



ROTHESAY
COUNCIL MEETING
Rothesay Town Hall Common Room
Monday, July 10, 2023
7:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR DAVE BROWN
COUNCILLOR HELEN BOYLE
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 7:07 p.m.

1. APPROVAL OF AGENDA

MOVED by Counc. Lewis and seconded by Counc. Mackay French the agenda be approved with the following amendment:

- Item 9.1.1 be brought forward to follow Item 4.1

CARRIED.

2. ADOPTION OF MINUTES

- Regular Meeting 12 June 2023

MOVED by Counc. McGuire and seconded by Deputy Mayor Alexander the Open Session Council minutes of June 12, 2023 be adopted as circulated.

CARRIED.

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

3. OPENING REMARKS OF COUNCIL

Mayor Grant reported the following: the annual Canada Day celebration was a success despite being moved indoors due to weather; the Concert on the Common series continues until the end of August; and community members are encouraged to keep an eye out for Darlene Baker, Rothesay's artist in residence this summer. Counc. McGuire commented on the success of the first Concert on the Common event.

3.1 Declaration of Conflict of Interest

Counc. Shea noted he will excuse himself from the discussion for Item 8.4 Holland Drive as he was not in attendance for the public hearing.

4. DELEGATIONS

4.1 Fundy Regional Service Commission Phil Ouellette, CEO (*see Item 9.1.1*)

Mayor Grant welcomed Mr. Ouellette. Mr. Ouellette thanked Council and began by acknowledging the changes with local government reform, and noted it is important to connect with councils as the Fundy Regional Service Commission (FRSC) continuously evolves.

ROTHESAY

Regular Council Meeting
Minutes

-2-

10 July 2023

Mr. Ouellette introduced the first FRSC Regional Strategy, and highlighted the following:

- support from leaders across the region, the FRSC Board and committees, and partners in the community
- the Strategy was mandated by the provincial government but found that there is already a strong interest in collaboration within the region
- collaboration does not mean loss of municipal autonomy
- differences in program delivery were explored and best practices can be shared throughout the region
- the Strategy includes 77 total actions to showcase tangibility (including advocacy)
- Mandated Areas:
 - o Regional Public Safety (1 vision, 3 goals, 12 actions). Ex. Trains, and shared communication tool for public safety organizations
 - o Regional Transportation (1 vision, 5 goals, 10 actions). Ex. Shared roads – active transportation, and Transportation Master Plan (respecting the autonomy of each local government)
 - o Land-Use Planning (1 vision, 3 goals, 8 actions) – a pre-existing service to two communities (Fundy Rural District & St. Martins). Opportunity for growth in the future.
 - o Community Development (1 vision, 4 goals, 12 actions). Ex. Asset Mapping, and regional evaluation.
 - Broadest mandate; and a united front for funding opportunities can result in better outcomes than individual entities lobbying for funds
 - o Regional Facilities (1 vision, 4 goals, 10 actions). Ex. Arts & Culture Regional Policy – Hooper statues uniting communities, financial oversight and programming for the regional facilities
 - Mandate with greatest cost as it includes capital
 - o Economic Development & Tourism Promotion – adopted by the FRSC through the Envision Saint John Strategy and KPIs
 - o Solid Waste (1 vision, 2 goals, 11 actions) – pre-existing service provided, relies on new landfill capacity EIA, new collection study, and new federal/provincial regulations
 - o Administration, Governance & Collaboration – “catch-all” to support all mandated services. Ex. Improve communication with councils, staff, and residents of local governments, and relevance to partners and stakeholders
- Scorecard: KPI development is expected over the next few weeks
- A month was given to collect feedback on the proposed Strategy – the deadline is August 3rd
- Detailed Action Plan outlining the 77 actions
- Next steps: a firm was engaged to help with regional support for First Nations communities; and targets and priorities for environmental sustainability

Mr. Ouellette concluded by stating further feedback is encouraged. Mayor Grant thanked Mr. Ouellette and mentioned the significant undertaking for the Strategy began in February/March 2023, and the Province has imposed a deadline for adoption (July 31st).

Counc. McGuire commented on the substantial list of actions, cautioning that such plans should be attainable. Mr. Ouellette mentioned a lot of the Strategy involves working with partners, monitoring, and intervening when necessary. Counc. McGuire spoke of instances in the past where the provincial government has provided the FRSC with the illusion of autonomy but ultimately overruled decisions— for instance the annual budget. He stated he hopes this does not continue.

Deputy Mayor Alexander stated he is pleased to see tourism handled by Envision Saint John instead of a duplication of services. He inquired about Solid Waste, more specifically, the bag limit initiative. Mr. Ouellette advised the bag limit is exploratory at this time. Deputy Mayor Alexander suggested other opportunities be explored for the study of Landfill Gas (LFG) utilization alternatives to Electrical Generation, noting closure of a cell can provide space for a solar farm.

Counc. Shea spoke of conducting a Regional Sport, Culture and Recreation Master Plan. He asked what would happen if a local municipal plan did not align with the regional plan. Mr. Ouellette advised local plans would be used to create the regional plan; there would be no intent to “trump” local plans as the objective is a consensus model.

ROTHESAY

Regular Council Meeting
Minutes

-3-

10 July 2023

Item brought forward.

9.1.1 Fundy Regional Service Commission (FRSC)

MOVED by Counc. McGuire and seconded by Deputy Mayor Alexander the 2023-2028 Draft FRSC Regional Strategy be received for information and comments be forwarded to the Town Manager or Mayor.

ON THE QUESTION:

Mayor Grant mentioned the Town Manager's memorandum stresses the need for provincial funding to support the services downloaded to the FRSC. She stated her agreement, noting costs have already been incurred and are expected to increase significantly. She informed Council she will share these comments with the FRSC and asked if there is interest in sending a letter to the new Minister of Local Government asking that new funding be provided by the Province to cover the cost of these services.

CARRIED.

MOVED by Counc. Lewis and seconded by Deputy Mayor Alexander a letter be sent from Rothesay Council to the Minister of Local Government, asking that new funding be provided by the Province to cover the cost of services mandated to service commissions/local governments from other levels of government.

CARRIED.

Mayor Grant thanked Mr. Ouellette for his presentation. Mr. Ouellette thanked Council and left the meeting.

5. CORRESPONDENCE FOR ACTION

5.1 12 June 2023 Email from S. Maltby, A. McKay, and M. Robins RE: Housing Accelerator Fund – A Case for Infrastructure Support for Wiljac Extension

MOVED by Counc. Shea and seconded by Counc. Mackay French the email from S. Maltby, A. McKay, and M. Robins RE: Housing Accelerator Fund – A Case for Infrastructure Support for Wiljac Extension dated 12 June 2023 be referred to staff.

CARRIED.

5.2 14 June 2023 Letter from resident RE: Beavers blocking a culvert
It was noted the matter had been resolved by staff.

MOVED by Counc. Lewis and seconded by Deputy Mayor Alexander the letter from resident RE: Beavers blocking a culvert dated 14 June 2023 be received/filed.

CARRIED.

5.3 20 June 2023 Grant request from the YMCA RE: Glenn Carpenter Centre
MOVED by Counc. Mackay French and seconded by Counc. Boyle the grant request from the YMCA RE: Glenn Carpenter Centre dated 20 June 2023 be referred to the Finance Committee.

CARRIED.

5.4 5 July 2023 Request to operate ice-cream sales bike in Rothesay
MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander the request to operate ice-cream sales bike in Rothesay dated 5 July 2023 be referred to the Works and Utilities Committee.

ON THE QUESTION:

Town Manager Jarvie confirmed the Town has received similar requests in the past. Counc. Mackay French suggested this would be something community members, especially children, would look forward to. Counc. Shea noted by the time a recommendation is received from the Works and Utilities Committee, and then brought back to Council, most of the season will have passed. Town Manager Jarvie advised it is preferred that such requests be received before the season, to allow time for discussion. Council can approve the request, but it is recommended staff prepare guidelines for providing the service.

MOTION WITHDRAWN.

ROTHESAY

Regular Council Meeting
Minutes

-4-

10 July 2023

MOVED by Council. Shea and seconded by Deputy Mayor Alexander Council direct staff to prepare guidelines to permit the request for operation of an ice-cream sales bike in Rothesay.

CARRIED.

6. CORRESPONDENCE – FOR INFORMATION

N/A

7. REPORTS

7.0 July 2023 Report from Closed Session

N/A

- 7.1 24 May 2023 Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) meeting minutes
31 May 2023 KRJBPC Statement of Financial Position
21 June 2023 KRJBPC Call Summary
29 June 2023 KRPF Traffic Services Report

MOVED by Council. Mackay French and seconded by Council. Shea the Kennebecasis Regional Joint Board of Police Commissioners (KRJBPC) meeting minutes dated 24 May 2023, the KRJBPC Statement of Financial Position dated 31 May 2023, the KRJBPC Call Summary dated 21 June 2023, and the KRPF Traffic Services Report dated 29 June 2023 be received/filed.

CARRIED.

- 7.2 31 May 2023 Draft unaudited Rothesay General Fund Financial Statements

MOVED by Deputy Mayor Alexander and seconded by Council. Boyle the draft unaudited Rothesay General Fund Financial Statements dated 31 May 2023 be received/filed.

CARRIED.

- 31 May 2023 Draft unaudited Rothesay Utility Fund Financial Statements

MOVED by Deputy Mayor Alexander and seconded by Council. Boyle the draft unaudited Rothesay Utility Fund Financial Statements dated 31 May 2023 be received/filed.

ON THE QUESTION:

Deputy Mayor Alexander noted the Utility Fund financial statements are similar to the previous month with respect to the sale of water.

CARRIED.

- 31 May 2023 Donation Summary

MOVED by Deputy Mayor Alexander and seconded by Council. Boyle the Donation Summary dated 31 May 2023 be received/filed.

CARRIED.

- 22 June 2023 Draft Finance Committee meeting minutes

MOVED by Deputy Mayor Alexander and seconded by Council. Boyle the draft Finance Committee meeting minutes dated 22 June 2023 be received/filed.

CARRIED.

- Kennebecasis Public Library Funding Request

MOVED by Deputy Mayor Alexander and seconded by Council. Boyle Council approve additional funding to the Kennebecasis Public Library in the amount of \$4,933.50.

CARRIED.

- KV Food Bank Funding Request

MOVED by Deputy Mayor Alexander and seconded by Council. Shea Council approve the funding request from the town of Quispamsis regarding the KV Food Bank in the amount of \$6,899.04.

CARRIED.

ROTHESAY

Regular Council Meeting
Minutes

-5-

10 July 2023

➤ Bill McGuire Centre Rental Rates

MOVED by Deputy Mayor Alexander and seconded by Counc. Shea Council ratify the Bill McGuire Centre rental rate schedule as follows:

4 Hour Rental \$250.00 (HST included)
8 Hour Rental \$500.00 (HST included)
Weekend Rate (8 am Friday to 12 Noon Sunday) \$1,200.00 (HST included)

CARRIED.

7.3 20 June 2023 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 20 June 2023 be received/filed.

CARRIED.

➤ Out Fer' A Rip (Seadoo rentals)

MOVED by Counc. McGuire and seconded by Counc. Shea Council deny the request from Out Fer' A Rip for the usage of Renforth Park as an area to operate their jet ski rental business.

ON THE QUESTION:

Counc. Shea mentioned motions are typically affirmative, and asked if the wording should be changed. Town Manager Jarvie advised there are challenges if a negative motion is defeated by Council. Town Clerk Banks noted this is correct, and offered that Council put forth an affirmative motion and defeat it – should they not wish to approve the request.

MOTION WITHDRAWN.

MOVED by Counc. McGuire and seconded by Counc. Shea Council approve the request from Out Fer' A Rip for the usage of Renforth Park as an area to operate their jet ski rental business.

DEFEATED.

7.4 4 July 2023 Draft Planning Advisory Committee meeting minutes
MOVED by Counc. Shea and seconded by Counc. Mackay French the draft Planning Advisory Committee meeting minutes dated 4 July 2023 be received/filed.

CARRIED.

➤ 202 Gondola Point Road (PID 30242069) – Cash in lieu of LPP

MOVED by Counc. Shea and seconded by Deputy Mayor Alexander Council accept \$1,252.80 as cash in lieu of Land for Public Purposes for the proposed LOT 23-1 to be subdivided from 202 Gondola Point Road (PID 30242069).

ON THE QUESTION:

Counc. Mackay French mentioned the Committee considered giving sole authority for decisions on temporary suite applications to staff. Town Manager Jarvie advised staff can prepare a report with the pros and cons and bring it back to Council for a decision.

CARRIED.

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander Council direct staff to prepare a report for consideration of delegating sole authority for decisions on temporary suite applications to staff.

CARRIED.

7.5 June 2023 Monthly Building Permit Report

MOVED by Counc. Lewis and seconded by Deputy Mayor Alexander the June 2023 Monthly Building Permit Report be received/filed.

CARRIED.

7.6 5 July 2023 Capital Projects Summary

MOVED by Deputy Mayor Alexander and seconded by Counc. Boyle the Capital Projects Summary dated 5 July 2023 be received/filed.

CARRIED.

ROTHESAY

Regular Council Meeting
Minutes

-6-

10 July 2023

8. UNFINISHED BUSINESS

TABLED ITEMS

8.1 Strong Court Sidewalk – Anglophone South School District (Tabled April 2021)
No action at this time

8.2 Rothesay Arena Open House (Tabled September 2021)
No action at this time

8.3 Private Lanes Policy (Tabled July 2022)
No action at this time.

Counc. Shea excused himself from the meeting, for the discussion, as he was not present for the public hearing.

8.4 Holland Hills Development PID #00056598 - 48 Unit apartment building
28 June 2023 Memorandum from Town Clerk Banks
DRAFT By-law 2-10-34
4 July 2023 Memorandum from DPDS White
DRAFT Amended Development Agreement

Mayor Grant gave a brief background by summarizing the memorandum from Town Clerk Banks.

MOVED by Counc. McGuire and seconded by Deputy Mayor Alexander Council give Reading in its Entirety to By-law 2-10-34.
NAY vote recorded from Counc. Boyle.

CARRIED.

Town Clerk Banks read By-law 2-10-34 in its entirety.

MOVED by Deputy Mayor Alexander and seconded by Counc. Mackay French Council give 3rd Reading, by Title, and Enactment to By-law 2-10-34.
NAY vote recorded from Counc. Boyle.

CARRIED.

Town Clerk Banks read By-law 2-10-34 by title.

MOVED by Deputy Mayor Alexander and seconded by Counc. Mackay French Council authorize the Mayor and Clerk to enter into an agreement, as amended, to allow for the development of a 48-unit apartment building on land located off Holland Drive (PID 00056598).

ON THE QUESTION:

Mayor Grant noted the amendment is for a reduction in the shared cost of signalization for the Marr Road and Chapel Road intersection.

NAY vote recorded from Counc. Boyle.

CARRIED.

Counc. Shea returned to the meeting.

8.5 Flyer Distribution By-law 2-2023
6 July 2023 Memorandum from Town Clerk Banks
29 June 2023 Letter to PostMedia
DRAFT By-law 2-2023

MOVED by Counc. Mackay French and seconded by Deputy Mayor Alexander Council give 2nd Reading by Title to By-law 2-2023.

ROTHESAY

Regular Council Meeting
Minutes

-7-

10 July 2023

ON THE QUESTION:

Mayor Grant gave a brief background, noting comments were not received from the distributor.

Counc. Mackay French stated she is pleased with the by-law, noting her efforts to cancel flyer deliveries to her property have been unsuccessful.

Council inquired about pamphlets for businesses, political campaigns, religious groups, and school groups, and why the onus is not on property owners that want flyers, to put up a sign.

Town Manager Jarvie clarified that the by-law requires that all flyers are delivered to specific areas (ex. mailboxes) unless a sign is posted refusing the service. There is an exception for campaign materials or government notices. He explained that Rothesay's by-law follows similar by-laws in surrounding municipalities by requiring that property owners that do not wish to receive flyers post a sign.

Counc. McGuire raised a point that enforcement will be challenging. Town Manager Jarvie noted companies could be subject to a court injunction if they do not comply with the by-law. The rationale for the delay in enacting the by-law is to allow time to examine the outcome of similar by-laws in other communities.

CARRIED.

Town Clerk Banks read By-law 2-2023 by title.

9. NEW BUSINESS

9.1 BUSINESS ARISING FROM DELEGATIONS

9.1.1 Fundy Regional Service Commission (FRSC)

7 July 2023

Memorandum from Town Manager Jarvie

DRAFT

2023-2028 FRSC Regional Strategy

Dealt with above.

9.2 Consumer Fireworks Regulations/Use in the Kennebecasis Valley

28 June 2023

Report prepared by KVFD Fire Chief Michael Boyle

Mayor Grant explained that in response to a request received to ban fireworks, Council asked for comments from Kennebecasis Valley Fire Department (KVFD).

Town Manager Jarvie addressed the four options presented by Fire Chief Boyle, noting since Rothesay and Quispamsis share protective services, any option would be most effective if undertaken by both towns. He added restricting fireworks to specific dates/times would be challenging to enforce.

Council debated the options, agreeing that something must be done citing the dangers and nuisance of fireworks. Counc. Mackay French, Brown, Lewis and Shea stated they are in favour of the fourth recommendation: conducting a social media campaign/public education program with both towns, KVFD, and the Kennebecasis Regional Police Force. They offered that this would be the best option as the short duration of fireworks makes enforcement challenging. A campaign would also raise awareness of the dangers (ex. personal safety, forest fires) and tendency to upset individuals and pets.

Mayor Grant reported 24% of fire departments in Canada responded to at least one call related to consumer fireworks in 2022. She inquired about liability for the Town if fireworks are permitted in Rothesay and were to cause loss of life or property damage. Town Manager Jarvie clarified that the intent of Town by-laws is not to permit fireworks but to ensure community safety and the prevention of nuisance if they are used. Legal advice can be sought with respect to liability concerns, but it is reasonable to believe that the individuals conducting the activity would be ultimately held liable.

Counc. McGuire proposed a combination of the second and fourth options: ban the sale of fireworks and update the Rothesay Fire Protection and Noise/Nuisance by-laws banning the use of consumer fireworks and encourage Quispamsis to update their by-laws in a similar fashion—with a public education campaign. He stated the noise is bothersome and firework displays can go on for quite some time. He noted there will be some individuals that will continue to use fireworks regardless of a ban, but a ban is more likely to reduce the overall usage.

ROTHESAY

Regular Council Meeting
Minutes

-8-

10 July 2023

MOVED by Counc. McGuire and seconded by Counc. Boyle to ban the sale of fireworks and update the Rothesay Fire Protection and Noise/Nuisance by-laws banning the use of consumer fireworks and encourage the Town of Quispamsis to update their by-laws in a similar fashion; and furthermore, conduct a social media campaign/public education program with both towns, the Kennebecasis Valley Fire Department and the Kennebecasis Regional Police Force.

ON THE QUESTION:

Counc. Brown stated it would be difficult to ban fireworks in the entire town. Counc. Lewis expressed concern that a ban downloads a lot of work onto Town staff over something that is uncontrollable. Counc. McGuire acknowledged that some may disregard the ban but others may reluctantly comply, especially if there are obstacles to purchasing fireworks. Mayor Grant reported fireworks are not permitted in Saint John, but they are in Quispamsis. Town Manager Jarvie explained a ban on the sale of fireworks is doable; business owners would be informed of the ban and potential penalties for non-compliance. Counc. Mackay French suggested giving business owners notice in advance in order to adjust their inventory. Town Manager Jarvie advised a by-law would be brought to Council for review and can include a date for enactment.

YEA votes recorded from: Councils. Boyle, Mackay French, McGuire, and Shea.

NAY votes recorded from: Deputy Mayor Alexander and Councils. Brown and Lewis.

CARRIED.

9.3 Discharge Agreement – 127 Hampton Road (PID 00243006)

4 July 2023	Report prepared by DPDS White
DRAFT	Discharge Agreement
2002	Existing Agreement (to be discharged)

MOVED by Deputy Mayor Alexander and seconded by Counc. Mackay French Council hereby discharges the existing development agreement, with Rubicon Marketing Inc. dated April 8, 2002, and registered in Kings County as Document Number 19069146 on the 8th day of September, 2004.

CARRIED.

9.4 Contract T-2023-001A Sidewalk Renewal and Miscellaneous Pipe Repair

5 July 2023	Report prepared by DO McLean
-------------	------------------------------

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis Council award Contract T-2023-001A: Sidewalk Renewal and Miscellaneous Pipe Repairs to the low tenderer, Galbraith Construction Ltd., at the tendered price of \$785,478.75 (including HST), as calculated based on estimated quantities and further that the Mayor and Town Clerk be authorized to execute the necessary contract documents.

ON THE QUESTION:

Mayor Grant explained Council rejected the 2023 asphalt program tender because of the considerable cost. The proposed contract is for sidewalk renewal and miscellaneous pipe repairs that were to be included in the 2023 asphalt program. She added the cost is within budget. Counc. Shea suggested “Mayor and Council” be shortened to simply “Council” as it is redundant.

CARRIED.

9.5 Clark Road/Gondola Point Road Traffic Signals – Equipment Supply

5 July 2023	Report prepared by DO McLean
-------------	------------------------------

MOVED by Deputy Mayor Alexander and seconded by Counc. Lewis Council accept the quote from Electromega in the amount of \$70,832.00 plus HST, for the purchase of traffic signal hardware for the Clark Road/Gondola Point Road intersection and further that the Director of Operations be authorized to issue a purchase order in that regard.

CARRIED.

MOVED by Deputy Mayor Alexander and seconded by Counc. Boyle Council accept the quote from Mallard Forestry Equipment in the amount of \$31,551.00 plus HST, for the purchase of traffic signal poles and davit arms for the Clark Road/Gondola Point Road intersection and further that the Director of Operations be authorized to issue a purchase order in that regard.

CARRIED.

10. NEXT MEETING

The next meeting is scheduled as follows:

Regular meeting Monday, August 14, 2023 at 7:00 p.m.

11. ADJOURNMENT

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

CARRIED.

The meeting adjourned at 8:21 p.m.

original signed by

MAYOR

original signed by

CLERK