

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
NOVEMBER 16, 2009 @ 7:00 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Deputy Mayor Maxwell

Seconded by Councillor Donovan

281/09 **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, Jeremy Copeland and Gavin Toumishey; CAO/Clerk John Ferguson; and, Assistant Clerk Joan Flewelling.

IV. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Tinker

Seconded by Councillor Toumishey

282/09 **THAT** the Agenda be approved as circulated. **CARRIED**

V. CONFLICT OF INTEREST

Councillor Tinker declared a conflict of interest and left Council Chambers at 7:15 p.m. and returned at 7:16 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

1. Restorative Justice Week - Proclamation

Mayor Purcell proclaimed the week of November 15 – 22, 2009 as Restorative Justice Week:

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WHEREAS, in the face of crime or conflict, restorative justice offers a philosophy and approach that views these matters principally as harm done to people and relationships; and

WHEREAS, restorative justice approaches strive to provide support and opportunities for the voluntary participation and communication between those affected by crime and conflict (victims, offenders, community) to encourage accountability, reparation and a movement towards understanding, feelings of satisfaction, healing and closure; and

WHEREAS, this year's theme for Restorative Justice Week is "Communities Responding to Human Needs", it is an opportunity to learn, educate and celebrate along with other communities across the country about restorative justice during the week.

THEREFORE, I, G. L. (Jed) Purcell, Mayor of the Town of St. Stephen, do hereby proclaim **November 15 - November 22, 2009 as Restorative Justice Week in the Town of St. Stephen, NB.**

VII. NOTICES OF MOTIONS

No notices of motions.

VIII. APPROVAL OR AMENDING OF MINUTES

PUBLIC HEARING OF OBJECTIONS

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

283/09 **THAT** the Minutes of the Public Hearing of Objections to By-Laws M-1.10 and M-1.11, By-Laws to Amend the Municipal Plan By-Law M-1; and By-Laws Z-1.10 and Z-1.11, By-Laws to Amend the Zoning By-Law Z-1 held on October 26, 2009 be approved as circulated. **CARRIED**

REGULAR COUNCIL MEETING

Moved by Councillor Williams

Seconded by Councillor Donovan

284/09 **THAT** the Minutes of the Regular Council meeting held on October 26, 2009 be approved as circulated. **CARRIED**

SPECIAL COUNCIL MEETING

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

285/09 **THAT** the Minutes of the Special Council meeting held on October 30, 2009 be approved as circulated. **CARRIED**

IX. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Williams

Seconded by Councillor Tinker

286/09 **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

287/09 **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on November 4, 2009 be approved. **CARRIED**

XI. CONSIDERATION OF BY-LAWS

BY-LAW NO. A-7.4 – “A BY-LAW TO AMEND BY-LAW NO. A-7 - A BY-LAW TO IMPOSE A SPECIAL BUSINESS IMPROVEMENT LEVY” – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Williams

Seconded by Councillor Tinker

288/09 **THAT** By-Law No. A-7.4 – “A By-Law to Amend By-Law No. A-7 - A By-Law to Impose a Special Business Improvement Levy” be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. M-1.10 – MUNICIPAL PLAN – PID # 01307909 (76 CHURCH STREET) – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

289/09 **THAT** By-Law No. M-1.10 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 01307909 (76 Church Street) – be given Third and Final Reading – Short Title Only. **CARRIED**

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BY-LAW NO. Z-1.10 – REZONING – PID # 01307909 (76 CHURCH STREET) – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Williams

Seconded by Councillor Donovan

- 290/09** **THAT** By-Law No. Z-1.10 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 01307909 (76 Church Street) – be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. M-1.11 – MUNICIPAL PLAN – PID # 15182751 (23 ST. STEPHEN DRIVE) – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Donovan

Seconded by Councillor Tinker

- 291/09** **THAT** By-Law No. M-1.11 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.11 – REZONING – PID # 15182751 (23 ST. STEPHEN DRIVE) – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 292/09** **THAT** By-Law No. Z-1.11 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given Third and Final Reading – Short Title Only. **CARRIED**

XII. CONTINUING BUSINESS

SUPPORT FOR FLAKEBOARD’S AND GANONG’S POSITIONS IN DEFENDING THE PROPOSED ENBRIDGE GAS RATE INCREASE

Moved by Councillor Williams

Seconded by Councillor Tinker

- 293/09** **WHEREAS** Flakeboard Co. Ltd. (Flakeboard) and Ganong Bros., Limited (Ganong) are two of the Town’s major companies;
AND WHEREAS recent and proposed rate increases for natural gas distribution by Enbridge Gas New Brunswick will create a significant hardship for Flakeboard and Ganong.
BE IT RESOLVED THAT the Council of the Town of St. Stephen realizes the seriousness of the impact of the rate increases, and directs its Chief Administrative Officer to investigate the process for the Town of St. Stephen to intervene at the next Energy Utility Board Hearing. **CARRIED**

XIII. NEW BUSINESS

1. CAO

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STAFF REPORTS

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 294/09** **THAT** the following staff reports for the month of October 2009 be adopted: Treasurer; Director of Operations; Director, Parks & Recreation; Fire Chief; By-Law Enforcement Officer; and Development Officer. **CARRIED**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams

Seconded by Councillor Donovan

- 295/09** **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to September 30, 2009 be received. **CARRIED**

CHEQUE REGISTER:

PAID BILLS

Moved by Deputy Mayor Maxwell

Seconded by Councillor Copeland

- 296/09** **THAT** paid bills in the amount of \$880,810.68 (eight hundred and eighty thousand, eight hundred and ten dollars and sixty-eight cents) be ratified. **CARRIED**

PAID BILL: CONFLICT – THE TIDE

Moved by Councillor Williams

Seconded by Councillor Donovan

- 297/09** **THAT** the paid bill (cheque #5122) in the amount of \$84.75 (eighty-four dollars and seventy-five cents) for The Tide be ratified. **CARRIED**

2. **PLANNING & PRIORITIES COMMITTEE**

APPOINTMENT – PLANNING ADVISORY COMMITTEE

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 298/09** **THAT** Ed Zammit be appointed to the Planning Advisory Committee for a one (1) year term retroactive to November 1, 2009 and expiring October 31, 2010, filling the vacancy left by the death of Don Nichols. **CARRIED**

3. **FINANCE & ADMINISTRATION COMMITTEE**

TRANSFER TO WATER AND SEWERAGE CAPITAL RESERVE FUND

Moved by Councillor Williams

Seconded by Councillor Copeland

- 299/09** **THAT** the amount of \$10,000.00 (ten thousand dollars) be transferred from the Water and Sewerage Operating Fund to the Water and Sewerage Capital Reserve Fund. **CARRIED**

TRANSFER FROM THE WATER AND SEWERAGE CAPITAL RESERVE FUND

Moved by Councillor Williams
Seconded by Councillor Tinker

- 300/09** **THAT** the amount of \$22,946.70 (twenty-two thousand, nine hundred and forty- six dollars and seventy cents) be transferred from the Water and Sewerage Capital Reserve Fund to the Water and Sewerage Capital Fund for a submersible pump. **CARRIED**

TRANSFER FROM THE GENERAL CAPITAL RESERVE FUND

Moved by Councillor Toumishey
Seconded by Councillor Tinker

- 301/09** **THAT** the amount of \$14,827.84 (fourteen thousand eight hundred twenty seven dollars and eighty four cents) be transferred from the General Capital Reserve Fund to the General Capital Fund for the Library Roof replacement. **CARRIED**

TRANSFER FROM THE GENERAL CAPITAL RESERVE FUND

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

- 302/09** **THAT** the amount of \$11,188.10 (eleven thousand one hundred eighty eight dollars and ten cents) be transferred from the General Capital Reserve Fund to the General Capital Fund for a used 2004 Chevrolet Truck. **CARRIED**

TRANSFER TO GENERAL CAPITAL RESERVE FUND

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

- 303/09** **THAT** the amount of \$5,400 (five thousand, four hundred dollars) be transferred from the General Operating Fund to the General Capital Reserve Fund, representing the remaining 2009 net budgeted amount for "Downtown Development", for future downtown capital development as recommended by the St. Stephen Business Improvement Area (BIA) and the Planning & Priorities Committee. **CARRIED**

CHANGE OF DATE: DECEMBER REGULAR TOWN COUNCIL MEETING

Moved by Councillor Tinker
Seconded by Councillor Copeland

- 304/09** **THAT** the Council of the Town of St. Stephen changes the date of the December Regular Town Council Meeting from the third (3rd) Monday, 21st day of December, 2009, to the second (2nd) Monday, 14th day of December, 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**

4. PUBLIC SAFETY & ENVIRONMENT COMMITTEE

No items.

5. COMMUNITY SERVICES COMMITTEE

TENNIS COURTS - CHURCH STREET

Moved by Councillor Williams

Seconded by Councillor Toumishey

305/09 **THAT** the quote of \$12,000.00 (twelve thousand dollars), plus HST, from Playteck Enterprises of Dieppe, NB, to supply and install Plexipave tennis court surfacing in the spring of 2010 to the two tennis courts on Church Street, be accepted. **CARRIED**

SETTING DATE FOR PUBLIC MEETING – KIWANIS POOL

Moved by Councillor Toumishey

Seconded by Councillor Williams

306/09 **THAT** Thursday, December 3, 2009 at 6:00 p.m. at St. Timothy's Hall, 31 Marks Street, be set as the date, time and location for a public meeting to discuss the Kiwanis Pool. **CARRIED**

Prior to the reports of the Mayor and Councillors, CAO/Clerk John Ferguson outlined a necessary procedural change with closed meetings in order to comply with Section 10.2(4) of the *Municipalities Act*, which states in part, "If it is necessary at a meeting of a council or a committee of council to discuss any of the following matters, the public may be excluded from the meeting for the duration of the discussion: . . ." A motion must be considered at either a meeting of council or a committee of council in order to move any item(s) into a closed session.

XIV. REPORTS OF MAYOR AND COUNCILLORS

Councillor Copeland

- Attended a Civic Center meeting.
- Attended various Town meetings.
- Stated his disappointment with missing several Town meetings which were scheduled at 4:00 p.m.
- Stated at a recent hockey game that he heard many positive comments on the proposed Civic Center.

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Councillor Tinker

- Commented on the recent meeting of the Union of Municipalities of New Brunswick (UMNB) Board of Directors and highlighted a number of agenda items.

Councillor Toumishey

- Attended meetings in Bangor the end of October on behalf of the Mayor (invitation extended by the Mayor of Saint John) to rekindle the Sister City relationship between Saint John and Bangor during the City of Saint John's 225th anniversary celebrations in 2010 and Bangor's celebration of its 175th anniversary this year, and noted in particular that presentations related to the current and future economic development of both cities.

Councillor Williams

- Attended various meetings.

Councillor Donovan

- Attended a joint Chamber of Commerce/Enterprise Charlotte luncheon with Minister Jack Keir as guest speaker.
- Attended various meetings.

Deputy Mayor Maxwell

- Attended various Town meetings.
- Attended a Planning Advisory Committee meeting.
- Attended a Chocolate Museum Operational Committee meeting.
- Attended a joint Chamber of Commerce/Enterprise Charlotte luncheon with Minister Jack Keir as guest speaker.
- Proud to lay wreath during Milltown Remembrance Day Service on behalf of the Town.
- Attended the 15th anniversary celebration of the Family Resource Centre.
- Crossed the new third bridge on opening day, November 16th.
- Concerned with lack of signage with respect to the new highway.
- Very pleased with the recent renovations to the Wharf Lighthouse.

Mayor Purcell

- Attended the annual meeting of Hospice of Charlotte.
- Attended the annual Veterans' dinner.
- Attended a joint Chamber of Commerce/Enterprise Charlotte luncheon with Minister Jack Keir as guest speaker.

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- Laid wreath during the St. Stephen Remembrance Day Service on behalf of the Town.
- Stated that he has received many compliments on the various streets projects.

XV. QUESTION PERIOD

There were no questions.


XVI. ADJOURNMENT

ADJOURNMENT

Moved by Councillor Tinker

Seconded by Councillor Williams

307/09 THAT the meeting adjourn at 7:55 p.m. **CARRIED**



Mayor

CAO/Clerk