



ROTHESAY
COUNCIL MEETING
Rothesay Town Hall
Monday, December 9, 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 7:00 p.m.

1. APPROVAL OF AGENDA

MOVED by Counc. Wells and seconded by Deputy Mayor Alexander the agenda be approved as circulated.

CARRIED.

2. ADOPTION OF MINUTES

- Public Hearing (By-law 1-19-01) 12 November 2019

MOVED by Counc. Lewis and seconded by Deputy Mayor Alexander the Public Hearing (By-law 1-19-01) minutes of 12 November 2019 be adopted as circulated.

CARRIED.

- Public Hearing (By-law 1-18-01) 12 November 2019

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Public Hearing (By-law 1-18-01) minutes of 12 November 2019 be adopted as circulated.

CARRIED.

- Regular Meeting 12 November 2019

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Open Session Council minutes of 12 November 2019 be adopted as circulated.

CARRIED.

- Special Meeting 26 November 2019

MOVED by Counc. McGuire and seconded by Counc. Wells the Special Open Session Council minutes of 26 November 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 Santa Claus Parade, and noted her appreciation for the new safety measures. She thanked staff and Council for their roles in making the event a success. She invited all to attend the Mayor's Tree Lighting ceremony, December 11th at 7 p.m. at the Rothesay Common.

3.1 Declaration of Conflict of Interest

Mayor Grant declared a conflict of interest with respect to KV Oasis Youth Centre (Items 7.3 Finance Committee Minutes, and 9.1.2 Donation Request Motions).

Deputy Mayor Alexander declared a conflict of interest with respect to Item 9.8 280 Renshaw Road.

4. DELEGATIONS

N/A

5. CORRESPONDENCE FOR ACTION

N/A

6. CORRESPONDENCE - FOR INFORMATION

6.1 14 November 2019 Letter from the Department of Transportation and Infrastructure to Garth Millar RE: KV Marathon

MOVED by Counc. Brenan and seconded by Counc. Mackay French the letter from the Department of Transportation and Infrastructure to Garth Millar RE: KV Marathon dated 14 November 2019 be received/filed.

CARRIED.

6.2 22 November 2019 Letter to Minister Carr RE: Calculation of Contributions – Greater Saint John Regional Facilities Commission

MOVED by Counc. Lewis and seconded by Counc. Wells the letter to Minister Carr RE: Calculation of Contributions – Greater Saint John Regional Facilities Commission dated 22 November 2019 be received/filed.

CARRIED.

7. REPORTS

7.0 November 2019 Report from Closed Session

➤ Resolution on Binding Arbitration

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

WHEREAS: New Brunswick's municipal leaders through their respective Associations (Cities of New Brunswick Association, Union of Municipalities of New Brunswick, Association francophone des municipalites du Nouveau-Brunswick (the Associations)) have come together to propose balanced and practical amendments to the *Industrial Relations Act*.

WHEREAS: These amendments propose to strengthen the interest arbitration process (binding arbitration) for achieving joint collective bargaining agreements specifically related to wages and benefits for firefighters and police in the province while reflecting the economic circumstances of the province and the community they serve.

WHEREAS: Establishing criteria for binding arbitrators in legislation is critical to ensuring the essential services in our communities are within the means of our municipalities without sacrificing quality of life services that the municipalities provide and municipal growth.

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WHEREAS: Together, the municipalities from all three Associations are proposing an amendment to the *Industrial Relations Act* that would ensure that the original legislative intent is achieved. The amendment is not intended to impose limits on binding arbitrator's ability to award costs rather, they ensure that decisions are completed in an efficient manner, are more accountable and transparent, and importantly tied, to meaningful assessments of a municipality's fiscal health.

BE IT RESOLVED: We join and support the request by all City Councils that these improvements be implemented within the existing legislative framework in a manner that complements the intended spirit of the legislation and the existing interest arbitration process as it relates to firefighters and police.

CARRIED.

7.1 10 September 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 10 September 2019 be received/filed.

ON THE QUESTION:

Mayor Grant responded to a previous inquiry of Counc. Shea regarding the August meeting, noting due to a medical emergency the recording secretary was unable to attend so the agenda was deferred to the September meeting. She identified an error in the minutes noting the Commission did not borrow funds, but rather sought approval to borrow funds, in April 2018 to construct Cell 8. She added the four purchases in the minutes were intended for the 2020 budget however it was agreed to purchase the items in 2019 using surplus funds.

CARRIED.

7.2 18 September 2019 Kennebecasis Public Library (KPL) Board Meeting Minutes

31 August 2019 KPL Comparative Income Statement

September 2019 KPL Librarian's Report

September 2019 KPL Building Maintenance Report

MOVED by Counc. Shea and seconded by Counc. Wells the Kennebecasis Public Library (KPL) Board Meeting Minutes dated 18 September 2019, the KPL Comparative Income Statement dated 31 August 2019, the KPL Librarian's Report dated September 2019, and the KPL Building Maintenance Report dated September 2019 be received/filed.

ON THE QUESTION:

Counc. Wells inquired about the interest in hiring two new on-call employees at the library. It was noted Rothesay and Quispamsis share the cost of the facility; staffing is a provincial responsibility.

CARRIED.

7.3 31 October 2019 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Counc. Brenan and seconded by Counc. Mackay French the draft unaudited Rothesay General Fund Financial Statements dated 31 October 2019 be received/filed.

CARRIED.

31 October 2019 Draft unaudited Rothesay Utility Fund Financial Statements

MOVED by Counc. Brenan and seconded by Deputy Mayor Alexander the draft unaudited Rothesay Utility Fund Financial Statements dated 31 October 2019 be received/filed.

CARRIED.

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30 November 2019 Donation Summary

MOVED by Counc. Brenan and seconded by Counc. Shea the Donation Summary dated 30 November 2019 be received/filed.

ON THE QUESTION:

Mayor Grant noted the 2019 donations are within budget.

CARRIED.

2 December 2019 Draft Finance Committee Meeting Minutes

MOVED by Counc. Brenan and seconded by Counc. Shea the Draft Finance Committee Meeting Minutes dated 2 December 2019 be received/filed.

ON THE QUESTION:

Mayor Grant noted she has a redacted copy of the minutes.

CARRIED.

➤ 2020 Budget
See Item 9.1

7.4 19 November 2019 Draft Rothesay Hive Advisory Committee Meeting Minutes

MOVED by Counc. Wells and seconded by Counc. Shea the Draft Rothesay Hive Advisory Committee Meeting Minutes dated 19 November 2019 be received/filed.

ON THE QUESTION:

Counc. Brenan inquired if the budget request was discussed by the Finance Committee. Treasurer MacDonald advised the request was included in the draft budget under General Government, as discussed at the November 26, 2019 meeting.

CARRIED.

➤ 2020 Budget Request
See Item 9.1

7.5 19 November 2019 Draft Parks and Recreation Committee Meeting Minutes

MOVED by Counc. Wells and seconded by Counc. McGuire the Draft Parks and Recreation Committee Meeting Minutes dated 19 November 2019 be received/filed.

ON THE QUESTION:

Counc. Wells gave a summary of the minutes. Counc. Mackay French questioned the purpose of the Committee's discussion on establishing a fundraising committee for a new build, noting Council already made a decision to pursue renovation of the arena. She further commented that, once a decision of Council has been made, it should be supported by all Council members whether they initially supported the decision or not. Counc. Wells noted during the Committee's discussion regarding the process to renovate the facility, a suggestion was made to investigate fundraising for a new build. Counc. Lewis confirmed the Committee's discussion was not directed towards the topic; the suggestion was made by a Committee member not a Council member. Counc. Mackay French questioned if Council members on the Committee should intervene to notify the Committee that the matter was decided and to redirect the conversation back to the primary focus. Counc. Wells reiterated the Committee was directed to discuss a process for renovation. Counc. Shea suggested the matter be discussed further under the next item on the agenda.

CARRIED.

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➤ Rothesay Arena

Mayor Grant noted she consulted with the Town Clerk, who advised she was of the opinion that the Committee's recommendation was out of order, noting that the current direction of Council is to renovate the existing arena. She suggested the memorandum from the Committee be received and filed.

MOVED by Counc. Wells and seconded by Counc. McGuire the memorandum from the Parks and Recreation Committee RE: Rothesay Arena dated November 26, 2019 be received/filed.

ON THE QUESTION:

Counc. Shea commented a motion to reconsider or rescind Council's September 2019 motion is necessary before the Committee's recommendation can be considered. Counc. Wells noted the timing of the suggestion was not ideal but suggested there is validity to the Committee's recommendation. She commented Council immediately defaulted to pursuing a renovation once it was determined external funds were not forthcoming. No consideration was given to alternative options such as fundraising for a new build. She added consultation was not sought from the Committee or other members of the public.

Counc. McGuire commented that the timeline of a renovation is unclear as Council has not confirmed a desired plan of action. He noted a hazardous materials assessment is the next step in the renovation process but it may result in the closure of the facility if harmful materials are discovered.

Counc. Brenan noted Council discussed the possibility of deferring the hazardous materials assessment until the end of the season (ice out) to minimize the impact on the regular schedule if the outcome is unfavourable. He suggested no action is necessary with respect to the Committee's memorandum as the ice typically comes out in late May. Counc. Brenan commented the recommendation was out of order and there should be no further discussion. Mayor Grant noted the record should reflect the item was reviewed by Council.

Counc. Mackay French noted due to the short timeframe before the next election it is expected the issue will ultimately be dealt with by the incoming Council.

Counc. Lewis acknowledged that Council decided to pursue renovation of the facility however a new option has been presented, and it may be advantageous to investigate an alternative solution. He agreed with Counc. Mackay French noting the decision will likely fall to the incoming Council. He suggested if fundraising is explored, a professional should be engaged and a timeline established to encourage timely action.

Counc. Brenan raised a point of order stating the matter has been dealt with. Counc. Lewis agreed but questioned the implications if the document is received and filed. Town Clerk Banks advised recommendations from committees are advisory and Council is not obligated to act on them. Counc. Lewis questioned if the recommendation should be removed from the record. Town Clerk Banks advised it is not in Council's purview to alter committee records and advised the recommendation be received/filed.

Mayor Grant questioned if Council was amenable to the following: Council has chosen to pursue renovation of the arena; a hazardous materials assessment is the next step in the process; the assessment will likely be planned for the late spring/early summer; and it is expected the project will be carried over into the next Council's mandate. There were no objections. Town Manager Jarvie advised preparations are underway for completion of a hazardous materials assessment in the new year. He noted it is expected the entire renovation project will be completed in phases and Council may wish to pursue a construction management process or a traditional tender process. He further noted the structural needs of the facility will be addressed first following the hazardous materials assessment; and the assessment will determine if a problem exists, and if so, the extent of the problem, and actions for mitigation.

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Counc. Wells requested Council be informed of the anticipated costs of a phased renovation. She expressed concern completing the project in phases may increase the overall cost. She noted, as a taxpayer, she would be amenable to an increase in the tax rate if it helps create a facility that is worthwhile in the long term.

Counc. Shea commented he was of the understanding Council approved the undertaking of a hazardous materials assessment months prior. He questioned the purpose of the delay. Town Manager Jarvie advised a hazardous materials assessment is required for both a new build and a renovation, however each option requires a different timeline. He reported staff were wary of beginning the assessment due to an uncertainty created by Council's fluctuation between pursuing a new build or a renovation.

NAY vote recorded from Counc. Brennan.

CARRIED.

7.6 20 November 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 20 November 2019 be received/filed.

CARRIED.

7.7 2 December 2019 Draft Emergency Measures Committee Meeting Minutes
MOVED by Counc. Lewis and seconded by Counc. McGuire the Draft Emergency Measures Committee Meeting Minutes dated 2 December 2019 be received/filed.

ON THE QUESTION:

Counc. Lewis suggested a Committee meeting be scheduled in January to discuss a plan for sandbagging operations. Mayor Grant requested Committee members submit all feedback with respect to the first two components of the draft Emergency Management Plan to staff at their earliest convenience. In response to an inquiry, Town Manager Jarvie advised neighbourhood meetings will be scheduled in late winter to improve communication and discuss the concerns of residents in flood prone areas. He stressed the importance of developing a plan for sandbagging operations, particularly as related to staffing. Mayor Grant added the draft Emergency Management Plan indicates the primary method of communication to the public is social media.

CARRIED.

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

CARRIED.

7.9 5 December 2019 Capital Projects Summary
MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the Capital Projects Summary dated 5 December 2019 be received/filed.

ON THE QUESTION:

Counc. Wells requested clarification with respect to the 90% completion of the Church Avenue project. DO McLean reported all that remains is landscaping work and "tidying up" the area. Counc. Wells commented on the narrow appearance of the width of Rothesay Park Road. DO McLean advised the pre-existing width of the road was maintained.

CARRIED.

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7.10 2018 – 2019 Fundy Library Annual Report

MOVED by Counc. Shea and seconded by Deputy Mayor Alexander the Fundy Library Annual Report dated 2018 – 2019 be received/filed.

CARRIED.

8. UNFINISHED BUSINESS

TABLED ITEMS

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

No action at this time

8.2 Mayor’s Round Table on Climate Change (Tabled October 2019)

No action at this time

9. NEW BUSINESS

FINANCE AND ADMINISTRATION

9.1 2020 Rothesay Budget

9.1.1 General Fund

3 December 2019 Memorandum from Treasurer MacDonald RE: Motions

2020 General Fund Master Budget

MOVED by Counc. Brenan and seconded by Counc. Shea the General Fund 2020 Capital Budget of \$6,075,500 be approved.

ON THE QUESTION:

It was noted the tax rate has not changed over the past three years.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the sum of \$18,325,000 be the total operating budget of the Municipality, that the sum of \$16,492,464 be the Warrant of the Municipality for the ensuing year, and that the tax rate for the municipality be \$1.2400, and further Council orders and directs the levying by the Minister of Environment and Local Government of said amount on real property liable to taxation under the *Assessment Act* within the Municipality of Rothesay.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the Rothesay contribution to the 2020 budget of Economic Development of Greater Saint John be approved at \$98,780.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the 2020 budget of the Kennebecasis Public Library be approved at \$220,950 and the Rothesay contribution be approved as \$86,144.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the 2020 operating budget of the Kennebecasis Valley Fire Department Inc. be approved at \$5,323,823 and the Rothesay contribution be approved as \$2,225,646.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the 2020 capital budget of the Kennebecasis Valley Fire Department Inc. be approved at \$1,175,200 and the Rothesay contribution be approved as \$478,720.

CARRIED.

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MOVED by Counc. Brenan and seconded by Counc. Shea the 2020 operating budget of the Kennebecasis Regional Joint Board of Police Commissioners be approved at \$6,431,215 and the Rothesay contribution be approved as \$2,581,645.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the 2020 telecom budget of the Kennebecasis Regional Joint Board of Police Commissioners be approved at \$402,059 and the Rothesay contribution be approved as \$156,755.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the Rothesay contribution to the 2019 operating budget of the Kennebecasis Regional Joint Board of Police Commissioners be increased by \$120,000 to address extraneous costs, and further funding to be obtained from the Operating reserve.

CARRIED.

9.1.2 Donation Request Motions

3 December 2019 Memorandum from Treasurer MacDonald

MOVED by Counc. Brenan and seconded by Counc. Mackay French the following 2020 funding request be approved:

Rothersay High School \$1,000 Fairweather Scholarship

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Mackay French the following 2020 funding request be approved:

KV3C \$2,500 maximum, in-kind

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. McGuire the 2020 funding request from the Kennebecasis Crime Stoppers be approved in the amount of \$2,800.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Mackay French the 2020 funding request from the KV Committee for Disabled Persons be approved in the amount of \$4,000.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Mackay French the 2020 funding request from PRO Kids be approved in the amount of \$7,500.

CARRIED.

➤ 2020 Arts Atlantic Symposium

MOVED by Counc. Brenan and seconded by Counc. Mackay French the 2020 funding request from Arts Link Symposium be approved in the amount of \$1,500.

CARRIED.

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

➤ KV Oasis Youth Centre

MOVED by Counc. Brenan and seconded by Counc. Mackay French the 2020 funding request from KV Oasis be approved in the amount of \$2,500.

ON THE QUESTION:

Counc. Shea requested clarification on the Grants and Donations Policy. Treasurer MacDonald noted the Finance Committee was aware of the policy indicating one application per year, but reviewed the second request and was recommending approval by Council. Counc. McGuire commented it would be beneficial for KV Oasis to investigate a more sustainable business model.

CARRIED.

Mayor Grant returned to the meeting and resumed the Chair.

9.1.3 Utility Fund

3 December 2019 Memorandum from Treasurer MacDonald RE: Motions
2020 Utility Fund Capital Budget
2020 Utility Fund Operating Budget

MOVED by Counc. Brenan and seconded by Counc. Shea the Utility Fund 2020 Capital Budget of \$3.675 million dollars be approved.

ON THE QUESTION:

It was noted the water and sewer rates have remained unchanged for four years.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea that pursuant to subsection 117(4) of the Local Governance Act, the total budget for the Water and Sewerage Utility for the ensuing year would consist of total revenues of \$3,400,000 and total expenditures of \$3,400,000.

CARRIED.

9.1.4 Reserve Motions

4 December 2019 Memorandum from Treasurer MacDonald RE: General Fund

MOVED by Counc. Brenan and seconded by Counc. Shea the sum of \$120,000.00 be transferred from the General Operating Reserve Fund to the General Operating Fund to cover operating expenses.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea the sum of \$368,000.00 be transferred from the General Capital Reserve Fund to the General Operating Fund to cover the costs of Capital projects.

ON THE QUESTION:

Treasurer MacDonald advised the amount was increased from \$168,000 to \$368,000 as the original estimate from available operating funding sources was too low. Council had previously given approval to use reserve funds for the projects, if necessary.

CARRIED.

MOVED by Counc. Brenan and seconded by Counc. Shea Gas Tax Funding in the amount of \$1,693,497.00 for the year 2019, be transferred to the General Capital Reserve Fund (Gas Tax).

CARRIED.

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MOVED by Council. Brenan and seconded by Council. Shea the sum of \$1,200,000.00 be transferred from the General Capital Reserve (Gas Tax) to the General Operating Fund to cover the costs of Capital projects.

CARRIED.

MOVED by Council. Brenan and seconded by Council. Shea the sum of \$8,345.16 be transferred from the General Operating Fund to the Land for Public Purposes Reserve Fund for external contributions.

CARRIED.

4 December 2019 Memorandum from Treasurer MacDonald RE: Utility Fund

MOVED by Council. Brenan and seconded by Council. Shea \$115,600.00 be transferred from the Utility Operating Fund to the Utility Capital Reserve Fund for water and sewer connection fees.

CARRIED.

MOVED by Council. Brenan and seconded by Council. Shea the sum of \$100,000.00 be transferred from the General Capital Reserve (Gas Tax) to the Utility Operating Fund to cover the costs of Capital projects.

CARRIED.

MOVED by Council. Brenan and seconded by Council. Shea \$5,686.00 be transferred from the Utility Operating Fund to the Utility Sewage Outfall Reserve Fund for Rothesay’s contribution to the Sewage Outfall Reserve.

CARRIED.

MOVED by Council. Brenan and seconded by Council. Shea \$10,802.00 received from Quispamsis for Sewage Outfall be transferred from the Utility Operating Fund to the Utility Sewage Outfall Reserve Fund.

CARRIED.

MOVED by Council. Brenan and seconded by Council. Shea \$70,000.00 be transferred from the Utility Operating Fund to the Utility Capital Reserve Fund for future capital projects.

CARRIED.

9.2 Committee Appointments

28 November 2019 Memorandum from Nominating Committee

MOVED by Council. Wells and seconded by Council. McGuire Council approve the following Committee/Board appointments and terms:

KENNEBECASIS REGIONAL JOINT BOARD OF POLICE COMMISSIONERS

Peter Bourque (*re-appointment*) Term until December 31, 2021

PLANNING ADVISORY COMMITTEE

John Buchanan (*re-appointment*) Term until December 31, 2021

Elizabeth Gillis (*re-appointment*) Term until December 31, 2021

WORKS AND UTILITIES COMMITTEE

Mark McAloon (*re-appointment*) Term until December 31, 2021

Ann McAllister Term until December 31, 2021

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HERITAGE PRESERVATION REVIEW BOARD

Jon LeHeup (*re-appointment*) Term until December 31, 2021
Catharine MacDonald (*re-appointment*) Term until December 31, 2022
Lorraine Forbes (*re-appointment*) Term until December 31, 2022

PARKS AND RECREATION COMMITTEE

Mary Ann Gallagher (*re-appointment*) Term until December 31, 2021
Jon McEachern Term until December 31, 2021

KENNEBECASIS PUBLIC LIBRARY

Elizabeth Greer (*re-appointment*) Term until December 31, 2021

TD STATION

Andrew Peters (*re-appointment*) Term until December 31, 2021

AQUATIC CENTRE

Lloyd Foote (*re-appointment*) Term until December 31, 2020

CARRIED.

9.3 City of Dieppe – Appeal to Supreme Court of Canada

5 December 2019 Report prepared by DPDS White

7 November 2019 Email from Dieppe RE: Request for support with attached resolution

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

WHEREAS in a ruling dated June 13, 2019 in the case of Noron Inc. against the City of Dieppe, the Court of Appeal of New Brunswick overstepped its jurisdiction by rewriting, on its own initiative, By-law No. 78-5 of the Municipality of Dieppe concerning the water and sewerage systems in order to reduce the service unit rate, despite having declared it duly approved by the Municipal Council of the City of Dieppe;

WHEREAS this ruling by the Court of Appeal calls into question the degree of deference due to municipal governments as democratic institutions;

WHEREAS the *breadth* of the judgment by the Court of Appeal could have provincial and national implications and reach and may encourage courts to venture further into the area of municipal politics;

WHEREAS the City of Dieppe has filed an application for leave to appeal to the Supreme Court of Canada to appeal the judgment in the case of Noron Inc.;

BE IT RESOLVED that Rothesay supports the request of the City of Dieppe for this case to be heard by the Supreme Court of Canada.

ON THE QUESTION:

Counc. Wells suggested “breath” be changed to “breadth”. Counc. Brenan commented that the Court of Appeal of New Brunswick allegedly overstepped its jurisdiction.

CARRIED.

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9.4 Electronic Kiosks

6 December 2019 Memorandum from Town Manager Jarvie

MOVED by Counc. McGuire and seconded by Counc. Lewis the memorandum from Town Manager Jarvie RE: Electronic Kiosks dated 6 December 2019 be received/filed.

ON THE QUESTION:

Counc. Mackay French commented on similar kiosks in a Halifax hotel that allowed individuals to search amenities within the city by category. Counc. Wells reported that was the intention of the kiosks in Rothesay. She noted staff and the Hive Coordinator are coordinating to provide static content for the kiosks.

CARRIED.

DEVELOPMENT SERVICES

9.5 Mulberry Lane – Land Acquisition Assent for Public Road

14 November 2019 Memorandum from DPDS White

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire Council hereby assents to the plan of subdivision prepared by Kierstead, Quigley, and Roberts Ltd. labelled as Dwg. No. 3821 Fairvale Park Subdivision Public Streets to vest a portion of Cameron Road and all of Mulberry Lane to the Town of Rothesay as Public Streets in accordance with Section 88(6)(a) of the Community Planning Act.

ON THE QUESTION:

Counc. Wells questioned if Council members that did not attend the public hearing could vote on the matter. DPDS White advised prior attendance at the November 12th public hearing is not a requirement for the matter at hand.

CARRIED.

9.6 Assent for Public Road – Mulberry Lane Cul-de-sac

4 December 2019 Memorandum from DPDS White

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire Council hereby assents to the plan of subdivision prepared by Kierstead, Quigley, and Roberts Ltd. labelled as Dwg. No. 3874 Amending Subdivision Plan Sean & Heather Ryan Subdivision to vest as an extension of Mulberry Lane to the Town of Rothesay as a Public Street in accordance with Section 88(6)(a) of the Community Planning Act.

CARRIED.

9.7 Assent for Public Road – Portion of Oakville Lane

4 December 2019 Report prepared by DPDS White

MOVED by Deputy Mayor Alexander and seconded by Counc. Brenan Council hereby assents to the plan of subdivision prepared by Kierstead, Quigley, and Roberts Ltd. labelled as Dwg. No. 3852 to create and vest a portion of 153 Hampton Road PID 243139 to the Town of Rothesay as a part of Oakville Lane a Public Street pursuant to Section 88(6)(a) of the Community Planning Act.

ON THE QUESTION:

Counc. Brenan requested clarification. Town Manager Jarvie advised the portion of land is required to widen the road right-of-way without adversely impacting existing vegetation.

CARRIED.

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

9.8 Encroachment Agreement - 280 Renshaw Road

4 December 2019 Memorandum from Town Manager Jarvie

MOVED by Counc. McGuire and seconded by Counc. Wells Council hereby authorizes the Mayor and Clerk to enter into an encroachment agreement with Dr. Oriano Andreani and Maria De Carlo to construct a reinforced landscaped slope along the frontage of 280 Renshaw Road (PID 30290910) which encroaches onto the Renshaw Road public street road right-of-way on the condition that the encroachment agreement be signed by the applicants within 120 days from the date of this approval otherwise this approval shall be void and all obligations arising shall be at an end.

ON THE QUESTION:

Counc. Wells inquired if a deadline could be included in the agreement for completion of the existing project. It was noted the property has been under construction for quite some time and complaints have been received from members of the public. There was discussion with respect to a reasonable timeframe for completion. DPDS White advised at Council's request a clause will be included in the agreement to complete the entire project by no later than June 30, 2020.

CARRIED.

Deputy Mayor Alexander returned to the meeting.

OPERATIONS

9.9 Designated Highway Funding

5 December 2019 Memorandum from Town Manager Jarvie

MOVED by Counc. Wells and seconded by Counc. Shea the memorandum from Town Manager Jarvie RE: Designated Highway Funding dated 5 December 2019 be received/filed.

ON THE QUESTION:

Mayor Grant noted an update is expected in the near future.

CARRIED.

9.10 Engineering Design and Construction Management Services 2020 Asphalt Resurfacing and Microseal Placement Program

6 December 2019 Report prepared by DO McLean

MOVED by Counc. Wells and seconded by Counc. Lewis the proposal submitted by Dillon Consulting Ltd. in the amount of \$127,949.75 including HST for the 2020 Asphalt Resurfacing and Microseal Placement Program be accepted and further that the Mayor and Town Clerk be authorized to execute the appropriate documentation in that regard.

ON THE QUESTION:

It was noted the 2019 expenditure is roughly \$3,000 over budget for the preliminary and detailed design portion of the work.

CARRIED.

RECREATION

9.11 Parking Related Signage – Our Lady of Perpetual Help

5 December 2019 Memorandum from Town Manager Jarvie with attachment

MOVED by Counc. Wells and seconded by Counc. Mackay French the memorandum from Town Manager Jarvie with attachment RE: Parking Related Signage – Our Lady of Perpetual Help dated 5 December 2019 be received/filed.

CARRIED.

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10. NEXT MEETING

The next meeting is scheduled for Monday, January 13, 2020.

Mayor Grant noted a special meeting of Council will be scheduled in January for a presentation with respect to economic development.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 8:15 p.m.



MAYOR



CLERK