



ROTHESAY
COUNCIL MEETING
Rothesay Town Hall
Monday, September 9, 2019
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. Lewis and seconded by Deputy Mayor Alexander the agenda be approved as circulated with the following addition:

- Item 7.10 Greater Saint John Regional Facilities Commission Budget
9 September 2019 Memorandum from Town Manager Jarvie
2020 Regional Facilities Commission Budget

CARRIED.

2. ADOPTION OF MINUTES

- Regular Meeting 12 August 2019

MOVED by Counc. Wells and seconded by Counc. Mackay French the Open Session Council minutes of 12 August 2019 be adopted as circulated.

ON THE QUESTION:

Counc. Shea requested clarification with respect to the informal agreement for overflow parking at Our Lady of Perpetual Help church. Town Manager Jarvie advised when contacted the church was amenable to allowing overflow parking. He added a subsequent letter was sent to the church requesting permission to install a sign on the Rothesay Common indicating availability of overflow parking at the church. Staff are waiting for a response. Counc. Shea expressed concern that a formal agreement does not exist and suggested the church may not be able to accommodate overflow parking during church events. In response to an inquiry, Town Manager Jarvie advised a sign will not be installed unless permission is received.

CARRIED.

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

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3. OPENING REMARKS OF COUNCIL

PRESENTATION: Through the Lens Photo Contest Winner – Lisa Richard Mayor Grant reported 38 photographs were submitted, voting took place from August 28th – September 4th, and a total of 2208 “likes” were recorded. She congratulated Lisa Richard, winner of the 2019 Through the Lens Photo Contest with a total of 194 “likes” for her photograph of the East Riverside-Kingshurst Park. She presented Ms. Richard with a certificate and gift, and thanked her for the beautiful photograph.

3.1 Declaration of Conflict of Interest N/A

4. DELEGATIONS N/A

5. CORRESPONDENCE FOR ACTION

5.1 *Various* Emails from residents (2) RE: Cameron Road Beach Access
MOVED by Deputy Mayor Alexander and seconded by Counc. Wells the emails from residents (2) RE: Cameron Road Beach Access be referred to the Works and Utilities Committee.

ON THE QUESTION:

Mayor Grant noted a petition was received today with seventy-seven (77) names regarding vehicle access to Cameron Road Beach. There was consensus the petition also be referred to the Works and Utilities Committee.

CARRIED.

5.2 14 August 2019 Letter from resident RE: Millennium Drive Development
MOVED by Counc. Lewis and seconded by Counc. Wells the letter from resident RE: Millennium Drive Development dated 14 August 2019 be referred to the Works and Utilities Committee.

CARRIED.

5.3 20 August 2019 Emails to/from resident RE: Cameron Road Flooding
MOVED by Counc. Wells and seconded by Counc. McGuire the emails to/from resident RE: Cameron Road Flooding dated 20 August 2019 be referred to the Works and Utilities Committee.

CARRIED.

5.4 29 August 2019 Letter from Economic Development Greater Saint John RE: 2020
Funding Request
MOVED by Counc. Wells and seconded by Counc. Mackay French the letter from Economic Development Greater Saint John RE: 2020 Funding Request dated 29 August 2019 be referred to the Finance Committee.

CARRIED.

5.5 3 September 2019 Letter from resident RE: Lawn damage from snow removal on Chapel
Road
MOVED by Counc. Lewis and seconded by Deputy Mayor Alexander the letter from resident RE: Lawn damage from snow removal on Chapel Road dated 3 September 2019 be referred to the Works and Utilities Committee.

CARRIED.

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6. CORRESPONDENCE - FOR INFORMATION

6.1 2 August 2019 Letter from Yarmouth, Nova Scotia RE: Invitation to attend the 25th Communities in Bloom Symposium and Awards – September 25-28th

MOVED by Counc. Shea and seconded by Counc. Wells the letter from Yarmouth, Nova Scotia RE: Invitation to attend the 25th Communities in Bloom Symposium and Awards – September 25-28th dated 2 August 2019 be received/filed.

CARRIED.

6.2 15 August 2019 Letter from the Imperial Theatre RE: Thank You – International Amateur Theatre Festival 2019

MOVED by Counc. Mackay French and seconded by Counc. Wells the letter from the Imperial Theatre RE: Thank You – International Amateur Theatre Festival 2019 dated 15 August 2019 be received/filed.

ON THE QUESTION:

Mayor Grant noted the event generated positive feedback for the Town.

CARRIED.

6.3 19 August 2019 Letter from The Great Trail RE: 2018/2019 Annual Report

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander the letter from The Great Trail RE: 2018/2019 Annual Report dated 19 August 2019 be received/filed.

CARRIED.

6.4 26 August 2019 Letter to Saint John RE: Request for Support – Industrial Tax Transfer
MOVED by Counc. Mackay French and seconded by Counc. Lewis the letter to Saint John RE: Request for Support – Industrial Tax Transfer dated 26 August 2019 be received/filed.

CARRIED.

6.5 28 August 2019 Letter from the St. Joseph's Hospital Foundation RE: Thank You – Late Night with the Foundation

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander the letter from the St. Joseph's Hospital Foundation RE: Thank You – Late Night with the Foundation dated 28 August 2019 be received/filed.

CARRIED.

7. REPORTS

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

7.1 12 June 2019 Kennebecasis Valley Fire Department Ltd. (KVFD) Board Meeting Minutes

30 April 2019 KVFD Statement of Expense

12 June 2019 KVFD Chief's Report

31 May 2019 KVFD Response Report

MOVED by Counc. Brenan and seconded by Counc. Lewis the Kennebecasis Valley Fire Department Ltd. (KVFD) Board Meeting Minutes dated 12 June 2019, the KVFD Statement of Expense dated 30 April 2019, the KVFD Chief's Report dated 12 June 2019, and the KVFD Response Report dated 31 May 2019 be received/filed.

CARRIED.

7.2 31 July 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 July 2019 be received/filed.

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ON THE QUESTION:

Mayor Grant commented on the popularity of the playground program.

CARRIED.

31 July 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 July 2019 be received/filed.

ON THE QUESTION:

Counc. Brenan requested clarification with respect to the date on page 71. Treasurer MacDonald advised the August date is correct; data from the following month is included to provide a current year-to-date comparison.

CARRIED.

31 July 2019 Donation Summary
MOVED by Counc. Brenan and seconded by Counc. McGuire the Donation Summary dated 31 July 2019 be received/filed.

CARRIED.

29 August 2019 Draft Finance Committee Meeting Minutes
MOVED by Counc. Brenan and seconded by Counc. Mackay French the Draft Finance Committee Meeting Minutes dated 28 August 2019 be received/filed.

CARRIED.

➤ Revised 2019-2023 Gas Tax Plan

Mayor Grant noted the initial Plan approved at the August Council meeting included funds from the previous phase (2014-2018). At the request of the Provincial government the aggregate funding from 2014-2018 was separated from the 2019-2023 funds in the new amended Plan before Council.

MOVED by Counc. Brenan and seconded by Counc. Shea Council rescind the motion passed at the regular meeting of August 12, 2019 relating to the 2019 to 2023 Gas Tax Plan, more specifically the following:

“MOVED by Counc. Brenan and seconded by Counc. Shea the document entitled Rothesay Five-Year Capital Investment Plan for the Gas Tax Fund Administrative Agreement 2019-2023 be adopted.

CARRIED.”

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the document entitled *Rothesay Five-Year Capital Investment Plan for the Gas Tax Fund Administrative Agreement 2019-2023* be adopted.

CARRIED.

7.3 20 August 2019 Draft Rothesay Hive Advisory Committee Meeting Minutes
MOVED by Counc. Wells and seconded by Counc. McGuire the Draft Rothesay Hive Advisory Committee Meeting Minutes dated 20 August 2019 be received/filed.

ON THE QUESTION:

Counc. Wells reported since the meeting the Art4Life program was offered space on Tuesdays at the Bill McGuire Centre. Mayor Grant commented on the increasing popularity of the Hive exercise classes.

CARRIED.

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7.4 21 August 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 21 August 2019 be received/filed.

CARRIED.

- Water By-law 1-18 Revisions
See Item 8.3

- Water Utility Charge – 12 Monaco Drive

Treasurer MacDonald reported full payment was received from the property owner.
RECEIVED FOR INFORMATION.

7.5 21 August 2019 Draft Heritage Preservation Review Board Meeting Minutes

MOVED by Counc. Mackay French and seconded by Counc. Wells the Draft Heritage Preservation Review Board Meeting Minutes dated 21 August 2019 be received/filed.

CARRIED.

7.6 3 September 2019 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Shea and seconded by Counc. McGuire the Draft Planning Advisory Committee Meeting Minutes dated 3 September 2019 be received/filed.

CARRIED.

7.7 August 2019 Monthly Building Permit Report

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

CARRIED.

7.8 5 September 2019 Capital Projects Summary

MOVED by Deputy Mayor Alexander and seconded by Counc. Brenan the Capital Projects Summary dated 5 September 2019 be received/filed.

ON THE QUESTION:

Counc. Lewis noted a portion of asphalt requires repair at the Campbell Drive intersection adjacent to the fire station. He added staff advised special equipment is required to complete the work. Mayor Grant noted the matter is in the Town's work plan.

CARRIED.

7.9 2018/2019 Fundy Library Region's Annual Report

MOVED by Counc. Shea and seconded by Counc. McGuire the Fundy Library Region's Annual Report dated 2018/2019 be received/filed.

CARRIED.

7.10 Greater Saint John Regional Facilities Commission Budget

9 September 2019 Memorandum from Town Manager Jarvie
2020 Regional Facilities Commission Budget

Counc. Brenan reported the Regional Facilities Commission discussed annual funding requests from five facilities: the Canada Games Aquatic Centre, the Trade and Convention Centre, Harbour Station, Imperial Theatre, and the Arts Centre. He highlighted the following: Rothesay's share is 12.51%; service based costs are included in "Other" for the Arts Centre and the Trade and Convention Centre; the Commission expressed interest in submitting a request to the Provincial government to change legislation permitting the inclusion of capital costs; the budget was approved by the Regional Facilities Commission; recent changes to the budget may increase overall costs over time; and Rothesay's share increased from 12.38% to 12.51%, and the total budget increased from \$3,447,657 (2019) to \$3,610,065 (2020).

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Mayor Grant clarified Council approval is not required. Council. McGuire commented that current legislation was passed with the intent that capital costs would not be included. He expressed concern the proposed changes could result in Rothesay's share increasing considerably and may require a significant tax increase. Mayor Grant noted other regional municipalities share Council's concerns and discussions are underway to ensure regional municipalities are treated fairly. Council. Shea requested clarification with respect to the "Other" category. Council. Brennan noted this category may pertain to emergency services or "service based costs".

MOVED by Deputy Mayor Alexander and seconded by Council. Mackay French Council provide Councillor Brennan with any comments concerning the 2020 Greater Saint John Regional Facilities budget.

CARRIED.

8. UNFINISHED BUSINESS

TABLED ITEMS

8.1 Wiljac Street Reconstruction and Extension – Design (Tabled March 2019)

No action at this time

8.2 Highland Avenue Storm Sewer Installation (Tabled July 2019)

6 September 2019 Memorandum from Town Manager Jarvie

4 July 2019 Report prepared by DO McLean

MOVED by Deputy Mayor Alexander and seconded by Council. Lewis Highland Avenue Storm Sewer Installation be removed from the table.

CARRIED.

MOVED by Deputy Mayor Alexander and seconded by Council. Wells Council authorize the issuance of a purchase order to Debly Enterprises Ltd. for \$82,980 plus HST, to install storm sewer piping along Highland Avenue between Harry Miller Court and Crestwood Drive; subject to a satisfactory agreement with the owners of 3 Usher Court.

ON THE QUESTION:

Mayor Grant noted three quotes were received and the project will be funded from the General Fund Capital Reserve. When questioned, Town Manager Jarvie advised if all quotes had exceeded \$100,000 options would be investigated, including the use of Town resources to complete a portion of the work. He added it is unlikely the project would be completed in 2019 if a tender was issued. In response to an inquiry, Town Manager Jarvie advised quotes were requested from three companies.

CARRIED.

8.3 Draft Revisions to Water By-law 1-18 (Tabled August 2019)

6 September 2019 Memorandum from Town Manager Jarvie

3 August 2019 Memorandum from Deputy Mayor Alexander

26 August 2019 Memorandum from the Works and Utilities Committee

MOVED by Council. Shea and seconded by Council. Mackay French Draft Revisions to Water By-law 1-18 be removed from the table.

CARRIED.

Mayor Grant questioned if the intent of the Works and Utilities Committee recommendation was to remove the entirety of Section 7.6.2 or solely the deferral date. Deputy Mayor Alexander confirmed the intent was to remove the deferral date.

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MOVED by Deputy Mayor Alexander and seconded by Counc. Wells Council direct the preparation of an amending by-law to include the considerations raised in the recommendations from the Works and Utilities Committee and Deputy Mayor Alexander.

ON THE QUESTION:

Deputy Mayor Alexander clarified his recommendation was intended to appease property owners and ensure the provision of safe and potable water sources for multi-unit buildings until a provincial response is received. He noted the frequency of testing may be modified depending on provincial recommendations. Counc. Wells questioned the sufficiency of mandating proof of the capacity to connect a generator. She suggested requiring the presence of a generator may be more beneficial. Counc. Brenan commented that water safety is a provincial matter, water quality tests are not required for properties with private wells, and property owners were agreeable to the lower frequency testing schedule suggested at a prior meeting. Deputy Mayor Alexander noted the Works and Utilities Committee discussed provincially approved projects in Hampton and agreed a similar testing schedule of quarterly coliform and ecoli tests and bi-annual inorganic water quality tests is reasonable. Counc. Brenan stated a preference for bi-annual coliform and ecoli testing as this was discussed at the meeting with the property owners. Deputy Mayor Alexander noted a more frequent testing scheduled is preferred as the matter involves a communal rather than a personal private well. Counc. Brenan reiterated other properties, including restaurants, with wells are not obliged to submit water quality tests.

Deputy Mayor Alexander commented that the increased cost of providing quarterly, as opposed to biannual, coliform and ecoli water quality tests is minimal (approximately an additional \$70 annually). Counc. Mackay French echoed Counc. Brenan's comments, stating she is not in favour of setting a precedent as this is a provincial responsibility. Deputy Mayor Alexander clarified there is no intent to set a precedent; provincial recommendations identified in two similar projects in Hampton were used as a reference. Counc. Mackay French suggested bi-annual coliform and ecoli testing be required until a provincial response is received.

Counc. Shea questioned if the requirement for water quality testing is applicable to all multi-unit properties in Rothesay. Deputy Mayor Alexander clarified water quality testing is only required for multi-residential properties with access to municipal water; noting the provincial definition of "multi-residential" is 3 or more units. Counc. Shea suggested the requirement apply to all multi-unit properties; such as residences with an apartment; if water safety is the sole concern. Counc. Lewis noted a bi-annual testing schedule is reasonable. He added the matter was discussed at length and input from property owners identified an agreeableness to bi-annual testing. He further noted the property owner is liable if unfavorable test results occur. Counc. Brenan commented that there are other properties that also share communal wells.

YEA votes recorded from: Deputy Mayor Alexander and Councils. McGuire and Wells.

NAY votes recorded from: Councils. Brenan, Lewis, Mackay French and Shea.

DEFEATED.

MOVED by Counc. Lewis and seconded by Counc. Shea Council direct the preparation of an amending by-law to include the considerations raised in the recommendations from the Works and Utilities Committee and Deputy Mayor Alexander, with the following change (as highlighted):

- Schedule F (d):
 - i. Coliform and ecoli tests conducted **bi-annually (completed in six month intervals)**.
 - ii. Inorganic water quality tests conducted bi-annually.

CARRIED.

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8.4 Mulberry Lane

5 September 2019

Memorandum from Town Clerk Banks

15 August 2019

Letter to Mulberry Road residents (11 *including 40 Cameron Road*)

RE: Undertaking of Work as a Local Improvement with attachment

Town Clerk Banks reported an objection was received earlier today mandating that a public hearing be scheduled. She added because of a thirty day notice requirement, if the public hearing is not scheduled until the October 15th Council meeting, it cannot be held before November 22nd at the earliest and there would be insufficient time to enact the By-law and complete the project in 2019, if Council wishes to proceed.

MOVED by Counc. Wells and seconded by Counc. Lewis Council authorize the Clerk to schedule a public hearing for Tuesday, November 12, 2019 at 7:00 p.m. for By-law 1-19-01, "A By-law to Direct the Undertaking of Hard Surfacing of the Roadway Known as Mulberry Lane as a Local Improvement".

CARRIED.

MOVED by Counc. Wells and seconded by Counc. Brenan Council direct that a notice be sent to the owners of the affected properties of the date for the public hearing and the notice be posted on the Town website, in accordance with Town By-laws and provincial legislation.

CARRIED.

9. NEW BUSINESS

OPERATIONS

9.1 Rothesay Arena Parking Lot

5 September 2019

Memorandum from Town Manager Jarvie

MOVED by Counc. Wells and seconded by Counc. Lewis Council authorize the Director of Operations to engage Industrial Cold Milling Ltd. in the amount of \$19,180 plus HST to pulverize the existing parking lot at the Rothesay Arena.

ON THE QUESTION:

Counc. Brenan commented on the upcoming discussion regarding the Rothesay Arena project, suggesting it would be advantageous to repave the parking lot once the project is complete to prevent construction damage. Town Manager Jarvie clarified the proposal is to pulverize and regrade the parking lot using the existing asphalt, rather than repave the area. He noted this process is expected to save approximately \$4,000 worth of asphalt material used to patch the surface, eliminate potholes, and create a more serviceable parking lot due to naturally compacted gravel. He further noted Council may wish to consider repaving the lot during 2020 budget deliberations. When questioned, DO McLean estimated completion of the project within a week. Town Manager Jarvie added the parking lot is leased from the Department of Education and the Town is responsible for maintenance.

CARRIED.

COUNCIL REQUESTS

9.2 Rothesay Arena

3 September 2019

Memorandum from Counc. Shea

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

Whereas Rothesay Council, having been informed by the Province that funding for a new arena is not available,

Be it resolved staff begin the process towards a renovation of the existing arena.

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ON THE QUESTION:

Counc. McGuire noted other municipalities also did not receive funding for arenas. He indicated it is unreasonable to give up on the prospect of a new build at this point. Counc. Shea noted Council agreed to pursue the option to renovate the arena if external funding for a new build was not received within a certain timeframe. He commented on the deteriorating condition of the arena stressing the need to take action since the provincial government has confirmed external funds are not available for the project. Mayor Grant noted Council discussed applying for external funding for a new build however it is unclear if a timeline was set. Counc. Brenan commented that the project has been discussed over four Council terms and has not received funding. He agreed with Counc. Shea noting the arena is in dire need of repairs. Counc. Mackay French agreed, commenting on the inadequate size of the dressing rooms, and the malfunctioning washrooms and showers. She stressed that the deteriorating condition of the arena classifies the project as a “need” not a “want”. Counc. Lewis suggested renovation of the building be completed in phases. He referenced an arena renovation completed by Rothesay Netherwood School, and suggested the school be contacted to determine if a similar project could be undertaken for the Rothesay arena. Deputy Mayor Alexander noted funds are allocated in the annual budget for arena maintenance. He added consultants were engaged to provide recommendations, and it was determined a renovation would be impractical due to the considerable work and significant cost.

YEA votes recorded from: Councs. Brenan, Lewis, Mackay French and Shea.

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

CARRIED.

9.3 Electronic Kiosks

3 September 2019

Memorandum from Counc. Shea

Counc. Shea noted his queries are intended to provide Council with an update with respect to the electronic kiosks.

MOVED by Counc. Shea and seconded by Counc. Lewis the memorandum from Counc. Shea RE: Electronic Kiosks dated 3 September 2019 be referred to staff.

ON THE QUESTION:

Counc. Wells provided background noting the kiosks were purchased with funds received from the Canada 150 grant. She noted: access to the internet was restricted and replaced with static imagery following inappropriate use of the kiosks; the kiosk in Renforth was removed due to flooding earlier in the year; and the matter will be discussed further with the Town’s ICT Coordinator as well as at the next Rothesay Hive Advisory Committee meeting. Counc. Brenan commented on the usefulness of the kiosks, noting community members have access to all the information through personal cellphones. Counc. Wells noted the kiosks and bulletin boards were targeted to seniors that may not rely on cellphones as much as younger generations. Mayor Grant added the kiosks were purchased at the request of seniors through feedback received from the Age-Friendly Survey and members of the Rothesay Age-Friendly Committee.

NAY vote recorded from Counc. McGuire.

CARRIED.

10. NEXT MEETING

The next meeting is scheduled for **Tuesday, October 15, 2019**. Town Clerk Banks noted because upcoming statutory holidays fall on the regularly scheduled Council dates, the October and November Council meetings will be held on the following Tuesdays.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 8:10 p.m.



MAYOR



CLERK