



**ROTHESAY**  
COUNCIL MEETING  
Rothesay Town Hall  
**Tuesday, October 15, 2019**  
**7:00 p.m.**



**PRESENT:** MAYOR NANCY GRANT  
DEPUTY MAYOR MATT ALEXANDER  
COUNCILLOR GRANT BRENAN  
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. McGuire and seconded by Counc. Mackay French the agenda be approved as circulated with the following amendment:

- Item 9.1.2 be brought forward to follow Item 7.6

**CARRIED.**

**2. ADOPTION OF MINUTES**

- Regular Meeting 9 September 2019

**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire the Open Session Council minutes of 9 September 2019 be adopted as circulated.

**CARRIED.**

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

**3. OPENING REMARKS OF COUNCIL**

Mayor Grant reported some Council members attended the annual Union of Municipalities of New Brunswick conference. She thanked Deputy Mayor Alexander for his summary and noted it will be discussed later on the agenda. She commented on the continuing success of the Rothesay Hive noting the Thanksgiving potluck was well attended. She further noted at the request of teacher Mme. Hutchings from Harry Miller Middle School, she and Town Clerk Banks will be providing tours of Town Hall on Wednesday, to students as they are learning about election processes. She encouraged all to vote in the upcoming election on October 21, 2019.

Counc. Wells congratulated the Rothesay Hive Advisory Committee for receiving a Wellness Champions award.

- 3.1 Declaration of Conflict of Interest**  
N/A

**4. DELEGATIONS**

**4.1 Fundy Regional Service Commission 2020 Budget**

Marc MacLeod (*see Item 9.1.1*)

Mayor Grant welcomed Mr. MacLeod. Mr. MacLeod thanked Council and reviewed the following budget highlights:

Fee Changes		
Item	Current	2020 Change
Organics	\$28 per metric tonne	\$40 per metric tonne
Asbestos	\$500 minimum; 70 per cubic metre	\$500 minimum; \$100 per cubic metre
International	\$200 per metric tonne	\$200 excavation fee plus \$200 per metric tonne
Freon White Goods	\$15 per unit	\$20 per unit
Box Scrapes	\$20 per unit scrape	\$25 per unit scrape

- Organic tipping fees were decreased in the past to encourage participation; a fee increase is required to sustain the program as participation did not increase as significantly as intended.
- The fee increase for asbestos is reflective of the market.
- Corporate Services
  - Governance reduced by \$5k for unused travel.
  - Financial Management reduced by \$5k for auditor fees through self-reporting.
- Regional and Cooperative Services
  - Member charges reduced by \$30k for surplus carryover.
- Local Planning Services
  - Government transfer received for \$40k for recreation program that was not previously recognized.
- Electrical Generation
  - Fiscal Services increase of \$60 to contribute to the capital purchase of a \$250k retrofit through borrowing. Offset in the operating budget by lower labour and maintenance costs.
- Solid Waste Services
  - Municipal Solid Waste (MSW) Tip Fee Revenue based on 65,000 metric tonnes (3-year weighted average projection)
  - No MSW tip fee change.
  - Operations — Machinery & Equipment \$30k increase for 2008 Dozer undercarriage rebuild.
  - Personnel increase at 2% as per union contract.
  - Cover Material \$220k increase to begin capping of cells 5-7.
  - Leachate increase of \$245k due to increase volume and biochemical oxygen demand (BOD) levels with the opening of cell 8 and the delay of capping cells 5-7 with the flood debris in 2018 and land purchase agreement for clay pit and rock quarry.
  - Waste Diversion Personnel Recycling increase of \$240k to add a third shift to the material recovery facility to meet market demand for purity from the closure of Asian and local markets. Additionally, address the material differences between the curbside (2-stream) and depot (3-stream) collection systems.
  - Depot collection program \$15k increase due to maintenance of older collection vehicles to defer capital replacement in light of curbside programs being developed by municipalities or through the province.
- Fiscal Services
  - Long Term Debt Interest lowered with the elimination of the 20-year compost debenture, but the addition of the Cell 8 borrowing.
  - Long Term Debt Principal lowered with the elimination of the 20-year compost debenture, but the addition of the Cell 8 borrowing.
  - Post closure contributions and management fees separated for transparency.

Counc. Wells commented that \$2,000 for International Ship's Waste appears low considering the frequency of cruise ships in Saint John. Mr. MacLeod advised some ports such as Halifax provide easier means for disposal of waste. Deputy Mayor Alexander inquired if a reduction in revenue is expected as a result of Saint John's decision to decrease their overall amount of municipal solid waste. Mr. MacLeod advised a \$12 reduction in the absolute value on the cost of collection is estimated. However, it is difficult to predict the impact on revenue. When questioned, Mr. MacLeod noted the organization is in year three of a five year union term. Counc. McGuire inquired about the reasoning for the significant increase in asbestos. Mr. MacLeod advised the reasoning is unclear, however a three year weighted average is used to project revenues and is typically a reflection of actuals.

Mayor Grant thanked Mr. MacLeod and noted the item will be discussed later on the agenda.

#### 4.2 Cameron Road Beach Access

Liz Kramer (*see Item 9.1.2*)

Mayor Grant welcomed Ms. Kramer of 14 Cameron Road. Ms. Kramer expanded on her request to remove the guardrail blocking vehicle access to Cameron Road beach. She noted her presentation clarified four main points: lack of a safety concern, lack of a legal issue, property rights, and history. She expressed the following concerns: several residents indicated their objection to the placement of a guardrail that blocks vehicle access to Cameron Road beach; work completed by the Town to mitigate flood concerns created additional safety concerns; the safety issue is located past the access point to Cameron Road beach; the likelihood of a vehicle veering off the road in the vicinity of the access point is low; the area is typically safe barring the period during the spring freshet; from a safety standpoint the area preferred to other boat launches; expansion of the ramp could have occurred during construction to permit vehicle access; and vehicles were able to use the ramp prior to the installation of the guardrails.

Ms. Kramer noted she disagreed with the points raised by Mayor Grant in a radio interview on Thursday, October 10<sup>th</sup>, more specifically: the existence of a safety concern, the regulation prohibiting vehicles on beaches, and classification of the matter as an environmental issue. She noted she spoke to Shawn Prosser an Environmental Inspector with the Department of Environment and Local Government (DELG). She conveyed a response from Mr. Prosser indicating DELG does not have any regulations that specifically speak to the operation of vehicles on beach areas including boat launches under the Clean Water Act. DELG regulates disturbances, or alterations within 30 meters of a watercourse and wetland. Use of a boat launch area to access the water would not typically be identified as a disturbance. However, if machinery, or vehicles used on the beach result in a disturbance as defined under the Clean Water Act operators may be subjected to enforcement action. She noted the Town's position may be misinformed as vehicles accessing Cameron Road beach have not altered the area. She expressed concern the right of property owners to access the beach was violated following the installation of the guardrail. She added when questioned, the Departments of Justice, Public Safety and Natural Resources were unable to provide assistance on the matter. Ms. Kramer referenced the 1912 plan of Fairvale Park and the Service New Brunswick land registry that indicate the shoreline is reserved for the common use of all lot owners. She noted "common use" is not clearly defined and suggested the Town does not have the authority to decide the definition. She claimed the Town has infringed upon the historical right of property owners as outlined in Section 2(1) Claim to general easement of the Easements Act RSNB 2011 C143:

*"2(1) No claim, which may be lawfully made at common law by custom, prescription or grant, to any way or other easement, or to any watercourse, or the use of any water to be enjoyed or derived on, over, or from any land or water of the Crown or being the property of any person shall, if the way or other matter has been actually enjoyed without interruption for the full period of 20 years, by the person claiming right to it, be defeated or destroyed by showing only that the way or other matter was first enjoyed at a time before the period of 20 years; nevertheless, the claim may be defeated in any other way by which it is now liable to be defeated."*

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Ms. Kramer concluded by reiterating her request to remove a portion of the guardrail to allow vehicle access. She suggested it would be a waste of time and gross misuse of taxpayer funds to address the matter in court.

Mayor Grant clarified Ms. Kramer's concern regarding loss of access relates to vehicle access as pedestrian access remains available. She gave a brief history noting the decision to raise Cameron Road to improve access in the event of flooding was ratified by Council in 2018 following approval of the 2019 budget. Safety concerns associated with the steep slope created from raising the road were addressed through the installation of guardrail.

Counc. Wells noted the Town has a duty to address safety concerns. Ms. Kramer contended that the rights established in the original deed must be respected. Counc. Wells noted individuals are able to access the beach through a walking path. She added she was of the understanding Ms. Kramer was agreeable to a boat launch at Jordan Miller Park as an alternative solution. She noted Jordan Miller Park provides suitable parking that is otherwise unavailable on Cameron Road. Ms. Kramer reiterated that she believes the Town does not have the authority to change common use of the land.

Counc. Brenan agreed a safety concern does not appear to exist and suggested the path be widened and a portion of the guardrail removed. Counc. Brenan and Counc. Shea commended Ms. Kramer for her research and presentation. Counc. Shea questioned if the issue strictly relates to vehicle access and if there is another location that can provide sufficient access. Ms. Kramer acknowledged the issue relates to vehicle access. She added the Works and Utilities Committee discussed Jordan Miller Park as a favourable launch site however the lengthy timeframe necessary to construct the amenity will impact regular fishing activities. Ms. Kramer explained a petition was submitted to the Town requesting the guardrail be removed until the new boat launch was constructed.

Counc. McGuire inquired if Cameron Road beach is considered a beach or a boat launch. Ms. Kramer noted Cameron Road is considered a beach however due to the shallow depth individuals prefer to launch watercrafts as opposed to swimming. Counc. McGuire commented on the existence of four alternative boat launches within a reasonable distance in Rothesay. He added some individuals in the area prefer that the guardrail remain in place. Ms. Kramer contended that the distance, cost, and poor condition of boat launches in Rothesay act as deterrents.

Deputy Mayor Alexander noted parking on the beach and improper disposal of fishing shacks have adverse environmental impacts. He added vehicles parked on the beach also hinder recreational use of the area for other community members. Ms. Kramer reported individuals ignored the prior "No Parking" signage due to a lack of enforcement. She added the majority of transgressions are carried out by individuals that do not reside in the area. As an individual residing in the area she feels compelled to educate other individuals on appropriate use of the beach. She recommended the installation of a waste receptacle in the area to further reduce litter. She noted the signage identifying rules with respect to ice-fishing activities had a positive impact. When questioned, Ms. Kramer clarified she and her fishing partner launch the boat at Cameron Road beach, park at Jordan Miller Park, and return to the beach to board the boat. Deputy Mayor Alexander inquired if Ms. Kramer is agreeable to construction of a boat launch in spring 2020. Ms. Kramer expressed concern the spring timeline may not be achievable. She added she prefers to have access until the upgrades to Jordan Miller Park are completed.

Mayor Grant thanked Ms. Kramer and noted the item will be discussed later on the agenda.

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## 5. CORRESPONDENCE FOR ACTION

5.1 16 September 2019 Email from resident RE: Eriskay Drive Traffic Calming  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the email from resident RE: Eriskay Drive Traffic Calming dated 16 September 2019 be referred to the Works and Utilities Committee.

### ON THE QUESTION:

Counc. Lewis questioned if narrowing the street and raising the curb did not produce the intended result to deter speeding. DO McLean advised the email refers to the portion of Eriskay Drive near Highland Avenue towards Grove Avenue, rather than the recently reconstructed section near Highland Avenue to Hampton Road. Counc. Mackay French noted she has witnessed speeding in the area during her daily commute.

**CARRIED.**

5.2 17 September 2019 Email from resident RE: Snow clearing  
**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the email from resident RE: Snow clearing dated 17 September 2019 be referred to the Works and Utilities Committee.

**CARRIED.**

5.3 2020 Kennebecasis Public Library Draft Operating Budget  
**MOVED** by Counc. Shea and seconded by Deputy Mayor Alexander the 2020 Kennebecasis Public Library Draft Operating Budget be referred to the Finance Committee.

### ON THE QUESTION:

Treasurer MacDonald identified an error in the copy circulated. The correct version was received, and identifies a 1% increase from the 2019 budget. He noted the correct version will be distributed to the Finance Committee.

**CARRIED.**

5.4 4 October 2019 Email from resident RE: Request for fence replacement on Crestline Road  
**MOVED** by Deputy Mayor Alexander and seconded by Counc. McGuire the email from resident RE: Request for fence replacement on Crestline Road dated 4 October 2019 be referred to staff.

### ON THE QUESTION:

Counc. Wells noted the request is reasonable as trees located on Town owned land caused the damage. Counc. Shea contended liability is unclear as damage caused by weather events may be considered an “act of god”. There was further discussion with respect to liability. Counc. Wells requested Council be apprised of the outcome.

**CARRIED.**

5.5 10 October 2019 Letter from Kennebecasis Valley Fire Department Ltd. (KVFD)  
RE: Draft Operating and Capital Budget  
DRAFT KVFD 2020 Operating and Capital Budget  
DRAFT KVFD 2020 - 2027 Fleet, Facilities, and Equipment Replacement  
Schedule

**MOVED** by Counc. Brenan and seconded by Counc. Lewis the letter from Kennebecasis Valley Fire Department Ltd. (KVFD) RE: Draft Operating and Capital Budget dated 10 October 2019, the draft KVFD 2020 Operating and Capital Budget, and the draft KVFD 2020 – 2027 Fleet, Facilities, and Equipment Replacement Schedule be referred to the Finance Committee.

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### ON THE QUESTION:

Mayor Grant commented that there are some discrepancies between the 2020 - 2027 fleet, facilities, and equipment replacement schedule and the 2020 – 2025 KVFD Strategic Plan.

**CARRIED.**

5.6 10 October 2019 Letter from KVFD RE: Draft KVFD Strategic Plan 2020 - 2025  
DRAFT 2020-2025 KVFD Strategic Plan

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council request a presentation from the Kennebecasis Valley Fire Department Board of Fire Commissioners with respect to the KVFD Strategic Plan 2020 – 2025.

**CARRIED.**

### 6. CORRESPONDENCE - FOR INFORMATION

6.1 28 August 2019 Letter from Quispamsis to Premier Higgs RE: Request for Provincial-wide ban on single use plastic bags at retail outlets

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the letter from Quispamsis to Premier Higgs RE: Request for Provincial-wide ban on single use plastic bags at retail outlets dated 28 August 2019 be received/filed.

### ON THE QUESTION:

Counc. Shea noted the matter was discussed at the annual Union of Municipalities of New Brunswick conference.

**CARRIED.**

6.2 4 September 2019 Letters (various) from the Regional Facilities Commission RE: 2020 Budget

**MOVED** by Counc. Wells and seconded by Counc. McGuire the letters (various) from the Regional Facilities Commission RE: 2020 Budget dated 4 September 2019 be received/filed.

### ON THE QUESTION:

There was discussion with respect to the inclusion of capital in the proposed 2020 Canada Games Aquatic Centre budget. Treasurer MacDonald advised inclusion of capital is typically not permitted unless it can be argued the result will improve efficiency or decrease the overall operating cost.

**CARRIED.**

6.3 19 September 2019 Letter to Mulberry Road residents (11 *including 40 Cameron Road*)  
RE: Public Hearing for the Undertaking of Work as a Local Improvement

**MOVED** by Counc. Wells and seconded by Counc. Lewis the letter to Mulberry Road residents (11 *including 40 Cameron Road*) RE: Public Hearing for the Undertaking of Work as a Local Improvement dated 19 September 2019 be received/filed.

**CARRIED.**

6.4 20 September 2019 Letter from the YMCA of Greater Saint John RE: Thank You – Annual Contribution to Saint John Regional Y

**MOVED** by Counc. Wells and seconded by Counc. Mackay French the letter from the YMCA of Greater Saint John RE: Thank You – Annual Contribution to Saint John Regional Y dated 20 September 2019 be received/filed.

**CARRIED.**

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6.5 20 September 2019 Letter from Minister Carr RE: Federal Gas Tax Fund (GTF) – 2019-2023 Capital Investment Plan

**MOVED** by Counc. Shea and seconded by Counc. Wells the letter from Minister Carr RE: Federal Gas Tax Fund (GTF) – 2019-2023 Capital Investment Plan dated 20 September 2019 be received/filed.

**CARRIED.**

6.6 27 September 2019 Letter from Economic Development Greater Saint John (EDGSJ) RE: *Dear GSJ* 2018 EDGSJ Annual Report

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the letter from Economic Development Greater Saint John (EDGSJ) RE: *Dear GSJ* 2018 EDGSJ Annual Report dated 27 September 2019 be received/filed.

### ON THE QUESTION:

In response to an inquiry, Mayor Grant agreed to inquire at the next Regional Oversight Committee if EDGSJ plan to present the report to regional municipalities.

**CARRIED.**

6.7 8 October 2019 Letter from Sentier New Brunswick Trails Council Inc. RE: Dissolution of Sentier New Brunswick Trails Council Inc.

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells the letter from Sentier New Brunswick Trails Council Inc. RE: Dissolution of Sentier New Brunswick Trails Council Inc. dated 8 October 2019 be received/filed.

### ON THE QUESTION:

When questioned, Treasurer MacDonald reported the dissolution of the organization will not impact the Town's insurance policy.

**CARRIED.**

## 7. REPORTS

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

7.1 24 June 2019 Fundy Regional Service Commission (FRSC) Meeting Minutes

**MOVED** by Counc. Wells and seconded by Counc. Lewis the Fundy Regional Service Commission (FRSC) Meeting Minutes dated 24 June 2019 be received/filed.

### ON THE QUESTION:

In response to an inquiry, Mayor Grant advised meetings did not occur between the dates of June 24, 2019 and September 10, 2019.

**CARRIED.**

7.2 4 September 2019 Kennebecasis Valley Fire Department Ltd. (KVFD) Board Meeting Minutes

30 June 2019 KVFD Statement of Expense

4 September 2019 KVFD Chief's Report

31 July 2019 KVFD Response Report

**MOVED** by Counc. Brenan and seconded by Counc. Lewis the Kennebecasis Valley Fire Department Ltd. (KVFD) Board Meeting Minutes dated 4 September 2019, the KVFD Statement of Expense dated 30 June 2019, the KVFD Chief's Report dated 4 September 2019, and the KVFD Response Report dated 31 July 2019 be received/filed.

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### ON THE QUESTION:

Counc. Brenan identified an error noting the meeting began at 5:24 p.m. rather than 7:24 p.m. Deputy Mayor Alexander questioned the accuracy of the following statement in the Chief's Report: "This marks the first time since the creation of the Senior Firefighter position in 2011 that we have had enough trained and qualified members to fill all of our ranked positions" noting it is assumed all members are trained and qualified. Counc. Brenan suggested the inquiry is better suited to the Fire Chief.

**CARRIED.**

7.3 31 August 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 August 2019 be received/filed.

### ON THE QUESTION:

When questioned, Treasurer MacDonald advised reimbursement from the provincial Disaster Financial Assistance program is expected however may be delayed due to processing. He added final payment for reimbursement of the 2018 spring freshet flood was recently received.

**CARRIED.**

31 August 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 August 2019 be received/filed.

### ON THE QUESTION:

Mayor Grant inquired about the Hillview Crescent and Shadowhill Court projects. Town Manager Jarvie advised design work is underway. It is likely the projects will appear as local improvement levies in 2020.

**CARRIED.**

31 August 2019 Donation Summary  
**MOVED** by Counc. Brenan and seconded by Counc. Shea the Donation Summary dated 31 August 2019 be received/filed.

**CARRIED.**

26 September 2019 Draft Finance Committee Meeting Minutes  
**MOVED** by Counc. Brenan and seconded by Counc. Shea the Draft Finance Committee Meeting Minutes dated 26 September 2019 be received/filed.

**CARRIED.**

#### ➤ Proposed 2020 Budget Schedule

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Brenan Council schedule a special Open Session meeting on Tuesday, November 26, 2019 starting at 7:00 p.m. to review the proposed 2020 budget for Rothesay.

**CARRIED.**

7.4 17 September 2019 Draft Rothesay Hive Advisory Committee Meeting Minutes  
**MOVED** by Counc. Wells and seconded by Counc. Mackay French the Draft Rothesay Hive Advisory Committee Meeting Minutes dated 17 September 2019 be received/filed.

### ON THE QUESTION:

Counc. Wells gave a brief summary and commended Hive Coordinator Danielle Hawkins for her work promoting the Hive.

**CARRIED.**



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7.5 17 September 2019 Draft Parks and Recreation Committee Meeting Minutes  
**MOVED** by Counc. Wells and seconded by Counc. Lewis the Draft Parks and Recreation Committee Meeting Minutes dated 17 September 2019 be received/filed.

### ON THE QUESTION:

In response to an inquiry, DRP Jensen advised use of a decoy coyote has deterred geese from the Rothesay High School field. The decoy is a comparable size to a real coyote.

**CARRIED.**

7.6 18 September 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 18 September 2019 be received/filed.

### ON THE QUESTION:

Counc. Wells advised the legislation prohibiting motor vehicles on beaches was discussed at the Committee meeting.

**CARRIED.**

➤ Jordan Miller Park boat launch and lighting (*see also item 9.1.2*)

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council direct staff to investigate potential upgrades to Jordan Miller Park, more specifically, construction of a boat launch and additional lighting.

### ON THE QUESTION:

It was agreed the recommendation to construct a boat launch at Jordan Miller Park, and the request to remove a portion of the guardrail to permit vehicle access to Cameron Road beach will be discussed separately. Counc. Brenan agreed with Ms. Kramer's presentation noting property owners in the area have a right to access the beach, the slope in the vicinity of the access point displayed in the photographs does not appear to be a safety concern, and community members indicated an amenableness to refrain from parking on the beach. Mayor Grant noted there was past interest to construct a boat launch at Jordan Miller Park, and Ms. Kramer indicated an agreeableness to the idea at the last Works and Utilities Committee meeting. It was noted: the feasibility of a boat launch at Jordan Miller Park is unclear; washrooms, parking, and ease of access to the water is available; the amenity may increase use of the Park; and options can be explored further should the project not prove viable.

**CARRIED.**

### Item brought forward.

#### 9.1.2 Cameron Road Beach Access

*Various* Emails from/to residents RE: Cameron Road Beach Access

Counc. Lewis suggested vehicle access or "status quo" be restored until a boat launch is constructed at Jordan Miller Park. He noted the process to acquire a Watercourse and Wetland Alteration (WAWA) permit is lengthy and may delay construction leaving residents without a boat launch in the area. He added he is more concerned about the debris caused by abandoned fishing shacks near Cameron Road. He suggested residents monitor the area to prevent such behaviour. Residents in attendance acknowledged the carelessness of some individuals. Counc. Wells suggested legal counsel be engaged to provide an opinion, and the matter be deferred until the feasibility of upgrades to Jordan Miller Park is determined. She added at this time of year fishing season may be concluding. Deputy Mayor Alexander expressed concern that the pre-existing signage prohibiting parking was ignored by residents. He suggested if vehicle access is granted it may be advantageous to reinstall "No Parking" signs, as well as a "Use at Your Own Risk" sign.

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**MOVED** by Council. Brenan and seconded by Council. Shea that the Town open beach access until other options are presented to Council *with the installation of "Use at Own Risk" and "No Parking" signs.*

**Amending motion:**

**MOVED** by Deputy Mayor Alexander and seconded by Council. Brenan the following be inserted following "Council":

*"with the installation of 'Use at Own Risk' and 'No Parking' signs"*

**ON THE QUESTION:**

Council. McGuire questioned what actions are necessary to allow vehicle access. DO McLean advised it depends on the design. He provided a brief background and noted the following: a steep slope was created when Cameron Road was raised; regulations required the installation of a guardrail as the slope exceeded a specific ratio; infill is not permitted in the area of a watercourse so special permission was granted under a WAWA permit to construct a ramp to ensure pedestrian access to the beach was maintained; the guardrails were spaced 5 feet apart to allow pedestrians to access the ramp.

DO McLean cautioned removing the guardrail to permit vehicle access would contravene Section 5(1) of the New Brunswick Trespass Act, more specifically: *"No person shall trespass by means of a motor vehicle ... (c) in a watercourse (d) in a lake shore area, (e) in an ocean shore area,"* and further, would perpetuate an unsafe condition as the ratio of the adjacent slope requires the presence of a guardrail. Council. Brenan reiterated the ratio of the slope closest to the access point does not appear to be dangerous. He added vehicle access was not uncommon in the past. In response to an inquiry, DO McLean advised another WAWA permit is necessary to enlarge the ramp for vehicles as the previous permit has expired. He added it is unlikely another WAWA permit could be obtained before next summer. Town Manager Jarvie advised the common law rights described by Ms. Kramer may be impacted by statute law and it may be advantageous to obtain a legal opinion for clarity.

In response to a request, Town Clerk Banks read the motion. Council. Lewis suggested the signage be installed at the top of the road. There was further discussion with respect to the options available. Council. Mackay French commented that vehicle access was possible until the installation of the guardrail. She suggested a portion of the guardrail be removed to grant vehicle access. Council. Shea questioned if it is the recommendation of staff to seek a legal opinion. Town Manager Jarvie advised it is recommended Council obtain a legal opinion. In response to an inquiry, Town Manager Jarvie advised it is anticipated a legal opinion could be obtained before the next Council meeting.

**MOVED** by Council. Shea and seconded by Council. Wells the matter be tabled pending acquisition of a legal opinion.

**YEA votes recorded from:** Deputy Mayor Alexander, and Councils. Mackay French, McGuire, Shea and Wells.

**NAY votes recorded from:** Councils. Brenan and Lewis.

**CARRIED.**

➤ 2 Magnolia Lane

**MOVED** by Deputy Mayor Alexander and seconded by Council. Wells Council defer the water connection fee for the second apartment building at 2 Magnolia Lane until a formal request for a meter is received.

**CARRIED.**

➤ Review of payment schedule for Residential Apartment Complexes (*see item 8.2*)

**MOVED** by Deputy Mayor Alexander and seconded by Council. Wells Council direct staff to undertake a review of payment schedules for Residential Apartment Complex utility connection fees.

**CARRIED.**

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7.7 30 September 2019 Draft Emergency Measures Committee Meeting Minutes  
**MOVED** by Counc. Lewis and seconded by Counc. McGuire the Draft Emergency Measures Committee Meeting Minutes dated 30 September 2019 be received/filed.

### ON THE QUESTION:

In response to an inquiry, Counc. Lewis noted Council will be apprised of the outcome of the regional meeting through the next EMO Committee meeting minutes. When questioned, Town Manager Jarvie explained the meetings with property owners in flood prone areas will ensure residents are informed of the resources available and the measures to be undertaken by the Town. Mayor Grant requested a status update with respect to the installation of a backflow prevention device on Post Road. DO McLean advised permission is required from an adjacent property owner, however staff have been unsuccessful reaching the individual.

**CARRIED.**

7.8 7 October 2019 Draft Planning Advisory Committee Meeting Minutes  
**MOVED** by Counc. Shea and seconded by Counc. McGuire the Draft Planning Advisory Committee Meeting Minutes dated 7 October 2019 be received/filed.

### ON THE QUESTION:

Counc. Wells expressed concern regarding the interest to densify the area. DPDS White advised due to the large size of the lot densifying the area would not impact the existing character of the neighbourhood. In response to an inquiry, DPDS White noted the driveways of all three lots will front on Brock Court. Clarification was requested with respect to the location of the municipal services easement. DPDS White advised the easement is located adjacent to 16 Goldie Court. He added there may be some confusion as there is also a private easement in the vicinity.

**CARRIED.**

### ➤ 5 Grove Avenue – Cash in Lieu of LPP and Municipal Services Easement

**MOVED** by Counc. Shea and seconded by Counc. Lewis Council accept \$3,202.20 as cash in lieu of Land for Public Purposes for the proposed vacant Lot 19-1 to be subdivided from 5 Grove Avenue (PIDs 00256701, and 00091132).

**CARRIED.**

**MOVED** by Counc. Shea and seconded by Counc. McGuire Council assent to the Municipal Services Easement as indicated on the Tentative Plan (Dwg. No 19012SDT-Brock Court) to be registered in accordance with the Community Planning Act.

**CARRIED.**

7.9 September 2019 Monthly Building Permit Report  
**MOVED** by Counc. Lewis and seconded by Counc. Wells the Monthly Building Permit Report dated September 2019 be received/filed.

**CARRIED.**

7.10 10 October 2019 Capital Projects Summary  
**MOVED** by Counc. Wells and seconded by Counc. Mackay French the Capital Projects Summary dated 10 October 2019 be received/filed.

### ON THE QUESTION:

Counc. Lewis noted he was pleased to see the Campbell Drive intersection near the fire station has been paved.

**CARRIED.**

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7.11 26 June 2019 Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC)  
Board Meeting Minutes  
31 August 2019 KRJBPC Statement of Financial Position  
31 August 2019 KRJBPC Call Summary

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Mackay French the Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) Meeting Minutes dated 26 June 2019, the KRJBPC Statement of Financial Position dated 31 August 2019, and the KRJBPC Call Summary dated 31 August 2019 be received/filed.

## ON THE QUESTION:

Deputy Mayor Alexander commented that Counc. McGuire's suggestion to include surnames and/or titles will be reflected in the next meeting minutes.

**CARRIED.**

## 8. UNFINISHED BUSINESS

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### TABLED ITEMS

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

*No action at this time*

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#### 8.2 Amending Water By-law 1-18-1

7 October 2019 Memorandum from Town Clerk Banks

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council give 1st Reading, by Title, to By-law 1-18-1, "A By-law of the Municipality of Rothesay to Amend the Rothesay Water By-law".

**CARRIED.**

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

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council schedule a public hearing for Tuesday, November 12, 2019, immediately following the public hearing for By-law 1-19-1 (Mulberry Lane) to give consideration to By-law 1-18-1.

## ON THE QUESTION:

Town Manager Jarvie advised a public hearing is not required but recommended to ensure the public has an opportunity to provide feedback.

**CARRIED.**

**MOVED** by Deputy Mayor Alexander and seconded by Counc. Wells Council direct staff to forward a copy of the draft By-law to affected "*Residential Apartment Complex*" property owners.

**CARRIED.**

#### 8.3 Signage on Public Land in Kennebecasis Park

8 October 2019 Report prepared by DPDS White

*Various* Correspondence (4) from residents RE: Access to public land in Kennebecasis Park

**MOVED** by Counc. Wells and seconded by Counc. Mackay French Council direct staff to undertake a signage program in Kennebecasis Park to identify public access points to Town owned land, as outlined in the August 12, 2019 staff report.

**ON THE QUESTION:**

Staff circulated a sample of the signage. Counc. Lewis inquired if objections were received, and if Town right-of-ways can be sold. Town Manager Jarvie advised not all feedback received was in favour of the signage. He added there are challenges with selling Town right-of-ways including a requirement that all individuals with rights to the property must agree to the sale.

**CARRIED.**

**9. NEW BUSINESS**

**9.1 BUSINESS ARISING FROM DELEGATIONS**

**9.1.1 FRSC 2020 Budget**

12 September 2019 Letter from the Fundy Regional Service Commission (FRSC) RE: Draft 2020 Budget

DRAFT 2020 Fundy Regional Service Commission Budget

**MOVED** by Counc. McGuire and seconded by Counc. Mackay French the letter from the Fundy Regional Service Commission (FRSC) RE: Draft 2020 Budget dated 12 September 2019, and the Draft 2020 FRSC Budget be received/filed; and further any comments be forwarded to Mayor Grant before October 28, 2019.

**CARRIED.**

**9.1.2 Cameron Road Beach Access**

*Various* Emails from/to residents RE: Cameron Road Beach Access

**Dealt with above.**

**ADMINISTRATION**

**9.2 Committee Appointment**

7 October 2019 Memorandum from the Nominating Committee

**MOVED** by Counc. Wells and seconded by Counc. Mackay French Council appoint Bill Bishop to the Rothesay Hive Advisory Committee for a term to expire 31 December 2020.

**CARRIED.**

**9.3 Council Remuneration**

7 October 2019 Memorandum from the Personnel Committee

**MOVED** by Counc. McGuire and seconded by Counc. Wells the annual remuneration for the 2020 term of Council be increased 6% as follows:

	Mayor	Deputy Mayor	Councillor
Current	35,000	18,900	16,200
Proposed 2020 – 24	<b>37,000</b>	<b>20,100</b>	<b>18,000</b>

**ON THE QUESTION:**

It was noted the proposed changes reflect an annual increase of roughly 1.5%. There was a brief discussion with respect to strategies implemented by other municipalities.

**CARRIED.**

**MOVED** by Counc. McGuire and seconded by Counc. Brenan the per diem payment for Councillors missing work as employees to attend to Town business outside the municipality be increased to \$200.

**ON THE QUESTION:**

It was noted the payment was \$150 for roughly the past ten years.

**CARRIED.**

## ROTHESAY

Regular Council Meeting  
Minutes

-14-

15 October 2019

**MOVED** by Counc. McGuire and seconded by Counc. Wells the subsidy for Council fitness club memberships be eliminated.

### ON THE QUESTION:

It was clarified the subsidy for Council fitness club memberships will be eliminated as of 2020.

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

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

**CARRIED.**

## RECREATION

### 9.4 Public Parking at Our Lady of Perpetual Help

10 October 2019 Memorandum from Town Manager Jarvie

8 October 2019 Letter to Our Lady of Perpetual Help Church RE: Church Parking Lot

**MOVED** by Counc. Wells and seconded by Counc. McGuire Council endorse the measures set out in the memorandum from Town Manager Jarvie dated 10 October 2019 regarding the public use of the parking lot at Our Lady or Perpetual Help.

### ON THE QUESTION:

Counc. Lewis commented on the discrepancies between use of sandwich boards by the Town and businesses. DPDS White clarified sandwich boards are permitted under certain circumstances. Town Manager Jarvie added the boards will not obstruct traffic or pedestrians, and will be designed for easy recognition.

**NAY votes recorded from Councs. Brennan and Lewis.**

**CARRIED.**

## OPERATIONS

### 9.5 Backflow Prevention – Cameron Road Storm Sewer Outlets

8 October 2019 Report prepared by DO McLean

**MOVED** by Counc. McGuire and seconded by Deputy Mayor Alexander Council authorize the Director of Operations to purchase backflow prevention devices for two storm sewer outfalls along Cameron Road that discharge to the river below the 6.0 meter elevation.

### ON THE QUESTION:

Counc. Wells inquired if a similar approach may be applied to other flood prone areas. DO McLean advised the initiative may be unsuccessful due to the elevation of some areas.

**CARRIED.**

### 9.6 Construction Activity – Church Avenue Area

11 October 2019 Memorandum from Town Manager Jarvie

**MOVED** by Counc. Wells and seconded by Deputy Mayor Alexander the memorandum from Town Manager Jarvie RE: Construction Activity – Church Avenue Area dated 11 October 2019 be received/filed.

**CARRIED.**

## DEVELOPMENT SERVICES

### 9.7 Encroachment Agreement – 67 Appleby Drive

11 October 2019 Report prepared by DPDS White

**MOVED** by Counc. Lewis and seconded by Counc. Mackay French Council hereby authorizes the Mayor and Clerk to enter into an encroachment agreement with Ingrid Warning of 67 Appleby Drive for the purpose of permitting a car port, parking area and retaining wall on Town owned land (PID 30315865) on the condition that the encroachment agreement be signed by Ingrid Warning of 67 Appleby Drive within 120 days from the date of this approval otherwise this approval shall be void and all obligations arising shall be at an end.

**ROTHESAY**

Regular Council Meeting  
Minutes

**ON THE QUESTION:**

Concerns were expressed citing Section C may be misleading as the Town right-of-way would be partially obstructed by the structure, and the structure may be aesthetically displeasing.

**NAY votes recorded from Councils. Shea and Wells.**

**CARRIED.**

**COUNCIL REQUESTS**

**9.8 Mayor's Roundtable on Climate Change**

9 October 2019 Memorandum from Deputy Mayor Alexander

**MOVED** by Deputy Mayor Alexander and seconded by Council. Brenan the Memorandum from Deputy Mayor Alexander RE: Mayor's Roundtable on Climate Change dated 9 October 2019 be tabled until the next meeting pending a feasibility study.

**CARRIED.**

**9.9 2019 Union of Municipalities of New Brunswick AGM**

9 October 2019 Memorandum from Deputy Mayor Alexander

**MOVED** by Deputy Mayor Alexander and seconded by Council. Mackay French the memorandum from Deputy Mayor Alexander RE: 2019 Union of Municipalities of New Brunswick AGM dated 9 October 2019 be received/filed.

**ON THE QUESTION:**

Council. Mackay French thanked Deputy Mayor Alexander for his memorandum. She highlighted a typographical error in the spelling of her surname.

**CARRIED.**

**10. NEXT MEETING**

The next meetings are scheduled as follows:

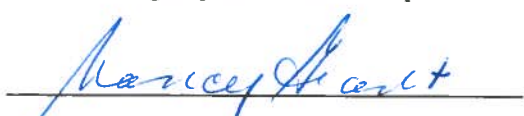
- |   |   |
|---|---|
| Public Hearing (Mulberry Lane)                | <b>Tuesday, November 12, 2019 7:00 p.m.</b>               |
| Public Hearing (Amending Water By-law 1-18-1) | <b>Tuesday, November 12, 2019 (immediately following)</b> |
| Regular Council meeting                       | <b>Tuesday, November 12, 2019 (immediately following)</b> |

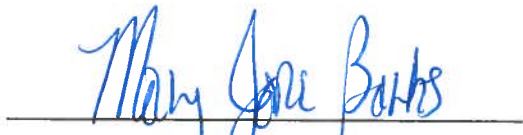
**11. ADJOURNMENT**

**MOVED** by Council. McGuire and seconded by Council. Wells the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 9:15 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK