Reading of draft Water By-law 1-18.

**CARRIED.**

## 2. ADOPTION OF MINUTES

➤ Regular Meeting 10 December 2018

**MOVED** by Counc. Lewis and seconded by Deputy Mayor Alexander the Open Session Council minutes of 10 December 2018 be adopted as circulated.

**CARRIED.**

➤ **Business Arising from Minutes**

Mayor Grant requested clarification with respect to the "infrastructure deficit", inquiring if the Arena was included. Treasurer MacDonald indicated the wastewater treatment plant and arena projects are not included in the total amount identified as the infrastructure deficit.

## 3. OPENING REMARKS OF COUNCIL

Mayor Grant advised negotiations have concluded and a collective agreement with CUPE Local 5369 was ratified by both parties and executed on January 11, 2019.

Mayor Grant commented on the success of the Glow in the Dark Skate on the Common and announced the following upcoming events: Live Music with Mike and Mel on the Common January 16, 2019;

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## 3.1 Declaration of Conflict of Interest

N/A

## 4. DELEGATIONS

### 4.1 The Work Room Lauren MacKeigan (*see Item 9.2.1*)

Mayor Grant welcomed Ms. Lauren MacKeigan. Ms. MacKeigan thanked Council and noted the following: the purpose of the presentation is to share information regarding resources available at the KV Work Room; programs are available through funding received from Provincial and Federal levels of government; there are eight Work Room locations in New Brunswick; the Work Room is open to all individuals not just high school students; the KV Work Room is located in Kennebecasis Valley High School however a separate entrance and parking is available; services include assistance in job searching, résumé writing, career planning, workshops and training, interview preparation, and one-on-one consultations; all services are free of charge; referrals are not required to access the Work Room; appointments are not required but are encouraged for one-on-one consultations; and the Work Room is open year round (including summer months) Monday-Friday 8:15 a.m. – 4:30 p.m. Ms. MacKeigan gave a brief overview of statistics regarding the Work Room between 2015-2017.

Counc. Wells thanked Ms. MacKeigan for her presentation and stressed the importance of notifying residents of the valuable services available at the Work Room. She suggested the organization be promoted on the Town's website and social media. Mayor Grant questioned if it may be advantageous to promote the services to the senior population within the community. Ms. MacKeigan noted individuals of all ages access the Work Room's resources. Counc. Wells suggested a session be held in the Hive.

Mayor Grant thanked Ms. MacKeigan for her presentation. Ms. MacKeigan thanked Council.

### 4.2 Rothesay Arena Brendan Kilfoil (*see Item 9.2.2*)

Mayor Grant welcomed Mr. Kilfoil. Mr. Kilfoil noted his appreciation for improvements made to the quality of life within Rothesay over the years. He expressed concern that renovating the Rothesay Arena without requesting public input regarding preference of a new build or renovations may be "short-sighted". He requested Council consider scheduling a public meeting and information session to notify residents of the options available regarding the Arena project.

Counc. McGuire inquired about information Mr. Kilfoil would like available at a public meeting. Mr. Kilfoil referenced a prior public information session held at the Kennebecasis Valley High School regarding the project and suggested a similar format. He acknowledged Council's debate regarding a new build versus renovations. He noted there may be an opportunity for external government funding due to the recent change in leadership of the Provincial government. He further noted a new build can provide additional benefits such as a walking track and other amenities to improve the quality of life for all ages.

Mayor Grant questioned if members of the public may be interested in the potential implications on the tax rate. Mr. Kilfoil noted since the Town's tax rate is reasonable, an increase may be justified for a new build. However, renovating the arena only to extend its lifespan an additional 20 years, compared to roughly 50 years for a new build, does not seem reasonable.

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He suggested resubmitting requests for external funding.

Mayor Grant thanked Mr. Kilfoil and noted the item will be dealt with later on the agenda.

### 5. CORRESPONDENCE FOR ACTION

5.1 *Various* Correspondence (4) from residents RE: Secondary Plan comments **MOVED** by Deputy Mayor Alexander and seconded by Counc. Shea the correspondence (4) from residents RE: Secondary Plan comments be referred to staff.

#### ON THE QUESTION:

Counc. Wells commented on the insightful comments received and suggested the comments be explored during the Municipal Plan review. DPDS White advised all comments received from the public will be summarized and considered during the review process. He noted some suggestions may not be feasible. Council stressed the importance of exploring options identified in correspondence received from the public. There was general discussion with respect to the acquisition of private land for public purposes. Deputy Mayor Alexander commented on common requests for additional trails and the existing trail system within Rothesay. He agreed with DPDS White, noting it is a “balancing act” in determining which suggestions may be reasonable and affordable. He added it is important for residents to spearhead initiatives such as discussions with NB Trust regarding private land preservation. Counc. Brennan noted it is fortunate that land owners in the area of Spyglass Hill permit residents to access the property.

Counc. McGuire suggested there may be public misconceptions regarding the purpose of the Municipal Plan. He noted the Municipal Plan is intended to set guidelines in order to protect property owners and improve overall quality of life in Rothesay. Counc. Shea commented on the need for improved communication with the public regarding the purpose of the Municipal Plan.

**CARRIED.**

5.2 9 December 2018 Email from Deputy Mayor Doucet, Hampton RE: Deer Management Program

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander Council agree to schedule a public presentation with the Regional Biologist, Joe Kennedy for the residents of Rothesay, Quispamsis, and Hampton.

#### ON THE QUESTION:

Mayor Grant noted Council has the option to schedule a public meeting with the towns of Quispamsis and Hampton or invite Mr. Kennedy to attend a regular meeting of Council. Counc. Wells noted her preference for a public meeting to ensure the public is properly informed with respect to deer management options. In response to an inquiry, Mayor Grant confirmed the public meeting is to be scheduled with residents of Quispamsis and Hampton.

**CARRIED.**

5.3 8 January 2019 Email from ACAP Saint John RE: Freshwater Plastic Pollution Project **MOVED** by Counc. Shea and seconded by Counc. McGuire a letter of support be provided to ACAP Saint John for the Freshwater Plastic Pollution Project.

**CARRIED.**

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### ON THE QUESTION:

Mayor Grant clarified that she attended the event with her husband and the tickets were purchased without the use of Town funds.

**CARRIED.**

6.2 1 December 2018 Letter from the Union of Municipalities New Brunswick (UMNB)  
RE: 2018/2019 Update

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the letter from the Union of Municipalities New Brunswick (UMNB) RE: 2018/2019 Update dated 1 December 2018 be received/filed.

**CARRIED.**

6.3 6 December 2018 Letter from the Great Trail RE: 2018 Update

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the letter from the Great Trail RE: 2018 Update dated 6 December 2018 be received/filed.

### ON THE QUESTION:

Mayor Grant inquired if Federal funding is available to continue expansion on Rothesay's portion of the Rothesay/Quispamsis trail. DRP Jensen confirmed funding is available; however the Rothesay/Quispamsis trail does not qualify as it is not considered part of the Great Trail.

**CARRIED.**

6.4 9 December 2018 Email from resident RE: Nativity Scene on the Common

**MOVED** by Counc. Wells and seconded by Counc. Lewis the email from resident RE: Nativity Scene on the Common dated 9 December 2018 be received/filed.

**CARRIED.**

6.5 20 December 2018 Letter from New Brunswick Emergency Measures Organization RE:  
Disaster Financial Assistance Program Contribution

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the letter from New Brunswick Emergency Measures Organization RE: Disaster Financial Assistance Program Contribution dated 20 December 2018 be received/filed.

### ON THE QUESTION:

Counc. Brennan inquired if it is anticipated additional funds will be received. Treasurer MacDonald noted the contribution is related to the initial claim submitted by the Town. A second claim will be submitted and it is expected roughly 90% of flood costs will be reimbursed. He added other costs are insurable under the Town's insurance policy.

**CARRIED.**

6.6 2 January 2019 Letter from resident RE: Thank You – Improvements to Kennebecasis  
Park entrance

**MOVED** by Counc. Lewis and seconded by Counc. Wells the letter from resident RE: Thank You – Improvements to Kennebecasis Park entrance dated 2 January 2019 be received/filed.

**CARRIED.**

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### 7. REPORTS

7.0 **January 2019**                      **Report from Closed Session**  
N/A

7.1 26 November 2018      Fundy Regional Service Commission (FRSC) Meeting Minutes  
22 October 2018          FRSC Meeting Minutes

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the Fundy Regional Service Commission (FRSC) Meeting Minutes dated 26 November 2018 and 22 October 2018 be received/filed.

#### ON THE QUESTION:

Counc. Wells requested clarification noting Mayor Darling was noted as absent in the October 22, 2018 minutes, however he was recorded as seconding motions later in the meeting. Mayor Grant noted Mayor Darling arrived late to the meeting.

**CARRIED.**

7.2 14 November 2018      Kennebecasis Valley Fire Department (KVFD) Board Meeting Minutes  
30 September 2018      KVFD Statement of Expense with Budget Variance  
14 November 2018      KVFD Chief's Report  
31 October 2018          KVFD Response Report

**MOVED** by Counc. Brenan and seconded by Counc. Lewis the Kennebecasis Valley Fire Department (KVFD) Board Meeting Minutes dated 14 November 2018, the KVFD Statement of Expense with Budget Variance dated 30 September 2018, the KVFD Chief's Report dated 14 November 2018, and the KVFD Response Report dated 31 October 2018 be received/filed.

#### ON THE QUESTION:

Counc. Brenan reported that labour contract negotiations have concluded and a four year contract has been finalized.

**CARRIED.**

7.3 30 November 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 30 November 2018 be received/filed.

#### ON THE QUESTION:

Treasurer MacDonald noted a small surplus is projected for the end of the year.

**CARRIED.**

30 November 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 November 2018 be received/filed.

#### ON THE QUESTION:

Treasurer MacDonald confirmed a small surplus is projected for the end of the year.

**CARRIED.**

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### ON THE QUESTION:

Counc. Lewis gave a brief summary of the minutes and highlighted a positive meeting with the new Regional EMO Director, and the “Brunswick Bravo” exercise scheduled for June 2019. Mayor Grant echoed Counc. Lewis noting Mr. Weber expressed genuine interest in assisting the Town in achieving emergency preparedness goals. She added Counc. Lewis was appointed Chairperson of the Committee. Counc. Lewis suggested an EMO Committee meeting be scheduled in February in preparation for another possible flood in the spring.

**CARRIED.**

7.5 December 2018 Monthly Building Permit Report  
1998-2018 Single and Multi-Unit Housing Starts

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the Monthly Building Permit Report dated December 2018, and the 1998-2018 Single and Multi-Unit Housing Starts be received/filed.

**CARRIED.**

7.6 10 January 2019 Capital Projects Summary

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the Capital Projects Summary dated 10 January 2019 be received/filed.

### ON THE QUESTION:

Counc. Lewis requested clarification regarding the Fox Farm retaining wall. Treasurer MacDonald advised the work was completed however only 90% of the invoices have been received at this time.

**CARRIED.**

## 8. UNFINISHED BUSINESS

N/A

## 9. NEW BUSINESS

### 9.1 BUSINESS ARISING FROM PUBLIC HEARING

10 January 2019 Memorandum from Town Clerk Banks

9 January 2019 Report prepared by DO McLean

4 December 2018 Concordance table prepared by L. Pomeroy

DRAFT By-law 1-18

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council adopt the following schedule for By-law 1-18 Section 7.6 (d):

For commercial properties, institutional properties, and residential apartment complexes the following user class structure and payment schedule applies:

Class A) existing properties where water is available but not currently used:

- Connection to the water system required on or before March 31, 2022;
- Connection permit fee due at the start of construction;
- Water system access fee payable in 40 equal quarterly installments starting in the first quarter of water use but not later than June 30, 2022;

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### ON THE QUESTION:

Counc. McGuire expressed concern regarding the minimal public attendance and questioned if property owners that may be impacted by the revisions are aware of the proposed changes. It was suggested a copy of Water By-law 1-18 be sent to potentially impacted property owners. Town Manager Jarvie advised the draft Water By-law 1-18 was duly advertised on the Town website. There was a brief discussion with respect to deferring connection permit fees for major projects. Counc. Lewis suggested this is one major complaint of developers with respect to costs for development projects. Council debated the possibility of charging interest. There was consensus among Council to charge interest on late payments beyond the timelines indicated in the By-law. Counc. Brenan expressed concern that impacted property owners were not properly notified of the revisions. It was suggested the schedule for By-law 1-18 Section 7.6 (d) include an additional bullet point identifying that interest will be charged for late payments.

### Amending motion:

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells a final bullet point be added, more specifically:

- Interest will be charged on all payments in arrears.

### ON THE QUESTION:

It was noted schedules differ for existing properties with and without access to Town water. It was agreed to charge interest on all payments not remitted on their due date. Counc. Lewis inquired about payment schedules for newly constructed apartment buildings. Town Manager Jarvie advised payment schedules are identified in developer agreements for new construction projects. In response to an inquiry, Town Clerk Banks confirmed the draft By-law can be amended before 3<sup>rd</sup> reading and enactment. It was suggested the final bullet regarding interest charges be added to the payment schedule for Class B properties. Counc. Lewis expressed concern that the matter of interest charges was not discussed at the Committee level.

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

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council adopt the following schedule for By-law 1-18 Section 7.6 (d):

For commercial properties, institutional properties, and residential apartment complexes the following user class structure and payment schedule applies:

Class B) existing properties where water is not currently available but could be installed in the future:

- Connection to the water system required on or before September 30 of the year *following installation of the water line (i.e. the end of the next construction season)*;
- Connection permit fee due at the start of construction;
- Water system access fee payable in 40 equal quarterly installments starting in the first quarter of water use but not later than Sept. 30<sup>th</sup>;
- The Town is responsible for the cost and installation of service from the main line to the residents property line (i.e. to the “curb stop”);
- Water meter rental charges payable over 5 years;

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**CARRIED.**

Town Clerk Banks read By-law 1-18 by title.

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council Reading by Section Number, to By-law 1-18, "Water By-law" as amended.

**CARRIED.**

Town Clerk Banks read By-law 1-18 by section number.

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council give 3<sup>rd</sup> Reading, by Title, and Enactment to By-law 1-18, "Water By-law" as amended.

**CARRIED.**

Town Clerk Banks read By-law 1-18 by title.

## 9.2 BUSINESS ARISING FROM DELEGATIONS

### 9.2.1 The Work Room

2 November 2018 Letter from L. MacKeigan RE: KV Work Room with attachments

**MOVED** by Counc. Wells and seconded by Counc. McGuire the letter from L. MacKeigan RE: KV Work Room with attachments dated 2 November 2018 be referred to the Hive and promoted on the Town website and social media.

**CARRIED.**

### 9.2.2 Rothesay Arena

December 2018 Letter from residents RE: Request for a Public Meeting

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council schedule a public open house/presentation to show appropriate financials and plans on a renovated versus new arena in order to allow the public and stakeholders to provide meaningful and direct input on how they would like the Town to move forward regarding the rink.

### ON THE QUESTION:

Mayor Grant requested all Council members state their position with respect to the request to schedule a public session regarding the Arena project. She noted the Town's Code of Ethics stresses the importance of considering public opinion. She further noted public preference for renovations or a new build remains unclear.

Counc. Lewis questioned the need for a super majority vote of Council to add the Deputy Mayor's motion for consideration. Mayor Grant noted a recommendation was not provided by staff so Council has to make a decision. Town Clerk Banks inquired if Counc. Lewis was referring to motions for expenditure of funds as it was not clear what the reference to a super majority vote was. Counc. Lewis commented there has to be a vote of more than 4/3 for the motion to move forward because it was not on the agenda. Mayor Grant advised the item was on the agenda. Counc. Lewis commented that a meeting is scheduled for Monday, January 21, 2019 to further discuss the Arena project and he suggested postponing discussion of a public meeting until the upcoming January 21<sup>st</sup> meeting. Mayor Grant advised the motion was legal and was on the floor for discussion. Counc. Shea expressed concern that approving the request for a public meeting will set a precedent and possibly encourage requests for public meetings regarding unreasonable suggestions. He noted the presenter advised he was speaking on his own behalf and had four signed letters from residents. Counc. Shea suggested Council needed more



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discussed then. Counc. Brenan suggested the motion be withdrawn until it can be discussed next Monday. He further noted it is expected all Council members will be present for the meeting next Monday and it can be fully discussed then. Counc. Brenan advised if the motion remains, he will leave the meeting as a vote has already been taken and in his opinion, this motion is being forced on Council. Counc. Lewis stated it was not on the agenda. Mayor Grant advised any motion is in order if the item is on the agenda. Counc. Lewis questioned past practices and noted including motions in the agenda package prior to the meeting permits Council to review the matter properly.

Mayor Grant gavelled a five minute recess.

Counc. Lewis, Counc. Brenan, and Counc. Shea left the meeting and quorum was lost.

The meeting ended at 8:16 p.m.

  
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MAYOR

  
\_\_\_\_\_  
CLERK