

# *Town of Grand Bay-Westfield*

*(Incorporated 1<sup>st</sup> January, 1998)*

Regular Council Meeting

Minutes

Monday, December 13, 2010

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ADOPTED  
JAN 10 2010

1. **CALL TO ORDER - 7:30 PM**

The Town of Grand Bay-Westfield Council met in a Regular Session on Monday, December 13, 2010 with Mayor Losier presiding.

2. **RECORD OF ATTENDANCE**

Deputy Mayor McGowan, Councillor Calvin, Councillor Day and Councillor Murphy were in attendance.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Councillor Murphy moved to approve the agenda of December 13, 2010 as presented.

Seconded by Deputy Mayor McGowan. Carried.

4. **DISCLOSURE OF CONFLICT OF INTEREST**

Councillor Calvin declared a Conflict of Interest with Item #20 on Bills for Payment: Brad Calhoun in the amount of \$1,200.00.

5. **PUBLIC HEARINGS**

None

6. **PUBLIC PRESENTATIONS**

6.1 **PRESENTATION OF RCMP STATISTICAL REPORTS FOR OCTOBER & NOVEMBER 2010 - RCMP REPRESENTATIVE ATTENDING**

Cpl. Landry provided information to Council regarding the RCMP Statistical Reports for October and November 2010.

Cpl. Landry introduced Sgt. Richard Bernard to Council.

Councillor Day moved to receive and file the RCMP Statistical Reports for October and November 2010.

Seconded by Deputy Mayor McGowan. Carried.

7. **MINUTES**

7.1 **MINUTES OF REGULAR COUNCIL MEETING OF NOVEMBER 22, 2010**

Councillor Murphy moved to adopt the minutes of Regular Council Meeting of November 22, 2010 as presented.

Seconded by Councillor Calvin. Carried.

7.2 **MINUTES OF PLANNING ADVISORY COMMITTEE MEETING OF NOVEMBER 15, 2010**

Councillor Day moved to receive and file minutes of Planning Advisory Committee Meeting of November 15, 2010.

Seconded by Councillor Calvin. Carried.

7.3 **TELEPHONE POLL OF DECEMBER 1, 2010 RE: PAY EQUITY**

Councillor Murphy moved to ratify Telephone Poll of December 1, 2010 for authorization for a payment to the New Brunswick Coalition for Pay Equity for \$500 in response to a letter dated November 17, 2010.

Seconded by Councillor Day. Carried.

7.4 **TENDER NOTES OF DECEMBER 9, 2010 RE: ENERGY RETROFITS - LIGHTING, PROJECT NO. 10-ER1**

Deputy Mayor McGowan moved to receive and file Tender Notes of December 9, 2010 Re: Energy Retrofits - Lighting, Project No. 10-ER1. Seconded by Councillor Murphy. Carried.

Councillor Calvin departed the meeting.

8. **BILLS FOR PAYMENT**

Councillor Day moved to pay Item #20 in the amount of \$1,200.00 to Brad Calhoun.

Seconded by Councillor Murphy. Carried.

Councillor Calvin rejoined the meeting.

Councillor Day moved to pay Bills for Payment in the amount of \$49,388.71 and Bills for Ratification in the amount of \$56,147.66; Grand Total \$105,536.37.

Seconded by Councillor Murphy. Carried.

9. **CONSENT AGENDA**

- a) **DOG CONTROL REPORT FOR NOVEMBER 2010**
- b) **BUILDING INSPECTOR'S REPORT FOR NOVEMBER 2010**
- c) **RIVER CENTRE COORDINATOR'S REPORT FOR NOVEMBER 2010**
- d) **GRAND BAY-WESTFIELD VOLUNTEER FIRE/RESCUE DEPARTMENT REPORT FOR NOVEMBER 2010**
- e) **RECREATION DIRECTOR'S REPORT FOR NOVEMBER 2010**

Councillor Calvin moved to receive and file the following Consent Agenda items:

- a) Dog Control Report for November 2010
- b) Building Inspector's Report for November 2010
- c) River Centre Coordinator's Report for November 2010
- d) Grand Bay-Westfield Volunteer Fire/Rescue Department Report for November 2010
- e) Recreation Director's Report for November 2010.

Seconded by Councillor Day. Carried.

10. **BUSINESS ARISING FROM MINUTES**

a) Regular Council Meeting Minutes of November 22, 2010

None

11. **DELEGATIONS**

None

12. **PETITIONS**

12.1 **PETITION OF NOVEMBER 23, 2010 RE: SIDEWALK IN FRONT OF #25 AND #29 NEREPIS ROAD**

Councillor Day moved to refer Petition of November 23, 2010 Re: Sidewalk in Front of #25 and #29 Nerepis Road to Town staff for a report back to Council.

Seconded by Councillor Murphy. Carried.

13. **BY-LAWS**

13.1 **READING IN ITS ENTIRETY OF BY-LAW NO. 32A, TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF GRAND BAY-WESTFIELD**

Deputy Mayor McGowan moved to Read in its Entirety By-law No. 32A, Town of Grand Bay-Westfield By-law Respecting the Licensing and Control of Dogs in the Town of Grand Bay-Westfield.

Seconded by Councillor Day. Carried.

By-law No. 32A was Read in its Entirety.

13.2 **THIRD READING BY TITLE AND ENACTMENT OF BY-LAW NO. 32A, TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF GRAND BAY-WESTFIELD**

Deputy Mayor McGowan moved Third Reading by Title and Enactment of By-law No. 32A, Town of Grand Bay-Westfield By-law Respecting the Licensing and Control of Dogs in the Town of Grand Bay-Westfield.

Seconded by Councillor Day. Carried.

By-law No. 32A was Read by Title and Enacted.

14. **NOTICE OF MOTIONS**

None

15. **REPORTS**

15.1 **TOWN MANAGER'S REPORT OF DECEMBER 8, 2010 RE: 2011 SEWERAGE REVENUE FUND OPERATING BUDGET**

Councillor Murphy moved to adopt the 2011 Sewerage Revenue Fund Operating Budget as per document attached to the Town Manager's report of December 9, 2010 reflecting total revenues of \$462,335 and total expenditures of \$462,335; the sewerage user fee shall be \$270.00 per user unit effective January 1, 2011 with a \$15.00 discount for residential units **only**, if full payment is received by the Town Office by 5:00 p.m. on Friday, April 1, 2011; discount applicable where there are no arrears or penalties payable in respect of the annual user charge.

Seconded by Deputy Mayor McGowan. Carried.

15.2 **TOWN MANAGER'S REPORT OF DECEMBER 8, 2010 RE: 2011 GENERAL REVENUE FUND OPERATING BUDGET**

Councillor Day moved that the sum of \$5,142,100 be the total budget of the Municipality, that the sum of \$4,416,163 be the Warrant of the Municipality for the ensuing year, and that the tax rate for the Municipality be \$1.37 and further that the Council orders and directs the levying by the Minister of Local Government of said amount on real property liable to taxation under the *Assessment Act* within the Municipality of Grand Bay-Westfield.

Seconded by Councillor Calvin. Carried.

15.3 **TOWN MANAGER'S REPORT OF DECEMBER 8, 2010 RE: PROPOSED 2010 TRANSFERS TO/FROM CAPITAL RESERVE FUNDS**

Councillor Day moved to transfer \$174,568.48 from the General Capital Reserve Fund to the General Revenue Operating Fund per attached Schedule A, and further moved to transfer \$248,000.00 from the General Revenue Operating Fund to the General Capital Reserve Fund for future capital expenditures, and further moved to transfer \$46,000 from the Sewerage Revenue Fund to the Sewerage Capital Reserve Fund for future capital expenditures.

Seconded by Deputy Mayor McGowan. Carried.

16. **LETTER OF NOVEMBER 18, 2010 FROM HONOURABLE DAVID ALWARD, PREMIER RE: GOVERNMENT'S COMMITMENTS ON PROPERTY ASSESSMENTS FOR 2011**

Councillor Murphy moved to receive and file letter of November 18, 2010 from Honourable David Alward, Premier Re: Government's Commitments on Property Assessments for 2011.

Seconded by Councillor Calvin. Carried.

17. **LETTER OF NOVEMBER 10, 2010 FROM STEVE CARSON, CHIEF EXECUTIVE OFFICER, ENTERPRISE SAINT JOHN RE: 2011 OPERATING FUNDING REQUEST - ENTERPRISE SAINT JOHN**

Councillor Murphy moved to advise Enterprise Saint John of approval of their 2011 Budget Request per letter of November 10, 2010 from

Steve Carson, Chief Executive Officer, Enterprise Saint John, subject to Provincial Government approval of the Town's budget.

Seconded by Deputy Mayor McGowan. Carried.

18. **DEVELOPMENT OFFICER'S REPORT OF NOVEMBER 29, 2010  
RE: 2011 EXCAVATION PERMIT – KEEL CONSTRUCTION  
LTD., BALLENTINE PIT, PID NOS. 00039088, 00227546,  
00227595, 30042899**

Councillor Murphy moved to approve the Rehabilitation Plan as presented by Hobart Realty Ltd. dated May 15, 1998 and revised May 16, 2006 by Murdock Lingley Ltd. as it relates to the 2011 Excavation Permit for excavation of material from Ballentine Pit, lands identified by PID Nos. 00093088, 00227546, 00227595, 30042899, subject to completion of a new Rehabilitation Plan during the operating year to reflect current conditions and future extent of the operations for approval of 2012 Permit and,

further moved to approve the Bond of Indemnity Bond #HM0003001013, Endorsement #15, in the amount of \$50,000.00 issued by the Guarantee Company of North America, to be held as security for the Rehabilitation of the Ballentine Pit, located at lands identified by PID Nos. 00093088, 00227546, 00227595, 30042899 for the 2011 Excavation Permit, being effective from December 31, 2010 to December 31, 2012 inclusive and,

further moved to approve conditions for the operation of the 2011 Excavation Permit as set out in section 16.9 of the Town's Zoning By-law No. 112, with additional requirements to provide street sweeping on Ballentine Place, once per week during the months of June through October, and provide to the Town within five working days of the end of each month written records of the dust control measures undertaken; additional dust control measures may be requested by the Building Inspector as required, subject to special and or unreasonable dust conditions.

Seconded by Deputy Mayor McGowan. Carried.

19. **LETTER OF NOVEMBER 19, 2010 FROM DEBBY BURNS,  
SECRETARY, RIVER VALLEY LIONS RE: LEASING OF LIONS  
BUILDING**

Deputy Mayor McGowan moved to refer the letter of November 19, 2010 from Debby Burns, Secretary, River Valley Lions Re: Leasing of Lions Building to the Recreation Director for a report back to Council.

Seconded by Councillor Day. Carried.

20. **TD GREEN STREETS 2011 APPLICATION - PLACED ON AGENDA FOR AUTHORIZATION FOR SIGNATURES**

Councillor Day moved to approve appropriate signatures on TD Green Streets 2011 application in the amount of \$15,000.00.

Seconded by Councillor Murphy. Carried.

21. **DEVELOPMENT OFFICER'S REPORT OF DECEMBER 8, 2010 RE: SUBDIVISION PLAN, WOOLASTOOK DRIVE SUBDIVISION, PUBLIC STREET ASSENT**

Deputy Mayor McGowan moved that Council assent to the Public Street as shown on Subdivision Plan, Riverdale Park, Lot 20-A and Parcel "A" as prepared by DeSaulniers Surveys Inc., dated November 26, 2010 and approve signing authority for completion of Agreement between the Town and Jean Watson, to the satisfaction of the Town solicitor.

Seconded by Councillor Calvin. Carried.

22. **DEVELOPMENT OFFICER'S REPORT OF DECEMBER 8, 2010 RE: MACDONALD AVENUE, FINAL ACCEPTANCE OF THE WORK/ESTABLISHMENT OF 1-YEAR WARRANTEE PERIOD**

Councillor Day moved to accept final completion of the work undertaken in the construction of Macdonald Avenue, allowing the Town to continue to hold security in the amount of \$5,033.55, to be held for the Warrantee Period established for one (1) year from this date as set out under the Subdivision Developer's Agreement signed on April 17, 2008, and with the release of \$31,823.31 to the Anglican Church, accounting for savings on the construction costs required by the Town to complete the terms of the Developer's Agreement.

Seconded by Deputy Mayor McGowan. Carried.



23. **LETTER OF DECEMBER 10, 2010 FROM GEORGE W. FISK, CIP CAIB, HUESTIS COMMERCIAL INSURANCE RE: MUNICIPAL INSURANCE PROGRAM RENEWAL - EFFECTIVE JANUARY 1, 2011**

Councillor Calvin moved to approve acceptance of Municipal Insurance Program Renewal with BFL Canada per letter of December 10, 2010 from George W. Fisk, CIP CAIB, Huestis Commercial Insurance.

Seconded by Councillor Day. Carried.

It was noted that the Town would have a \$20,000 saving with this renewal.

24. **DEVELOPMENT OFFICER'S REPORT OF DECEMBER 3, 2010 RE: CHESTNUT HILL ESTATES, FINAL COMPLETION OF THE WORK**

Deputy Mayor McGowan moved to advise the Developer of Chestnut Hills Estates that final completion of the work for the development of the public street has not met the deadline of November 30, 2010 as set out under terms of the Developer's Subdivision Agreement, and that \$28,840.00, being the balance of security held by the Town pursuant to the Developer's Agreement, will be maintained until a Certificate of Completion is provided to the Town on or before May 30, 2011, after which time the Town will proceed to utilize the Security subject to additional engineering and administration charges by the Town to complete the work.

Seconded by Councillor Day. Carried.

25. **LETTER OF NOVEMBER 15, 2010 FROM JENNIFER DUGUAY, ACTING-CHAIR, LRP MARKETING COOPERATIVE RE: ANNUAL REPORT FOR 2010 - BROUGHT FORWARD FOR CONSIDERATION OF AMENDMENT TO MEMORANDUM OF UNDERSTANDING**

Councillor Murphy moved to approve the request Re: Memorandum of Understanding per letter of November 15, 2010 from Jennifer Duguay, Acting-Chair, LRP Marketing Cooperative Re: Annual Report for 2010 as follows: Term of the Lower River Passage Memorandum of Understanding be amended to "Subject to the proposed workplan and

budget approval by member communities the Marketing Cooperative partnership shall take effect on January 1, 2011, and be automatically renewed on January 1 of subsequent years”.

Seconded by Deputy Mayor McGowan. Carried.

26. **LETTER OF OCTOBER 25, 2010 FROM DARYL DIBBLEE RE: WOODS AT WESTFIELD**

Councillor Murphy moved to refer letter of October 25, 2010 from Daryl Dibblee Re: Woods at Westfield to the Development Officer for a report back to Council.

Seconded by Councillor Calvin. Carried.

27. **LETTER OF SEPTEMBER 30, 2010 FROM MICHAEL D. WENBERG, CHAIR, SAINT JOHN COMMUNITY ARTS BOARD RE: INTERNATIONAL SCULPTURE SYMPOSIUM - PROPOSED FOR 2012**

Councillor McGowan moved to advise the Arts Board that the Town will not be participating per letter of September 30, 2010 from Michael D. Wennberg, Chair, Saint John Community Arts Board Re: International Sculpture Symposium - Proposed for 2012.

Seconded by Councillor Day. Carried.

28. **MEMORANDUM OF DECEMBER 7, 2010 FROM THE PLANNING ADVISORY COMMITTEE RE: RECOMMENDATION TO COUNCIL, MAGUIRE EXCAVATING LTD. - PANORAMIC ESTATES SUBDIVISION, PHASE 6/DEVELOPMENT OFFICER'S REPORT OF DECEMBER 8, 2010**

Councillor Murphy moved that Council accept the Tentative Subdivision Plan, Panoramic Estates Phase 6, as prepared by Kierstead Quigley & Roberts dated November 9, 2010 and the proposed road design standards as shown on Plan & Profile, June Avenue and Overall Plan, Panoramic Estates Phase 6, Drawings 4-1 and 4-2 for Rockingham Terrace and an extension of June Avenue as prepared by ADI Limited, dated October 15, 2010, subject to: Road

design changes to be proposed based on review and comment by the Town Engineer (contracted to Dillon Consulting) for final acceptance prior to approval of the Subdivision Plan and also subject to approval of the following general conditions prior to consideration of registration of a Developer's Agreement with Final Approval of the Subdivision Plan:

- i) co-ordination with Canada Post for location of depressed curb for a Community Post Box Site at Lot B-27;
- ii) civic numbers to be identified on the Final Plan for NB911 identification;
- iii) required public utility easements to be shown on the final plan;
- iv) no blasting to occur in the development of the subdivision without confirmation of a pre-blast survey, copy of licensed Blaster credentials and proof of liability insurance to the approval of Council;
- v) provide calculations for security amount for recommendation to Council for completion of the work and,

further moved that Council accept of \$207.02, as Money in Lieu of Land for Public Purposes (cash, debit, money order or certified cheque) for the creation of 12 building lots as shown on the Tentative Subdivision Plan, as prepared by Kierstead Quigley & Roberts Ltd., dated November 9, 2010 and,

further moved that Council assent to the Final Subdivision Plan, Panoramic Estates Subdivision Phase 6, showing June Avenue and Rockingham Terrace as Public Streets.

Seconded by Deputy Mayor McGowan. Carried.

29. **LETTER OF DECEMBER 8, 2010 FROM STEPHANIE B. PATTERSON, P. ENG., DILLON CONSULTING LTD. RE: STORM SEWER IMPROVEMENTS 2010, INGLEWOOD DRIVE - WOOLASTOOK DRIVE, GRAND BAY-WESTFIELD, NB, PROJECT NO. 10-3270, REPORT NO. 6**

Councillor Day moved to authorize payment of relevant invoices for Storm Sewer Improvements 2010, Inglewood Drive - Woolastook Drive, Grand Bay-Westfield, NB, Project No. 10-3270, Report No. 6 per letter of December 8, 2010 from Stephanie B. Patterson, P. Eng., Dillon Consulting.

Seconded by Councillor Murphy. Carried.

30. **LETTER OF DECEMBER 8, 2010 FROM STEPHANIE B. PATTERSON, P. ENG., DILLON CONSULTING LTD. RE: COMMERCIAL CORE COLLECTOR ROADWAY (COLONEL NASE BOULEVARD), GRAND BAY-WESTFIELD, NB, RDC PROJECT NOS. 4253.037.013 AND 9135.200.001, PROJECT NO. 010-149, CLAIM NO. 16**

Councillor Calvin moved to authorize payment of relevant invoices in the amount of \$730,877.30 for Commercial Core Collector Roadway (Colonel Nase Boulevard) Grand Bay-Westfield, NB, RDC Project Nos. 4253.037.013 and 9135.200.001, Project No. 010-149, Claim #16 per letter of December 8, 2010 from Stephanie B. Patterson, P. Eng., Dillon Consulting.

Seconded by Deputy Mayor McGowan. Carried.

31. **DEVELOPMENT OFFICER'S LETTER OF DECEMBER 1, 2010 RE: ILLEGAL USE OF PUBLIC RIGHT OF WAY**

Councillor Day moved to receive and file Development Officer's letter of December 1, 2010 Re: Illegal Use of Public Right of Way.

Seconded by Councillor Calvin. Carried.

Councillor Calvin moved to add Item No. 31.a - Acquisition of a sculpture for the Town to the agenda.

Seconded by Councillor Murphy. Carried unanimously.

- 31.a **ACQUISITION OF A SCULPTURE FOR THE TOWN**

Councillor Murphy moved to proceed with the acquisition of a sculpture for the Town per letter of September 30, 2010 From Michael D. Wennberg, Chair, Saint John Community Arts Board Re: International Sculpture Symposium - Proposed for 2012.

Seconded by Councillor Calvin. Carried.

Deputy Mayor McGowan and Councillor Day voted nay; Mayor Losier voted in favour of the motion.

32. ADJOURNMENT

Deputy Mayor McGowan moved adjournment.

Seconded by Councillor Day. Carried.

Time: 8:31 pm

Respectfully submitted,

  
Sandra Gautreau  
Town Manager/Clerk

  
Grace Losier  
Mayor

  
Marcia Mason  
Assistant Clerk





