



ROTHESAY
COUNCIL MEETING
Rothesay Town Hall Common Room
Monday, March 14, 2022
7:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR HELEN BOYLE
COUNCILLOR DAVE BROWN
COUNCILLOR PETER J. LEWIS
COUNCILLOR TIFFANY MACKAY FRENCH
COUNCILLOR BILL McGUIRE
COUNCILLOR DON SHEA

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 HAZLETT

Rothesay Land Acknowledgement **Deputy Mayor Alexander**
Deputy Mayor Alexander read the Rothesay Land Acknowledgement.

Mayor Grant called the meeting to order at 7:03 p.m. and welcomed Council back to Council chambers. She reported the Town remains COVID-19 conscious as Council, Town Manager Jarvie, and Town Clerk Banks were present in the Common Room observing physical distancing requirements. All other Town staff were connected remotely.

1. APPROVAL OF AGENDA

MOVED by Counc. Mackay French and seconded by Counc. Shea the agenda be approved as circulated.

CARRIED.

2. ADOPTION OF MINUTES

➤ Regular Meeting 14 February 2022

MOVED by Counc. Lewis and seconded by Counc. Mackay French the Open Session Council minutes of February 14, 2022 be adopted as circulated.

CARRIED.

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

3. OPENING REMARKS OF COUNCIL

Mayor Grant reported the passing of Rothesay resident and former village of East Riverside Councillor John "Jack" Boyle. She extended condolences to Counc. Boyle, and Mr. Boyle's family and friends. Counc. Boyle thanked the Town and mentioned her family's appreciation that Rothesay flags were lowered in honour of her uncle's passing.

Counc. McGuire commented on the successful removal of ice-fishing shacks last year. He hopes this year will be the same. Mayor Grant reported only a portion of one shack remains, which will likely be removed once the ice thaws further.

Counc. Lewis informed Council Division Chief Mike Boyle has accepted the position of Fire Chief for the Kennebecasis Valley Fire Department. He added the Deputy Fire Chief McCoy is retiring in June and Division Chief Shawn White has accepted the position. Counc. Lewis praised the capabilities of both men, noting they will be a great fit for the positions.

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Counc. Mackay French commended Kara Johnston, Rothesay High School (RHS) Athletic Director, for a successful year and noted most RHS sports teams advanced to regional championships.

3.1 Declaration of Conflict of Interest

Deputy Mayor Alexander declared a conflict of interest with Item 9.3 Highland Avenue-Hillcrest Drive proposal.

4. DELEGATIONS

N/A

5. CORRESPONDENCE FOR ACTION

5.1 24 February 2022 Email from resident RE: Pedestrian walkway – Broadway Street/Forest Road

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander the email from resident RE: Pedestrian walkway – Broadway Street/Forest Road dated 24 February 2022 be referred to staff.

ON THE QUESTION:

Counc. Mackay French stated she is in favour of the resident's request, noting many Kennebecasis Park residents utilize the pathway.

CARRIED.

5.2.1 9 March 2022 Email from resident RE: Gondola Point Road sidewalk (Church/Almon)

5.2.2 28 February 2022 Letter from resident

MOVED by Counc. McGuire and seconded by Counc. Shea the email from resident RE: Gondola Point Road sidewalk (Church/Almon) dated 9 March 2022, and the letter from resident dated 28 February 2022 be referred to the Works and Utilities Committee.

ON THE QUESTION:

Mayor Grant mentioned Council agreed to the proposed sidewalk to create continuity and a safer crossing for pedestrians. Counc. Shea noted many individuals that utilize the Rothesay Common, park on Gondola Point Road, and prefer a direct access route by crossing the road without aid of a crosswalk. Since pedestrians seldom cross between Church/Almon, perhaps the Committee should consider improving pedestrian crossing closer to the Rothesay Common.

CARRIED.

5.3 2 March 2022 Email from Quispamsis resident RE: Millennium Drive

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander the email from Quispamsis resident RE: Millennium Drive dated 2 March 2022 be referred to the Works and Utilities Committee.

CARRIED.

5.4 7 March 2022 Email from NB Power RE: Support – Point Lepreau Generating License Application Process and Public Hearings with attachments

MOVED by Counc. Lewis and seconded by Counc. Shea Council provide a letter of support for the Point Lepreau Generating License Application Process and Public Hearings.

CARRIED.

5.5 9 March 2022 Letter from resident RE: Active Transportation

MOVED by Counc. Mackay French and seconded by Counc. McGuire the letter from resident RE: Active Transportation dated 9 March 2022 be referred to staff, *the Works and Utilities Committee, the Parks and Recreation Committee, and the Climate Change Adaptation Committee.*

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ON THE QUESTION:

Deputy Mayor Alexander noted committees are mentioned in the letter. He suggested the correspondence also be sent to groups such as the Works and Utilities Committee, the Parks and Recreation Committee, and the Climate Change Adaptation Committee. When questioned, Counc. Mackay French and Counc. McGuire agreed to amend the motion.

Amending motion:

MOVED by Counc. Mackay French and seconded by Counc. McGuire “, *the Works and Utilities Committee, the Parks and Recreation Committee, and the Climate Change Adaptation Committee.*” be added following “staff”.

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

6. CORRESPONDENCE - FOR INFORMATION

6.1 15 February 2022 Email on behalf of Minister Allain RE: Local Governance Reform

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire the email on behalf of Minister Allain RE: Local Governance Reform dated 15 February 2022 be received/filed.

CARRIED.

6.2 15 February 2022 UMNb letter to Minister Allain RE: Local Governance Reform

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis the UMNb letter to Minister Allain RE: Local Governance Reform dated 15 February 2022 be received/filed.

CARRIED.

6.3 17 February 2022 Letter to Minister Flemming RE: Municipal Designated Highway Program
Rothesay Road

MOVED by Counc. Mackay French and seconded by Counc. Brown the letter to Minister Flemming RE: Municipal Designated Highway Program – Rothesay Road dated 17 February 2022 be received/filed.

ON THE QUESTION:

Mayor Grant reported the road is in deplorable condition, requests for funding to repair the road were unsuccessful in 2016, 2019, 2020, and 2021, and in 2021 the Town did not receive designated highway funding at all. Rothesay is seeking assistance from Minister Flemming to help obtain funding for Rothesay Road in 2022. Counc. Mackay French encouraged residents to contact the Department of Transportation and Infrastructure, and Minister Flemming to voice concerns. Deputy Mayor Alexander said he hopes the request is taken seriously as Rothesay Road is lined with multiple warning signs. He commented on the financial position of the Province, noting there are funds that should be put back into the communities they serve. Counc. Boyle suggested a speed reduction could be helpful in the meantime.

CARRIED.

6.4 4 March 2022 Email from Quispamsis resident RE: Rothesay Common washrooms

MOVED by Counc. Lewis and seconded by Counc. Shea the email from Quispamsis resident RE: Rothesay common washrooms dated 4 March 2022 be received/filed.

ON THE QUESTION:

Mayor Grant said it is nice to receive appreciative letters. She asked DRP Jensen to pass the letter along to Parks and Recreation staff and thank them for maintaining the facilities.

CARRIED.

6.5 10 March 2022 Email from Mary Schryer RE: Thank You – International Women’s Day

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander the email from Mary Schryer RE: Thank You – International Women’s Day dated 10 March 2022 be received/filed.

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ON THE QUESTION:

Mayor Grant advised Rothesay and Quispamsis co-host the event each year. The location alternates between the towns, and next year the event will be held in Rothesay.

CARRIED.

7. REPORTS

7.0 March 2022 Report from Closed Session

➤ Wells Building Construction Management

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire Council award the Construction Management contract for the Wells Community Building project to John Flood & Sons (1961) Ltd. in an amount estimated at \$258,000 including net HST.

ON THE QUESTION:

Mayor Grant noted more information will be shared in the near future.

CARRIED.

➤ Canada Games Aquatic Centre

MOVED by Counc. Mackay French and seconded by Counc. Lewis Council approve emergency funding for the Canada Games Aquatic Centre in the amount of \$32,207.00 (Rothesay's 12.8% share of the \$250,000 granted from Saint John) to be funded from the General Fund Operational Reserve.

CARRIED.

7.1 24 November 2021 Kennebecasis Regional Joint Board of Police Commissioners
(KRJBPC) meeting minutes

30 November 2021 KRJBPC Statement of Financial Position

MOVED by Deputy Mayor Alexander and seconded by Counc. Mackay French the Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) meeting minutes dated 24 November 2021, and the KRJBPC Statement of Financial Position dated 30 November 2021 be received/filed.

ON THE QUESTION:

Deputy Mayor Alexander reported the organization has had difficulty sourcing vehicles due to supply chain issues. To ensure delivery in 2022, two vehicles were ordered at the end of 2021. Counc. McGuire noted the minutes are from November 2021. He asked why the Town has not received more recent minutes. Deputy Mayor Alexander mentioned there were administrative adjustments following the retirement of the Board Secretary. He expects this should be rectified in the near future. Counc. McGuire congratulated Counc. Mackay French on her position as Board Chair.

CARRIED.

7.2 31 January 2022 Draft unaudited Rothesay General Fund Financial Statements
31 January 2022 Donation Summary

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea the draft unaudited Rothesay General Fund Financial Statements, and Donation Summary, dated 31 January 2022 be received/filed.

ON THE QUESTION:

Deputy Mayor Alexander said there are no major changes from the previous month. Treasurer MacDonald agreed; noting there is usually not a lot to report in January. He mentioned reduced arena revenue due to COVID-19, and an anticipated impact to transportation costs as a result of changing fuel prices – staff will continue to monitor.

CARRIED.

31 January 2022 Draft unaudited Rothesay Utility Fund Financial Statements

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea the draft unaudited Rothesay Utility Fund Financial Statements dated 31 January 2022 be received/filed.

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ON THE QUESTION:

Treasurer MacDonald advised the variances are mostly due to timing. Mayor Grant asked why the variance for Collection System Maintenance is negative when it appears it should be positive. Treasurer MacDonald advised it is a negative variance, noting \$5,200 was spent but only \$1,600 was included in the budget. He acknowledged the comment is incorrect.

CARRIED.

7.3 22 February 2022 Draft Age Friendly Advisory Committee meeting minutes

MOVED by Counc. Boyle and seconded by Counc. Mackay French the Draft Age Friendly Advisory Committee Meeting Minutes dated 22 February 2022 be received/filed.

ON THE QUESTION:

Counc. Boyle highlighted the Committee's discussion on the Dial-a-Ride program. She informed Council the service is available from Grand Bay-Westfield to Sussex – Rothesay included. Mayor Grant stated it is important to inform residents of the service as transportation is an issue in the region. She suggested promoting the service on the Town's social media.

CARRIED.

7.4 22 February 2022 Draft Parks and Recreation Committee meeting minutes

MOVED by Counc. McGuire and seconded by Counc. Boyle the Draft Parks and Recreation Committee Meeting Minutes dated 22 February 2022 be received/filed.

ON THE QUESTION:

Counc. Lewis asked what is necessary to resolve the ongoing sewer issue at the arena. Town Manager Jarvie advised the intent is to fix the problem this year. The floor in front of the dressing rooms must be removed to replace the sewer line. This cannot be completed until regular arena operations have ended for the season. Mayor Grant requested a status update on the Operation White Heart project as she has heard there will be a public launch of the initiative in late March. DRP Jensen advised he spoke with staff and Mr. Brown regarding a potential location. Counc. Mackay French asked if residents can participate with white hearts on their own properties, and further if it should be promoted to residents. DRP Jensen said that is his understanding. He noted the initiative can be posted to the Town's social media. Counc. Mackay French suggested there may be public interest because the cost is reasonable.

CARRIED.

7.5 23 February 2022 Draft Works and Utilities Committee meeting minutes

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea the Draft Works and Utilities Committee Meeting Minutes dated 23 February 2022 be received/filed.

ON THE QUESTION:

Deputy Mayor Alexander summarized the minutes. Counc. Shea referenced the 2022 Dobbin Street project in the Five Year Sidewalk Plan. He understood Council was undecided as there were concerns the project could be premature – since completion of the development is not expected for seven years. Further, he recalled a suggestion to complete Donlyn Drive in 2022 instead. Deputy Mayor Alexander noted the Plan can change – it is not set in stone. Town Manager Jarvie advised part of the Dobbin project will be to add sidewalk along Spruce Street, towards the schools, with intent to connect to the new intersection. He recommended this portion of the project remain a priority for 2022.

Counc. Lewis asked if core drilling is completed during road resurfacing or reconstruction projects to confirm thickness of the asphalt. The deterioration of some roads suggest asphalt may not be thick enough on Town roads. DO McLean explained there are measures both during, and after, to confirm contract requirements are met. Counc. Lewis mentioned Alberta has a similar freeze/thaw cycle as New Brunswick, but their roads have asphalt layers that measure six inches. He proposed considering testing this requirement on a road in Rothesay.

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DO McLean advised it is an option the Town can explore but warned there may be considerable cost implications. He elaborated on standard practices, noting roughly two inches of new asphalt is applied to an existing asphalt layer, during resurfacing projects where the existing road base is serviceable. Reconstruction of a road base typically results in an asphalt finish of 5.5 inches. Due to higher volumes of traffic, provincial highways such as Rothesay Road, Hampton Road, and Fox Farm Road, are required to have 6.5 inches of asphalt.

CARRIED.

- Private Lanes Policy
See Item 9.5

7.6 23 February 2022 Draft Heritage Preservation Review Board meeting minutes
MOVED by Counc. Mackay French and seconded by Counc. McGuire the Draft Heritage Preservation Review Board Meeting Minutes dated 23 February 2022 be received/filed.

CARRIED.

7.7 January 2022 Monthly Building Permit Report
MOVED by Counc. Shea and seconded by Counc. Boyle the February 2022 Monthly Building Permit Report be received/filed.

CARRIED.

7.8 11 March 2022 Capital Projects Summary
MOVED by Counc. Shea and seconded by Counc. McGuire the Capital Projects Summary dated 11 March 2022 be received/filed.

ON THE QUESTION:

Counc. Shea asked if Council will receive a copy of the completed Stormwater Management Study. DO McLean advised CBCL has mapped the entirety of the existing stormwater system in Rothesay, and provided recommendations for improvements, such as Item 9.4 to be discussed later on the agenda. He confirmed the report is forthcoming – likely to be provided to Council in May.

CARRIED.

8. UNFINISHED BUSINESS

TABLED ITEMS

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

No action at this time

8.2 Strong Court Sidewalk – Anglophone South School District (Tabled April 2021)

No action at this time

8.3 Rothesay Arena Open House (Tabled September 2021)

No action at this time

8.4 Public Hearing – 95 Hampton Road (PIDs 00242271, 30130348, 30020051, 30130355)

11 March 2022 Memorandum from Town Clerk Banks

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea the proposal for 95 Hampton Road (PIDs 00242271, 30130348, 30020051, 30130355) be removed from the table.

CARRIED.

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MOVED by Counc. Mackay French and seconded by Counc. Shea Rothesay Council schedule a Public Hearing for Tuesday, April 12, 2022 commencing at 6:30 p.m. to be held in the Common Room, Rothesay Town Hall, 70 Hampton Road, to consider rezoning the lands located off Woodland Avenue and Hampton Road (PIDs 00242271, 30130348, 30020051, 30130355 – to be consolidated) from Single Family Residential – Standard Zone [R1B] to the Multi-Unit Residential Zone [R4] for a 36-unit apartment building, subject to the execution of a Development Agreement in accordance with the *Community Planning Act*, SNB 2017, c 19 and amendments thereto.

ON THE QUESTION:

Deputy Mayor Alexander inquired about logistics, asking if there is a plan to ensure all interested parties have the opportunity to speak. Town Manager Jarvie advised, members of the public that wish to speak will be asked to register in advance. Those that only wish to observe the meeting are encouraged to watch the livestream on the Town's YouTube channel. Attendees are required to wear masks, as well as maintain social distancing which will limit capacity. Counc. Shea asked if a hybrid model is possible so individuals that cannot physically attend can participate by electronic means. Town Manager Jarvie advised this is not a viable option as the technical capacity of the Town is limited. When asked about hosting the event at the Bill McGuire Centre, Town Manager Jarvie advised the facility is not equipped to livestream or record the hearing.

CARRIED.

9. NEW BUSINESS

9.1 Alternate Appointment to the Greater Saint John Regional Facilities Commission

25 February 2022 Memorandum from Town Clerk Banks

MOVED by Counc. Mackay French and seconded by Counc. Lewis Council approve the appointment of Deputy Mayor Matthew Alexander to serve as the alternate Rothesay representative for the Greater Saint John Regional Facilities Commission, in accordance with the *Greater Saint John Regional Facilities Commission Act*, RSNB 2016 c.101 for a term to expire December 31, 2024.

ON THE QUESTION:

Mayor Grant noted an alternate is required as quorum consists of all five members.

CARRIED.

9.2 Public Hearing Set Date – 145 Hampton Road (PIDs 30266845, 00243097)

11 March 2022 Report prepared by DPDS White

2 March 2022 Staff report for Planning Advisory Committee

MOVED by Counc. McGuire and seconded by Counc. Shea Rothesay Council schedule a Public Hearing for Tuesday, April 26, 2022 commencing at 6:30 p.m. to be held in the Common Room, Rothesay Town Hall, 70 Hampton Road, to consider rezoning the land at 145 Hampton Road (PIDs 30266845, 00243097) from Central Commercial to the Multi-Unit Residential Zone [R4] for a 43-unit/mixed use commercial apartment building, subject to the execution of a Development Agreement in accordance with the *Community Planning Act*, SNB 2017, c 19 and amendments thereto.

ON THE QUESTION:

Mayor Grant highlighted that a Planning Advisory Committee (PAC) meeting did not occur in March as quorum was not obtained. She confirmed comments from PAC will be provided to Council prior to the Public Hearing. Deputy Mayor Alexander noted there may be a watercourse or wetland within 30 meters of the proposed building, in which case provincial approval is also required, in accordance with the Clean Environment Act. He asked about the process, more specifically, the order in which approval is sought from each level of government. DPDS White advised the developer was granted the appropriate provincial permits prior to submitting the application to the Town, which is the standard process.

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Counc. Shea referenced a prior inquiry, at the last PAC meeting, asking if Town by-laws permit mixed commercial and residential use in an R4 zone. DPDS White advised the existing Zoning By-law, and the Municipal Plan, contemplates mixed uses for R4 zones in commercially designated areas such as Hampton Road. The application complies with the Municipal Plan, and according to the *Community Planning Act*, the Municipal Plan takes precedence during discussions of rezoning applications.

CARRIED.

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

9.3 Public Hearing Set Date – Highland-Hillcrest (PIDs 00444885, 00444877, 30346308, 30187629)

11 March 2022

Report prepared by DPDS White

3 March 2022

Staff report for Planning Advisory Committee

MOVED by Counc. Mackay French and seconded by Counc. Shea Rothesay Council schedule a Public Hearing for Monday, April 25, 2022, commencing at 6:30 p.m. to be held in the Common Room, Rothesay Town Hall, 70 Hampton Road, to consider rezoning land off Highland Avenue and Hillcrest Drive (PIDs 00444885, 00444877, 30346308, 30187629) from the R1A zone to the R4 Multi-Unit Residential Zone, subject to the execution of a Development Agreement in accordance with the *Community Planning Act*, SNB 2017, c 19 and amendments thereto.

CARRIED.

Deputy Mayor Alexander returned to the meeting.

9.4 Storm Sewer Emergency Repairs

9 March 2022

Report prepared by DO McLean

MOVED by Counc. Shea and seconded by Deputy Mayor Alexander Council accept the quote from Eastern Trenchless in the amount of \$72,000 plus HST to complete fifteen (15) individual repairs to deteriorated sections of storm sewer infrastructure and further that the Director of Operations be authorized to issue a purchase order in that regard.

ON THE QUESTION:

Counc. Brown asked why a tender process was not undertaken. Town Manager Jarvie explained cost and timing are factors when issuing and awarding a tender. The firm has already identified the problematic areas which means the emergency repairs could occur without additional costs and delays expected if a tender is issued.

CARRIED.

9.5 Proposed Private Lanes Policy

11 March 2022

Memorandum from Town Manager Jarvie

DRAFT

Municipal Services to Properties Fronting Private Lanes Policy
Appendices A and B with maps

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire Council direct staff to publish the proposed private lane policy in draft form to allow for public comment.

ON THE QUESTION:

Deputy Mayor Alexander explained the Works and Utilities Committee spent considerable time drafting the policy, which purpose is to address inconsistencies with service provision to private lanes. He summarized the background included in the draft policy. He noted the maps show where all the private lanes are located – and which of those are eligible (Appendix A) and ineligible (Appendix B) for service provision. The Committee recognizes the draft policy has the potential to be contentious, which is why the plan is to provide sufficient time for public review. It is understood adjustments may be required, or feedback may reveal status quo is preferred.

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Mayor Grant referenced the second page of the policy, more specifically, the note “private lanes not meeting these criteria (regardless of historic service provision) will not have Town services provided”. She proposed adding a statement to clarify that solid waste collection will remain available to residents on private lanes, as long as receptacles are brought to the nearest intersection with a public road. Town Manager Jarvie advised this can be added.

Counc. Lewis asked how residents will be notified. Town Manager Jarvie advised this will be done through social media and direct mail, if possible. Counc. Lewis said, in this case, direct mail is important as not all residents have social media accounts.

Counc. Mackay French inquired if individuals are aware of the implications of owning property on private lanes before properties are purchased. Town Manager Jarvie advised this is the responsibility of the solicitor for the purchaser. Town involvement does not occur until property transfers are finalized. He noted the policy will provide a better understanding of service provision to properties fronting on private lanes. Counc. Mackay French suggested residents may claim, as taxpayers, they are entitled to snow removal and solid waste collection services. Town Manager Jarvie noted the width, grade, and condition of some private lanes makes service provision difficult. Therefore, it is reasonable to discontinue service provision, on these roads, until it can be done safely and without damage to roads or vehicles. He reminded Council privately owned roads are not transferred into public ownership until they are upgraded to municipal standards.

Counc. Mackay French asked when the letters will be sent. Town Manager Jarvie advised staff must determine how many letters are required, and coordinate with the distribution of utility bills – which occurs around this time.

CARRIED.

MOVED by Counc. Shea and seconded by Counc. Mackay French Council table the draft Private Lanes Policy until results are received from the public.

CARRIED.

10. NEXT MEETING

The next meeting is scheduled as follows:

Regular meeting

Monday, April 11, 2022

11. ADJOURNMENT

MOVED by Counc. McGuire and seconded by Counc. Shea the meeting be adjourned.

CARRIED.

The meeting adjourned at 8:04 p.m.

Original signed by Mayor Grant

MAYOR

Original signed by Town Clerk Banks

CLERK