

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
AUGUST 24, 2009 @ 7:00 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Councillor Tinker

Seconded by Councillor Donovan

194/09 **THAT** the order of business be varied, as permitted by Section 13.01 of By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration". **CARRIED**

III. RECORDING OF ATTENDANCE

PRESENT: Mayor G. L. (Jed) Purcell; Deputy Mayor Jim Maxwell; Councillors Ralph Williams, Robert Tinker, Barb Donovan, and Gavin Toumishey; Acting CAO/Treasurer Tim Tozer; and, Town Clerk Joan Flewelling.

ABSENT: Councillor Jeremy Copeland

IV. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

195/09 **THAT** the Agenda be approved with two amendments: deleted and referred to next month's Public Safety & Environment Committee and the Town Solicitor item 1. By-Law No. S-8.1 – "A By-Law Respecting the Housing of Farm Animals" – Third and Final Reading – Short Title Only under XI.

CONSIDERATION OF BY-LAWS, and 87 Prince William Street – John O'Halloran added as item 3. (vi) under XIII. **NEW BUSINESS. CARRIED**

V. CONFLICT OF INTEREST

Councillor Williams declared a conflict of interest and left Council Chambers at 7:38 p.m. and returned at 7:39 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

1. Fundy Baykeeper – David Thompson, Fundy Baykeeper and Matt Abbott, Fundy Baykeeper Assistant, presented to Council and advised that they work for the Conservation Council of New Brunswick to defend the public's

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right to a healthy Bay of Fundy. They expressed their concern with the blockage of gaspereau in the St. Croix River, and also requested the public to contact them should any threats to the Bay of Fundy be discovered.

VII. NOTICES OF MOTIONS

No notices of motions.

VIII. APPROVAL OR AMENDING OF MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor Williams
Seconded by Councillor Toumishey

196/09 **THAT** the Minutes of the Regular Council meeting held on July 20, 2009 be approved as circulated. **CARRIED**

IX. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Williams
Seconded by Councillor Donovan

197/09 **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

X. APPROVAL OF COMMITTEE MINUTES

COMMITTEES MEETING

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

198/09 **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on August 13, 2009 be approved. **CARRIED**

XI. CONSIDERATION OF BY-LAWS

BY-LAW NO. A - 8 – “A BY-LAW RESPECTING THE DUTIES AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER” – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Williams
Seconded by Councillor Tinker

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199/09 THAT By-Law No. A – 8 – “A By-Law Respecting the Duties and Powers of the Chief Administrative Officer” - be given Second Reading – Reading in its Entirety. **CARRIED**

It was the consensus of Council that the above-noted by-law be reviewed at next month’s Finance & Administration Committee meeting prior to consideration of third and final reading.

BY-LAW NO. S-1.1 - “A BY-LAW TO REPEAL A BY-LAW TO PREVENT NOISE AND NUISANCES” – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker
Seconded by Councillor Williams

200/09 THAT By-Law No. S-1.1: “A By-Law to Repeal a By-Law to Prevent Noise and Nuisances” – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. S-1.1 - “A BY-LAW TO REPEAL A BY-LAW TO PREVENT NOISE AND NUISANCES” – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker
Seconded by Councillor Williams

201/09 THAT By-Law No. S-1.1: “A By-Law to Repeal a By-Law to Prevent Noise and Nuisances” – be given Second Reading – Reading in its Entirety. **CARRIED**

XII. **CONTINUING BUSINESS**

No items.

XIII. **NEW BUSINESS**

1. **ACTING CAO**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams
Seconded by Deputy Mayor Maxwell

202/09 THAT the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to June 30, 2009 be received. **CARRIED**

CHEQUE REGISTER:

PAID BILLS

Moved by Councillor Tinker
Seconded by Councillor Williams

203/09 THAT paid bills in the amount of \$1,036,229.31 (one million, thirty-six thousand, two hundred and twenty-nine dollars and thirty-one cents) be ratified. **CARRIED**

PAID BILL: CONFLICT – STEPHEN MCLAY

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

204/09 **THAT** the paid bill (cheque # 4591) in the amount of \$600.00 (six hundred dollars) for Stephen McLay be ratified. **CARRIED**

2. **PLANNING & PRIORITIES COMMITTEE**

No items.

3. **FINANCE & ADMINISTRATION COMMITTEE**

FEDERATION OF CANADIAN MUNICIPALITIES (FCM) STANDING COMMITTEES

Moved by Councillor Williams

Seconded by Councillor Tinker

205/09 **THAT** the Council of the Town of St. Stephen authorizes Councillor Gavin Toumishey to participate in four (4) FCM Standing Committees, and authorizes travel expenses up to \$2,500.00 (two thousand, five hundred dollars), expended from the 2009 convention budget, for meetings to be held in Collingwood, Ontario from September 9 – 12, 2009 and Ottawa, Ontario from November 18 – 21, 2009. **CARRIED**

CHARLOTTE COUNTY MUSEUM – RECEIVER GENERAL REMITTANCE

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

206/09 **THAT** the Council of the Town of St. Stephen approves the unbudgeted expenditure, not to exceed \$1,000.00 (one thousand dollars), payable to the Charlotte County Museum in payment of its outstanding payroll remittance to the Receiver General, upon submission of the Receiver General statement to the Town Treasurer. **CARRIED**

REPAIR PROJECT - ST. STEPHEN WHARF AND LIGHTHOUSE

Moved by Councillor Williams

Seconded by Councillor Donovan

207/09 **THAT** the Council of the Town of St. Stephen approves the expenditure, not to exceed \$12,000.00 (twelve thousand dollars), for “in kind” services as its contribution towards a \$25,000.00 (twenty-five thousand dollars) repair project to the St. Stephen Wharf and Lighthouse, contingent on approval of one-third (1/3) cost sharing from the Atlantic Canada Opportunities Agency (ACOA), and the remainder from the Business Improvement Area (BIA). **CARRIED**

LAND PURCHASE – 22 PRINCESS STREET

Moved by Councillor Tinker
Seconded by Councillor Williams

- 208/09** **THAT** the Town Solicitor be authorized to draft an Offer to Purchase the John Yan property, 22 Princess Street, and identified as PID # 15012339, for the purchase price of \$8,000.00 (eight thousand dollars), plus HST, legal fees and any required survey costs, as the property contains a Town of St. Stephen storm sewer line, and by purchasing the property, easement rights would be secured to the Town. **CARRIED**

TOWN HALL – LUNCH HOUR CLOSURE

Moved by Councillor Williams
Seconded by Councillor Donovan

- 209/09** **THAT** the Council of the Town of St. Stephen approves the continued closure of Town Hall during the lunch hour of 12:00 noon and 1:00 p.m., retroactive to August 1, 2009, until such time as a new Chief Administrative Officer brings a recommendation to a future Committee meeting by December 31, 2009. **CARRIED**

87 PRINCE WILLIAM STREET – JOHN O’HALLORAN

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

- 210/09** **THAT** for the purpose of Resolution No. 100/09 passed at a Regular Session of Council on April 20, 2009, the “In Kind Services (during construction year)”, to be supplied up to \$30,000 (thirty thousand dollars), will be site preparation costs provided by an outside contractor(s). **CARRIED**

4. **PUBLIC SAFETY & ENVIRONMENT COMMITTEE**

TOWN OF ST. STEPHEN – PROPOSED FIVE YEAR PLAN 2010 – 2014 – DESIGNATED HIGHWAY PROGRAM

Moved by Councillor Williams
Seconded by Councillor Toumishey

- 211/09** **THAT** the Council of the Town of St. Stephen approve the attached Proposed Five Year Plan 2010 – 2014 Designated Highway Program and submit same to the Department of Transportation to assist the Department in considering request in preparation for the budget process. **CARRIED**

APPROVAL OF KARAOKE – BORDER CAFÉ

Moved by Councillor Williams
Seconded by Councillor Tinker

THAT the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that karaoke be permitted in the parking lot of the Border Café, located at 78 Milltown Boulevard, on the following dates between the hours of 5:00 p.m. – 10:00 p.m., and with proper supervision:

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Saturday, August 22, 2009
Wednesday, August 26, 2009
Saturday, August 29, 2009
Tuesday, September 1, 2009
Wednesday, September 16, 2009
Tuesday, September 22, 2009
Tuesday, September 29, 2009

AND FURTHER THAT the approval for the above-noted dates is contingent upon the previous date being completed within the specified time frame, and with proper supervision, otherwise the remaining dates will be revoked.

**AMENDED
APPROVAL OF KARAOKE – BORDER CAFÉ**

Moved by Councillor Williams

Seconded by Councillor Toumishey

212/09 **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that karaoke be permitted in the parking lot of the Border Café, located at 78 Milltown Boulevard, on the following dates between the hours of 5:00 p.m. – 10:00 p.m., and with proper supervision:

Saturday, August 22, 2009
Saturday, August 29, 2009
Saturday, September 5, 2009
Sunday, September 6, 2009
Saturday, September 12, 2009
Saturday, September 26, 2009

AND FURTHER THAT the approval for the above-noted dates is contingent upon the previous date being completed within the specified time frame, and with proper supervision, otherwise the remaining dates will be revoked. **CARRIED**

Deputy Mayor Maxwell voting in favour of the motion.

Councillor Williams voting in favour of the motion.

Councillor Tinker voting in favour of the motion.

Councillor Toumishey voting in favour of the motion.

Councillor Donovan voting against the motion.

APPROVAL OF EVENT – LANTERN LUMIERE EVENING

Moved by Councillor Williams

Seconded by Councillor Donovan

213/09 **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that a lantern lumiere evening be permitted in the downtown/waterfront area on Saturday, September 12, 2009, between the hours of 7:00 p.m. – 9:30 p.m. **CARRIED**

5. COMMUNITY SERVICES COMMITTEE

AWARDING OF PROPOSAL: ST. CROIX PUBLIC LIBRARY ROOF

Moved by Councillor Tinker

Seconded by Councillor Toumishey

214/09 **THAT** of the five (5) proposals received, the low proposal of \$16,200.00 (sixteen thousand, two hundred dollars) including HST, from Kevin Cleghorn Carpentry of Waweig, NB for the replacement of the entire St. Croix Public Library roof be approved. **CARRIED**

XIV. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Maxwell

- Attended a Chocolate Museum Operational Committee meeting.
- Attended a Civic Centre meeting.
- Attended various Town meetings.
- Hosted David Alward, Leader of the Opposition, and the three Conservative candidates, in the absence of the Mayor, at an informal meeting in Council Chambers.
- Attended the ceremony for the 200th Anniversary of Calais.
- Participated in the Handshake Ceremony on the Ferry Point Bridge which opened the International Festival.
- Extended greetings on behalf of the Town at the Maritimes Horseshoe Tournament held at the Border Arena.

Councillor Donovan

- Attended an open house at the Milltown Legion hosted by the Saint John Airport.
- Attended a Civic Centre meeting as a guest and found it to be interesting.
- Attended the informal meeting in Council Chambers with the Leader of the Opposition and the three Conservative candidates.
- Attended the ceremony for the 200th Anniversary of Calais.
- Participated in the Handshake Ceremony on the Ferry Point Bridge which opened the International Festival.
- Attended many of the events during the International Homecoming Festival and Chocolate Fest, and very much enjoyed the festivals.

Councillor Williams

- Attended the Choctail event during Chocolate Fest and stated that the festivals were very well organized.

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- Pleased with the recipients of the NB Merit Awards.
- Stated that future awards should be presented through the Town recognizing the many volunteers who serve their community, and suggested that the various service clubs, etc. could submit names.
- Attended Civic Centre meetings.
- Congratulated staff on its great performance in the absence of a Chief Administrative Officer, and in particular, Lee Johnson, Acting CAO/Director of Operations; Tim Tozer, Acting CAO/Treasurer; and Joan Flewelling, Clerk.
- Stated that Tracadie-Sheila, St. Stephen's twinned municipality, has a great downtown area, and that St. Stephen needs to commence its downtown revitalization rather than just discuss it.

Councillor Toumishey

- Echoed Councillor Williams's comments and congratulated staff on its great performance in the absence of a Chief Administrative Officer.
- Attended various Town meetings.
- Look forward to feedback from Chocolate Fest on its success.
- Thanked Council for its support to sit on four FCM Standing Committees which should be beneficial to the Town.

Councillor Tinker

- Explained the background of his involvement with karaoke issues at the Border Café as former Chair of the Public Safety & Environment Committee, and stated that he is a supporter of karaoke and encourages cooperation.
- Congratulated Councillor Toumishey on his invitation to participate on FCM Standing Committees.
- Congratulated Diane Ganong on her Humanitarian Award from the Red Cross, as well as Shirley Downey on her Order of New Brunswick.
- Gave an update on the Economic Development Plan and noted in particular that he has met with Councillor Toumishey, former Chair of the Planning & Priorities Committee; the Mayor; and Ian Stewart, General Manager of Development St. Stephen; reviewed initiatives from the former CAO, and will seek advice from his Committee members and report back at a future meeting.

Mayor Purcell

- Read a note which will be sent to the Municipal Capital Borrowing Board in support of the Budd Avenue site for the Civic Centre.
- Gave an update on the Storm Water Separation Project and the Town Streets Rehabilitation Project.

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- Advised he has approved a \$100.00 request from the Drug Coalition and Enterprise Charlotte to assist with the Substance Abuse Conference scheduled in October.
- Suggested that members of Council and the public make donations to the Fire Department during its annual bucket sit fundraiser from September 10th – 12th with funds being used for the purchase of a second thermal imaging camera, as well as digital and video cameras.
- Presented plaques to McVay's Barber Shop recognizing its 50 years of service, as well as to the Wood & Wardrobe for its grand re-opening.
- Attended the 10th Anniversary Port of Bayside Appreciation Day.

XV. QUESTION PERIOD

Tanya Cunningham, a resident of the Town and who wants to house a horse, questioned the future process of the Animal By-Law, and was advised by the Clerk that the Mayor referred the by-law to the Public Safety & Environment Committee meeting on September 9, 2009 for further review, as well as review by the Town Solicitor.

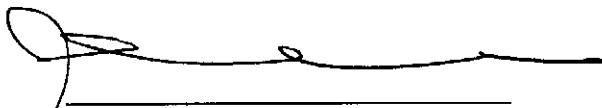
Ms. Cunningham was further advised that if any proposed changes are made by Committee and/or the Town Solicitor that do not change the original intent of the by-law, which has had first and second readings at previous Council meetings, then possibly third and final reading could be considered at the September Council meeting. Should any proposed changes alter the original intent, then the readings must start over.

XVI. ADJOURNMENT

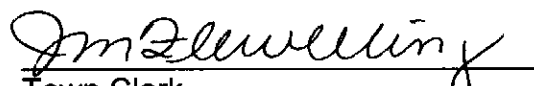
ADJOURNMENT

Moved by Councillor Donovan
Seconded by Councillor Tinker

215/09 THAT the meeting adjourn at 8:35 p.m. CARRIED



Mayor



Town Clerk