

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
JULY 20, 2009 @ 7:00 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Councillor Williams

Seconded by Councillor Tinker

170/09 **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, Gavin Toumishey, and Jeremy Copeland; Acting CAO/Treasurer Tim Tozer; and, Town Clerk Joan Flewelling.

IV. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Williams

Seconded by Councillor Donovan

171/09 **THAT** the Agenda be approved as circulated. **CARRIED**

V. CONFLICT OF INTEREST

Councillor Tinker declared a conflict of interest and left Council Chambers at 7:52 p.m. and returned at 7:53 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

1. Charlotte County Hospital Foundation – Satellite Dialysis – Steve Backman, Chair of the Charlotte County Hospital Foundation, presented to Council its proposal for a Satellite Hemodialysis Unit at the Charlotte County Hospital, and asked Council for its support by sending a letter to the Minister of Health, along with a resolution. Rick MacMillan, Past Chair of the Hospital Foundation, was also in attendance.

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A group of concerned residents were in attendance and supported the Hospital Foundation's proposal, and in particular, Tony Firlotte submitted to Council a Petition signed by over 500 people.

PROPOSED SATELLITE HEMODIALYSIS UNIT – CHARLOTTE COUNTY HOSPITAL

Moved by Councillor Williams

Seconded by Councillor Donovan

- 172/09** **THAT** the Council of the Town of St. Stephen unanimously supports the installation of a Satellite Hemodialysis Unit at the Charlotte County Hospital, and a letter of support will be sent to the Minister of Health, Province of New Brunswick, requesting five (5) dialysis stations as adequate space is available.

CARRIED

VII. **NOTICES OF MOTIONS**

No notices of motions.

VIII. **APPROVAL OR AMENDING OF MINUTES**

REGULAR COUNCIL MEETING

Moved by Councillor Donovan

Seconded by Councillor Williams

- 173/09** **THAT** the Minutes of the Regular Council meeting held on June 22, 2009 be approved as circulated. **CARRIED**

IX. **COMMUNICATIONS**

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Donovan

Seconded by Councillor Williams

- 174/09** **THAT** Communication for Information, note and file, be adopted.

CARRIED

COMMUNICATION FOR ACTION

No communication for action.

X. **APPROVAL OF COMMITTEE MINUTES**

COMMITTEE MEETING

Moved by Councillor Tinker

Seconded by Councillor Williams

- 175/09** **THAT** the Minutes of the Public Safety & Environment Committee meeting held on June 22, 2009 be approved. **CARRIED**

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COMMITTEES MEETING

Moved by Councillor Tinker

Seconded by Councillor Toumishey

- 176/09** **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on July 8, 2009 be approved. **CARRIED**

XI. **CONSIDERATION OF BY-LAWS**

BY-LAW NO. A-2.2 - A BY-LAW TO AMEND BY-LAW NO. A-2, "A BY-LAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND TOWN ADMINISTRATION" – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Toumishey

- 177/09** **THAT** By-Law No. A-2.2 – A By-Law to Amend By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration" - be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. S-7.2 - A BY-LAW TO AMEND A BY-LAW TO REGULATE THE COLLECTION AND DISPOSAL OF GARBAGE AND OTHER MATERIAL – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Donovan

- 178/09** **THAT** By-Law No. S-7.2 – "A By-Law to Amend a By-Law to Regulate the Collection and Disposal of Garbage and other Material" – be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. S – 8.1 - A BY-LAW RESPECTING THE HOUSING OF FARM ANIMALS – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 179/09** **THAT** By-Law No. S – 8.1: "A By-Law Respecting the Housing of Farm Animals" – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. A - 8 – "A BY-LAW RESPECTING THE DUTIES AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER" – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 180/09** **THAT** By-Law No. A – 8 – "A By-Law Respecting the Duties and Powers of the Chief Administrative Officer" - be given First Reading – Short Title Only. **CARRIED**

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XII. CONTINUING BUSINESS

1. Capital Projects Update – Mayor Purcell updated Council on two recent capital projects, namely King Street Upgrading and the Storm Water Separation. He advised that the King Street project is now completed, and line painting will be carried out by the Department of Transportation.

It was agreed that a letter be sent to Mira Construction Ltd. acknowledging complete satisfaction with the upgrade.

Mayor Purcell further advised that the Storm Water Separation project on Pleasant Street (East of Milltown Boulevard to Riverside Drive), Center Street and Queensway (Hill Street to Pleasant Street) will commence next week. Construction, including base asphalt, is expected to be completed within 16 weeks, and seal asphalt will be completed in 2010.

XIII. NEW BUSINESS

1. ACTING CAO

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams

Seconded by Councillor Donovan

181/09 **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to May 31, 2009 be received. **CARRIED**

CHEQUE REGISTER:

PAID BILLS

Moved by Councillor Williams

Seconded by Councillor Tinker

182/09 **THAT** paid bills in the amount of \$1,270,382.85 (one million, two hundred and seventy thousand, three hundred and eighty-two dollars and eighty-five cents) be ratified. **CARRIED**

PAID BILL: CONFLICT – THE TIDE

Moved by Deputy Mayor Maxwell

Seconded by Councillor Donovan

183/09 **THAT** the paid bill (cheque #4439) in the amount of \$341.20 (three hundred and forty-one dollars and twenty cents) be ratified. **CARRIED**

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2. PLANNING & PRIORITIES COMMITTEE

RE-APPOINTMENT – PLANNING ADVISORY COMMITTEE

Moved by Councillor Tinker

Seconded by Councillor Williams

- 184/09** **THAT** Geoff Knight be re-appointed to the Planning Advisory Committee for a two (2) year term retroactive to January 1, 2009 and expiring December 31, 2010. **CARRIED**

TOWN-OWNED PROPERTY – 9 GREEN STREET (PID # 01312404)

Moved by Councillor Tinker

Seconded by Councillor Williams

- 185/09** **THAT** the Council of the Town of St. Stephen authorizes the Development Officer to commence the process for a potential future sale of Town-owned property, 9 Green Street, and identified as PID # 01312404. **CARRIED**

3. FINANCE & ADMINISTRATION COMMITTEE

CHANGE OF DATE: AUGUST REGULAR TOWN COUNCIL MEETING

Moved by Councillor Tinker

Seconded by Councillor Williams

- 186/09** **THAT** the Council of the Town of St. Stephen changes the date of the August Regular Town Council Meeting from the third (3rd) Monday, 17th day of August, 2009, to the fourth (4th) Monday, 24th day of August, 2009 at 7:00 p.m. as outlined in Section 9.01(1) of By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration". **CARRIED**

STOPPING UP OF RIGHT-OF-WAY BETWEEN 42 AND 50 MILLTOWN BLVD.

Moved by Councillor Williams

Seconded by Councillor Tinker

- 187/09** **THAT** the Council of the Town of St. Stephen authorizes the unbudgeted expense in the amount of \$112.15 (one hundred and twelve dollars and fifteen cents) be paid to Southwest Concrete & Const. Ltd. representing the Town's one-half share for the purchase of cement blocks used to stop up the right-of-way located between 42 Milltown Blvd., property owned by Piskehegan Properties Ltd., and 50 Milltown Blvd., being Town-owned property. **CARRIED**

BUILDING INSPECTION SERVICES – CONTRACT RENEWAL

Moved by Councillor Williams

Seconded by Councillor Tinker

- 188/09** **BE IT RESOLVED THAT** the Town of St. Stephen employ, on an independent contractual basis, Fundy Building Inspection & Drafting Services Ltd. ("Fundy") as building inspector on the terms and conditions contained in a draft letter dated July 21, 2009 to be signed and sealed by Manzer H. Young, President of Fundy and the Council authorizes the Mayor and Town Clerk to execute the letter and affix the Town seal.

BE IT FURTHER RESOLVED THAT the Council establishes as policy the following with respect to the employment of a building inspector (“inspector”) on an independent contractual basis:

1. The inspector is a senior appointed officer within the meaning of Section 90.1 of the *Municipalities Act* (the “Act”) and is subject to all the requirements of the conflict of interest sections of the Act.
2. The inspector, its employees or agents, shall not act as Town building inspector on property previously inspected in its regular business capacity nor shall it inspect in such capacity property already inspected for the Town.
3. The inspector has no obligation to take any action as building inspector respecting property violations discovered in the course of inspections conducted for other clients. **CARRIED**

RECOMMENDATION FOR HIRING AGENCY – CAO POSITION

Moved by Councillor Williams

Seconded by Councillor Tinker

- 189/09** **THAT** of the four (4) proposals received, the low proposal from John C. Robison of Skillsearch Recruiting, Fredericton, NB, be approved for the recruitment of a Chief Administrative Officer for the Town of St. Stephen.
CARRIED

Deputy Mayor Maxwell voting in favour of the motion.

Councillor Williams voting in favour of the motion.

Councillor Donovan voting in favour of the motion.

Councillor Tinker voting in favour of the motion.

Councillor Copeland voting in favour of the motion.

Councillor Toumishey voting against the motion.

4. **PUBLIC SAFETY & ENVIRONMENT COMMITTEE**

OUTDOOR PATIO – ROYAL CANADIAN LEGION BRANCH #9

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 190/09** **THAT** the Council of the Town of St. Stephen accepts the Royal Canadian Legion Branch #9's request for an outside portable patio at the rear of its building located at 43 Queen Street West, conditional on a six foot (6') fence parallel to the Rotary Field. **CARRIED**

APPROVAL OF EVENT – INTERNATIONAL HOMECOMING FESTIVAL

Moved by Councillor Tinker

Seconded by Councillor Donovan

- 191/09** **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that the

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International Homecoming Festival be permitted to hold its festival from Friday, July 31, 2009 to Sunday, August 9, 2009, with any additional events subject to the approval of the International Homecoming Festival. **CARRIED**

APPROVAL OF EVENT – CHOCOLATE FEST

Moved by Councillor Tinker

Seconded by Councillor Williams

192/09 **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that Chocolate Fest be permitted to hold its festival from Sunday, August 2, 2009 to Saturday, August 8, 2009, with any additional events subject to the approval of the Chocolate Fest Committee. **CARRIED**

5. **COMMUNITY SERVICES COMMITTEE**

No items.

XIV. **REPORTS OF MAYOR AND COUNCILLORS**

Deputy Mayor Maxwell

- Attended Civic Centre Board meeting.
- Attended a Town hosted public forum on the Civic Centre.
- Attended the Royal Bank's Community Week Volunteer Award presentation to Donna Linton which recognized her many hours of service in the community.
- Attended the lunch reception for the former CAO.
- Attended various Town meetings.
- Very pleased with the King Street upgrade.

Councillor Donovan

- Attended a Town hosted public forum on the Civic Centre.
- Attended the Royal Bank's Community Week Volunteer Award presentation to Donna Linton which recognized her many hours of service in the community.
- Attended the lunch reception for the former CAO.
- Attended various Town meetings.

Councillor Toumishey

- Stated he had a very busy month.
- Stated the public forum on the Civic Centre was successful and thanked the Board, and in particular Richard Fulton.

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- Encouraged members of Council to continually ask questions with respect to the Civic Centre activities in order to keep up-to-date on the project.

Councillor Williams

- Attended several meetings.

Councillor Tinker

- As outgoing Chair of the Public Safety & Environment Committee, pleased with the following:
 - completion of the King Street Upgrade project;
 - Building Canada Fund money for the Storm Water Separation project;
 - a strengthened Building Inspection Services office;
 - formation of a Substandard Properties Appeal Committee;
 - garbage by-law, animal by-law and noise by-law being addressed.
 - competent Fire Chief and receipt of new fire truck; and,
 - strong RCMP force.
- Looks forward to his new role as Chair of the Planning & Priorities Committee.

Councillor Copeland

- Attended various Town meetings.
- Attended a Town hosted public forum on the Civic Centre.

Mayor Purcell

- Attended the grand opening of the new playground equipment at the Milltown Elementary School that the Boys' and Girls' Club purchased through a Regional Development Corporation grant, with the guidance of the former CAO.
- Attended a Town hosted public forum on the Civic Centre, and advised that future public forums will be held during various stages of progression.
- Attended Home Support Services' graduation ceremony where 18 people received certificates after training arranged by Angie Estey through the Extra-Mural Program.

XV. QUESTION PERIOD

Charles Monaghan, a citizen, questioned the Mayor on who makes the final decision to hold a Closed Committee Meeting.

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After reference was made to the *Municipalities Act*, which Mr. Monaghan stated he was familiar with, he suggested to Council that motions for consideration at the next Council meeting which were discussed in a Closed Committee Meeting should be made available to the public for possible input well in advance of the Council meeting.


XVI. ADJOURNMENT

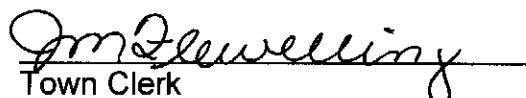
ADJOURNMENT

Moved by Councillor Williams

Seconded by Councillor Copeland

193/09 **THAT** the meeting adjourn at 8:20 p.m. CARRIED



Mayor

Town Clerk