

COUNCIL MEETING
Rothesay Town Hall
Monday, July 8, 2019
7:00 p.m.



PRESENT: MAYOR NANCY GRANT

DEPUTY MAYOR MATT ALEXANDER

COUNCILLOR GRANT BRENAN COUNCILLOR PETER J. LEWIS 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

COUNCILLOR BILL McGUIRE

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

1. APPROVAL OF AGENDA

MOVED by Counc. Shea and seconded by Counc. Wells the agenda be approved as circulated with the following addition:

Item 9.7 – Wells Recreation Park Building

CARRIED.

2. ADOPTION OF MINUTES

Regular Meeting

10 June 2019

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Open Session Council minutes of 10 June 2019 be adopted as circulated.

CARRIED.

Business Arising from Minutes N/A

3. OPENING REMARKS OF COUNCIL

Mayor Grant commented on the success of the Canada Day event on the Common, and thanked staff for their hard work preparing the event. She added the Concert on the Common series has begun (Thursday evenings at 7:00 p.m.).

3.1 Declaration of Conflict of Interest

Counc. Wells declared a conflict of interest for Item 6.6 Letter to residents in Flood Prone areas.

4. **DELEGATIONS**

N/A

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5. CORRESPONDENCE FOR ACTION

5.1 21 June 2019 Letter from Minister Oliver RE: 2020 Municipal Designated Highway Program

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea the letter from Minister Oliver RE: 2020 Municipal Designated Highway Program dated 21 June 2019 be referred to staff.

CARRIED.

5.2 25 June 2019 Letter from St. Joseph's Hospital Foundation RE: Sponsorship request for 1st Annual "Late Night with the Foundation" October 19, 2019

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander the letter from St. Joseph's Hospital Foundation RE: Sponsorship request for 1st Annual "Late Night with the Foundation" October 19, 2019 be referred to the Finance Committee.

CARRIED.

6. CORRESPONDENCE - FOR INFORMATION

6.1 6 June 2019 Letter from resident RE: Proposed Rothesay Corner Traffic Change (previously distributed to Works and Utilities Committee – see item 7.5)

MOVED by Counc. Lewis and seconded by Counc. Wells the letter from resident RE: Proposed Rothesay Corner Traffic Change dated 6 June 2019 be received/filed.

CARRIED.

6.2 9 June 2019 Email from resident RE: Rothesay Road Traffic Concerns (previously distributed to Works and Utilities Committee – see item 7.5)

MOVED by Counc. Shea and seconded by Counc. Wells the email from resident RE: Rothesay Road Traffic Concerns dated 9 June 2019 be received/filed.

ON THE QUESTION:

Counc. Wells commended Town staff on the prompt relocation of the flashing signs following the Works and Utilities Committee meeting.

CARRIED.

6.3 10 June 2019 Letter from St. Joseph's Hospital Foundation RE: Thank You – Hidden Treasures event

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the letter from St. Joseph's Hospital Foundation RE: Thank You – Hidden Treasures event dated 10 June 2019 be received/filed.

CARRIED.

6.4 11 June 2019 Email from resident RE: Refuse Collection

(previously distributed to Works and Utilities Committee – see item 7.5)

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the email from resident RE: Refuse Collection dated 11 June 2019 be received/filed.

ON THE QUESTION:

Counc. Wells suggested all public correspondence received regarding FERO's quality of service be collected and reviewed by Council prior to examining renewal of the contract. Counc. Lewis suggested the option of using Town resources to provide the service be revisited.

CARRIED.

6.5 31 May 2019 (rec'd 2019Jun14) Letter from Deborah Apps RE: The Great Trail projects and programs update (*Trans Canada Trail Globe and Mail inserts available at Town Hall*)

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander the letter from Deborah Apps RE: The Great Trail projects and programs update dated 31 May 2019 be received/filed.

CARRIED.

Counc. Wells declared a conflict of interest and left the meeting.

6.6 June 2019

Letter to Flood Prone area residents w/o attachment (16)

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the letter to Flood Prone area residents w/o attachment (16) dated June 2019 be received/filed.

ON THE QUESTION:

For the benefit of Cameron Road residents in attendance, Deputy Mayor Alexander reported Council approved various actions at its June meeting to mitigate flood concerns raised by residents. Town Manager Jarvie clarified the June 2019 letter was a response to those residents, addressing their concerns. He added the work on Cameron Road was intended to act as a temporary solution to improve access to the area prior to rising water levels. The contractor will revisit the site in mid-August to complete the project. Counc. Shea expressed concern that communication to the residents of Cameron Road regarding the project may have been insufficient. In response to an inquiry, it was noted the project is expected to be complete before school begins. The residents were encouraged to submit their concerns or requests in writing to Town Hall before noon on Wednesday, August 7, 2019 to be included on the August Council agenda. In response to an inquiry, Town Manager Jarvie advised a letter has not yet been sent to the residents of Post Road.

CARRIED.

Counc. Wells returned to the meeting.

6.7 2 July 2019

Letter from Rothesay Netherwood School RE: Thank You – Youth for

Youth event sponsorship

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the letter from Rothesay Netherwood School RE: Thank You – Youth for Youth event sponsorship dated 2 July 2019 be received/filed.

CARRIED.

7. REPORTS

7.0 **July 2019 N/A**

Report from Closed Session

7.1 27 May 2019

Fundy Regional Service Commission (FRSC) Annual General Meeting Minutes

MOVED by Counc. Lewis and seconded by Counc. Wells the Fundy Regional Service Commission (FRSC) Annual General Meeting Minutes dated 27 May 2019 be received/filed.

CARRIED.

31 December 2018 FRSC 2018 Audited Financial Statements

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Fundy Regional Service Commission (FRSC) 2018 Audited Financial Statements dated 31 December 2018 be received/filed.

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ON THE QUESTION:

Treasurer MacDonald noted a clean audit report was received and an accumulated operating surplus under the Public Sector Accounting Standards (PSAS) was obtained. He gave a brief overview of the difference between the accumulated operating surplus and the 2018 annual fund surplus.

In response to an inquiry, Mayor Grant reported one commissioner does not receive an honorarium for attending meetings. Counc. Shea expressed concern that Council passed a motion resolving that participation on the Fundy Regional Service Commission should be treated similarly to other agencies, boards, or commissions, under Rothesay's Remuneration By-law and, more specifically, that receiving an honorarium for participation on the Commission contravenes the by-law. Town Manager Jarvie advised Council's decision was shared with the Commission, however the Commission is under an obligation to pay an honorarium to its members. Counc. Shea inquired as to why the matter did not return to Council, noting he understood the City of Saint John passed a similar resolution. Town Manager Jarvie noted the final decision is at the discretion of the Commission. Counc. Brenan suggested either the honorarium be declined or the Town's by-law be amended as the direction of Council was to act in accordance with the By-law. Mayor Grant commented that Council does not have the authority to supercede provincial legislation or the By-laws of the Commission.

CARRIED.

15 April 2019	Kennebecasis Valley Fire Department Inc. (KVFD) Board Meeting
	Minutes
31 December 2018	KVFD Statement of Expense
28 February 2019	KVFD Statement of Expense
10 April 2019	KVFD Chief's Report
31 December 2018	KVFD Response Report
March 2019	KVFD Response Report
	28 February 2019 10 April 2019 31 December 2018

MOVED by Counc. Brenan and seconded by Counc. Lewis the Kennebecasis Valley Fire Department Inc. (KVFD) Board Meeting Minutes dated 15 April 2019, the KVFD Statement of Expense dated 31 December 2018, the KVFD Statement of Expense dated 28 February 2019, the KVFD Chief's Report dated 10 April 2019, the KVFD Response Report dated 31 December 2018, and the KVFD Response Report dated March 2019 be received/filed.

CARRIED.

7.3 31 May 2019 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 May 2019 be received/filed.

ON THE QUESTION:

Mayor Grant reported the total flood cost for 2019 was lower than the total cost in 2018.

CARRIED.

31 May 2019 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 31 May 2019 be received/filed.

ON THE QUESTION:

In response to an inquiry, DO McLean advised the variance for "chemical purchases" is related to timing as the materials are purchased in bulk throughout the year.

CARRIED.

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20 June 2019

Draft Finance Committee Meeting Minutes

MOVED by Counc. Brenan and seconded by Counc. Shea the Draft Finance Committee Meeting Minutes dated 20 June 2019 be received/filed.

CARRIED.

7.4 18 June 2019 Draft Rothesay Hive Advisory Committee Meeting Minutes **MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the Draft Rothesay Hive Advisory Committee Meeting Minutes dated 18 June 2019 be received/filed.

ON THE QUESTION:

Counc. Wells commented on the opening of the Rothesay Hive noting membership is expected to increase in the fall. She encouraged all in attendance to submit programming suggestions to the Hive Coordinator.

Counc. Shea requested an update on the electronic kiosks. Counc. Wells noted one kiosk was removed to prevent damage from flooding. She added there have been reports of inappropriate use that that have led Town staff to explore use of static images. Counc. Shea questioned if statistics regarding usage are collected, and if so is the data available for Council to examine. Counc. Wells noted the request should be referred to the Town's ICT Coordinator. Mayor Grant questioned if all invoices were received, and all thank you letters distributed. Town Manager Jarvie noted he does not believe there are any outstanding invoices. Counc. Wells added she is in the process of preparing the thank you letters. In response to an inquiry, it was noted a letter of appreciation was sent to Flood Construction for their assistance during the relocation of the Vocational Training Centre.

CARRIED.

7.5 19 June 2019 Draft Works and Utilities Committee Meeting Minutes

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the Draft Works and Utilities

Committee Meeting Minutes dated 19 June 2019 be received/filed.

ON THE QUESTION:

Counc. Brenan expressed concern that approving a traffic study to be completed in 2020 will "tie the hands" of the incoming Council. Deputy Mayor Alexander noted the traffic study will provide data to determine if traffic lights or other traffic calming mechanisms are warranted. Counc. Wells added the Committee recommended the study be completed in 2020 as the item is an unbudgeted expense, and ongoing construction in the area in 2019 will not accurately reflect regular traffic patterns.

CARRIED.

Rothesay Corner Traffic Study

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells Council include a traffic study for the intersections of Station Road/Rothesay Road/Hampton Road and Grove Avenue/Hampton Road in the 2020 budget to be completed within the first eight months of 2020.

ON THE QUESTION:

Counc. Shea questioned the rationale for a traffic study. Deputy Mayor Alexander noted the study will analyze regular traffic patterns to determine if traffic control measures are required. Counc. Shea questioned if there is an ideal time of year to complete the study. Deputy Mayor Alexander indicated during the school year is preferred as this will best reflect typical traffic patterns. Counc. Wells added a traffic study completed in 2012 determined traffic lights were not warranted for the Hampton Road/Grove Avenue intersection however the results suggested the option may be necessary in the future. She noted traffic pattern changes and additional traffic generated by growth of the Town over

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time may have created a greater need for traffic control devices in the area. Counc. Lewis noted he agrees the safety concerns must be addressed at the Hampton Road/Grove Avenue intersection. He added, other than flashing lights to improve visibility of stop signs, additional traffic control measures may not be necessary at the Rothesay Corner intersection. Counc. Shea commented that since 2012 there may have been minimal, if any, changes to the design of the intersections. DO McLean advised the results of the 2012 study indicated there was not an immediate need for traffic lights at the Hampton Road/Grove Avenue intersection however the results were marginally close to the limit warranting additional traffic control measures. Counc. Shea inquired about the cost. DO McLean advised the 2012 study was completed at a cost of roughly \$40,000 and included all intersections within Rothesay. He estimated the cost of the proposed traffic study may be roughly \$15,000.

NAY votes recorded from: Councs. Brenan and Shea.

CARRIED.

Beach Drive Curb

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells Council consider the installation of curb on both sides of Beach Drive near the Frances Avenue/Beach Drive intersection during the 2020 budget deliberations.

ON THE QUESTION:

Counc. Lewis requested clarification with respect to the location and style of curb. Deputy Mayor Alexander noted Town staff will determine the specific location of the curb to best ensure proper flow into the Town storm water system. DO McLean advised a standard barrier curb will be installed. He added there are no plans to raise the elevation of the road so he does not anticipate an adverse impact to driveways. Counc. Lewis commented on the practicality of rolled curb.

NAY vote recorded from Counc. Lewis.

CARRIED.

Rothesay Common Parking

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells Council is satisfied the issue was investigated adequately and existing parking surrounding the Rothesay Common is sufficient.

ON THE QUESTION:

Counc. Shea expressed concern that the motion is unclear with respect to the "issue". He added prior discussions indicate parking surrounding the Rothesay Common is inadequate. Counc. Wells noted: the matter was discussed at length; various options were reviewed; the area was monitored to track typical parking behaviour; data collected indicated daily parking is sufficient; there is an increase in demand for parking during special events, however some organizations in the area have agreed to provide use of their parking lots for overflow parking; and angled parking on Church Avenue would require significant encroachment onto Common greenspace while producing minimal additional spaces. Counc. Shea suggested further action could be taken to provide sufficient parking.

Counc. Brenan commented on the safety concerns with respect to parking on Gondola Point Road. He suggested deterring individuals from parking on Gondola Point Road and directing vehicles to park elsewhere such as Station Road. Counc. Lewis agreed with Counc. Brenan, and noted other organizations are expected to provide parking without relying on other facilities. He added there is adequate space to permit encroachment on the Common to accommodate angled parking on Church Avenue. Deputy Mayor Alexander contended the space required to accommodate angled parking would be considerable, and the option is not worthwhile for few additional spaces. He recommended public consultation prior to any decisions that may impact greenspace on the Common. Counc. Lewis suggested an external firm be consulted to analyze the option of angled parking. Counc. Wells noted:

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renderings of angled parking on Church Avenue were reviewed by the Committee; organizations in the area are amenable to providing overflow parking; the speed limit was reduced to 30 km on Gondola Point Road to reduce safety concerns; the convenience of parking on Gondola Point Road is attractive to individuals due to its close proximity to the Common; and individuals must also assume responsibility for personal safety. Counc. Lewis added not all alternative parking options are owned by the Town, therefore the Town has limited control if issues arise.

NAY votes recorded from: Councs. Brenan, Lewis, and Shea.

DEFEATED.

There was further discussion with respect to deterring parking on Gondola Point Road and redirecting vehicles to other areas. It was suggested the item be referred back to the Works and Utilities Committee.

7.6 June 2019

Monthly Building Permit Report

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander the Monthly Building Permit Report dated June 2019 be received/filed.

CARRIED.

7.7 3 July 2019

Capital Projects Summary

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Capital Projects Summary dated 3 July 2019 be received/filed.

ON THE QUESTION:

In response to an inquiry, Town Manager Jarvie advised there are plans to repair the road in front of the fire station on Campbell Drive. DO McLean added the work is expected to begin mid-August. There was general discussion with respect to the existing condition of the area. Counc. Lewis questioned if berm maintenance on Summerhaven Crescent is a Town responsibility. Town Manager Jarvie advised Town staff typically are responsible for maintenance on property in the Town right-of-way. He noted the developer installed the berm and shrubbery with no consultation. Staff will review it. Counc. Shea inquired about active funding applications. Town Manager Jarvie advised funding applications were submitted for the Wastewater Treatment Plant, annual Designated Highway Fund projects, and the Mackay Highway Connection (application completed with ACOA). He added the Provincial government indicated funds were not available for the Rothesay arena project so a funding application was not resubmitted.

CARRIED.

8. UNFINISHED BUSINESS

TABLED ITEMS

8.1 Wiljac Street Reconstruction and Extension – Design (Tabled March 2019) *No action at this time*

9. NEW BUSINESS

OPERATIONS

9.1 Hampton Road Watermain Replacement

2 July 2019

Report prepared by DO McLean

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander Council authorize the Director of Operations to create a change order to the 2019 Church Avenue Reconstruction Contract in the amount of \$243,225 including HST, to replace the last remaining section of cast iron watermain on Hampton Road between Almon Lane and the Scotiabank location.

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ON THE QUESTION:

Mayor Grant reported a request was submitted for Designated Highway Funding for Rothesay Road (Fox Farm Road to Golf Club Court) however funding was granted for the Hampton Road project (between Almon Lane and Rothesay Road) submitted in 2018. There is a section of old cast iron watermain under this portion of Hampton Road that must be replaced. Counc. Brenan expressed concern that a tender was not issued for the project. Town Manager Jarvie advised the Church Avenue Reconstruction Contract permits the Town to submit the work as a change order subject to agreement from the contractor. Town Manager Jarvie advised that, when questioned, the Department of Transportation and Infrastructure indicated the change order was acceptable. It was noted the contractor has also agreed to the change order. In response to inquiries, DO McLean advised another change order in the amount of roughly \$100,000 was submitted under the existing contract to elevate Rothesay Park Road.

NAY votes recorded from Councs. Brenan and Shea.

CARRIED.

9.2 Hampton Road Designated Highway Resurfacing

3 July 2019 Report prepared by DO McLean

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander Council authorize the Director of Operations to create a change order to the 2019 Asphalt Resurfacing Contract in the amount of \$371,000 including HST, to resurface the section of Hampton Road between Almon Lane and Rothesay Road.

ON THE QUESTION:

In response to an inquiry, DO McLean advised this is the first change order submitted for the 2019 Asphalt Resurfacing Contract. Counc. Brenan questioned if the project was tendered. Town Manager Jarvie advised the 2019 Asphalt Resurfacing and Microseal Placement contract was tendered earlier in the year and permits the submission of change orders subject to agreement from the contractor, as noted under Item 9.1 above. He added the 2019 Asphalt Resurfacing and Microseal Placement tender yielded an appealing price for asphalt. Mayor Grant commented that Designated Highway Funding is awarded after the Town awards its annual tender for the asphalt and microseal program. Town Manager Jarvie cautioned that issuing a separate tender will delay the project into the school year creating traffic concerns, and a lower cost is not guaranteed. Deputy Mayor Alexander expressed concern that Council would be obligated to accept a new asphalt price for the project if a separate tender is issued. This may lead to a considerable cost increase whereas a reasonable cost is currently available to Council. Counc. Brenan contended there is a possibility of securing a lower cost, and projects have been completed during the school year in the past. There was discussion with respect to the cost comparison completed by EXP using the average values collected from real, tendered unit price construction contracts in Saint John and Rothesay over the past three years, and the tendered unit prices secured in the 2019 Asphalt Resurfacing and Microseal Placement contract. Counc. Lewis agreed that there may be an opportunity to secure a more appealing price of asphalt. DO McLean advised it is difficult to predict the changing cost of asphalt throughout the year. He noted as individual prices are protected through the Procurement Act an average estimated price of \$150 per ton is used. The price secured in the 2019 Asphalt Resurfacing contract is below \$100 per ton.

NAY vote recorded from Counc. Brenan.

CARRIED.

9.3 Wastewater Treatment Funding

3 July 2019

Memorandum from Town Manager Jarvie

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the memorandum from Town Manager Jarvie RE: Wastewater Treatment Funding dated 3 July 2019 be received/filed.

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ON THE QUESTION:

Town Manager Jarvie advised the application is in the amount of \$21.622 million dollars. The Town's share in the proposed application would be \$5.8 million dollars. He noted a maximum of \$7.5 million dollars was granted for the first phase of the project to construct five new wastewater pumping stations and transmission main enabling wastewater from the two lagoons in Kennebecasis Park to be redirected to the Sagamore Point site. In response to an inquiry, Town Manager Jarvie advised the pumping stations are being utilized.

CARRIED.

9.4 Highland Avenue Storm Sewer Installation

4 July 2019

Report prepared by DO McLean

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Highland Avenue Storm Sewer installation be tabled pending discussion with the property owner with respect to options for mutually cost efficient solutions.

CARRIED.

ADMINISTRATION

9.5 Committee Appointment

4 July 2019

Memorandum from the Nominating Committee

MOVED by Counc. Wells and seconded by Counc. Shea Council appoint Susan Webber to the Kennebecasis Public Library Board to replace Chuck McKibbon as a Rothesay representative, with a term to expire 31 December 2020.

ON THE QUESTION:

Counc. Wells noted a vacancy remains on the Parks and Recreation Committee. She encouraged Council to spread the word.

CARRIED.

COUNCIL REQUESTS

9.6 Ballot Position and the Impact on Election Results

16 June 2019

Memorandum from Counc. Shea

MOVED by Counc. Shea and seconded by Counc. Lewis:

Whereas candidates running for municipal office in New Brunswick are listed on the ballot in alphabetical order, and;

Whereas research suggests such a practice may, in fact, favor one candidate over another;

Be it resolved Rothesay Council request the Union of Municipalities of New Brunswick petition the Province of New Brunswick to list candidates on ballots for municipal election randomly beginning with the May 2020 elections.

ON THE QUESTION:

Counc. Shea noted research suggests individuals are likely to vote for candidates at the top of a list. As names are listed alphabetically by surname this may place some candidates at a disadvantage. Deputy Mayor Alexander contended election results for the past five years indicate this may not be the case for Rothesay. Counc. Brenan requested clarification. Mayor Grant noted the suggestion would be referred to the Union of Municipalities of New Brunswick (UMNB) for further action. Counc. Lewis commented that there is evidence to support the findings in Rothesay. Counc. Wells noted there is also evidence that contradicts the findings.

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NAY votes recorded from: Deputy Mayor Alexander, and Counc. Wells.

CARRIED.

Town Manager Jarvie advised typically referrals to UMNB are addressed through Zone meetings; however it is unclear if such a meeting will occur prior to the next UMNB Annual General Meeting in October.

9.7 Wells Recreation Park Building

Counc. Lewis commented on the success of the Playground Program. He inquired if Town staff could install a heat pump or air conditioning in the Wells Recreation building as the temperature can become unbearable, as well as investigate the possible acquisition of a new larger building. He suggested the matter be discussed at the next Parks and Recreation Committee meeting. DRP Jensen advised there may be equipment on hand to reduce the temperature of the building in the summer.

MOVED by Counc. Lewis and seconded by Counc. Brenan Council request the Parks and Recreation Committee explore the development of a new recreation building at the Wells Recreation Park.

ON THE QUESTION:

Town Manager Jarvie noted the existing building was originally located at the top of the Marr Road as part of the driving range business that was located there. He advised there was minimal investment in the building by the Town

CARRIED.

10. NEXT MEETING

The next meeting is scheduled for Monday, August 12, 2019.

11. ADJOURNMENT

MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the meeting be adjourned.

The meeting adjourned at 8:25 p.m.

Mayor Heart

CLERK