

**TOWN OF ST. STEPHEN**  
**REGULAR COUNCIL**  
**73 MILLTOWN BLVD., SUITE 112**  
**SEPTEMBER 21, 2009 @ 7:00 P.M.**

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

**ORDER OF COUNCIL BUSINESS**

Moved by Councillor Williams

Seconded by Councillor Donovan

- 216/09** **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, Barb Donovan, Jeremy Copeland and Gavin Toumishey; Acting CAO/Treasurer Tim Tozer; and, Town Clerk Joan Flewelling.

ABSENT: Councillor Robert Tinker

IV. APPROVAL OF AGENDA

**AGENDA**

Moved by Councillor Williams

Seconded by Councillor Toumishey

- 217/09** **THAT** the Agenda be approved with one addition: Appointment – Chief Administrative Officer/Town Clerk added as item 3. (vi) under XIII. **NEW BUSINESS. CARRIED**

V. CONFLICT OF INTEREST

Councillor Donovan declared a conflict of interest and left Council Chambers at 7:20 p.m. and returned at 7:22 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

1. Re-zoning Application – 76 Church Street from Residential (R1) to Highway Commercial (HC) - The Development Officer presented the Planning Advisory Committee's recommendation to Council.

**RE-ZONING APPLICATION FOR 76 CHURCH STREET (PID # 01307909)**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 218/09**       **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Planning Advisory Committee for amendment of zoning from Residential (R1) to Highway Commercial (HC), and that the necessary by-law process be invoked. **CARRIED**

2.       Re-zoning Application – 23 St. Stephen Drive from Resource (G) to Highway Commercial (HC) - The Development Officer presented the Planning Advisory Committee's recommendation to Council.

**RE-ZONING APPLICATION FOR 23 ST. STEPHEN DRIVE (PID # 15182751)**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 219/09**       **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Planning Advisory Committee for amendment of zoning from Resource (G) to Highway Commercial (HC), and that the necessary by-law process be invoked. **CARRIED**

**SETTING DATE FOR PUBLIC HEARING OF OBJECTIONS – TWO (2)**

**REZONINGS**

Moved by Councillor Donovan

Seconded by Councillor Williams

- 220/09**       **THAT** Monday, October 26, 2009 at 7:00 p.m. in Council Chambers, 73 Milltown Blvd., Suite 112, Ganong Place, entrance from the back parking lot, be set as the date, time and place for a Public Hearing of Objections of proposed:

1)       By-Laws M-1.10, "A By-Law to Amend the Municipal Plan By-Law M-1" and Z-1.10, "A By-Law to Amend the Zoning By-Law Z-1", which would see the consideration of the property known as PID #01307909 (76 Church Street) rezoned from Residential (R1) to Highway Commercial (HC) for the purpose of a commercial greenhouse.

2)       By-Laws M-1.11, "A By-Law to Amend the Municipal Plan By-Law M-1" and Z-1.11, "A By-Law to Amend the Zoning By-Law Z-1", which would see the consideration of the property known as PID #15182751 (23 St. Stephen Drive) from Resource (G) to Highway Commercial (HC) for the purpose of a tax and duty free shop. **CARRIED**

3.       October – Canadian Library Month - Proclamation  
Mayor Purcell proclaimed the month of October as Canadian Library Month:

**MINUTES  
REGULAR COUNCIL  
SEPTEMBER 21, 2009**

3

**WHEREAS** Canada's libraries are partners in fostering lifelong learning, they play a vital role in helping Canadians of all ages access the information and tools that they need to live, learn and work;

**WHEREAS** Canada's libraries help Canadians develop the skills required to find and evaluate information in order to adapt and succeed in a knowledge-based economy;

**WHEREAS** Canadian libraries bolster economic prosperity by providing access to essential decision-making information for organizations and businesses;

**WHEREAS** libraries in Canada enhance the quality of life for all Canadians, and help ensure that Canadian culture continues to flourish and thrive;

**THEREFORE**, I, G. L. (Jed) Purcell, Mayor of the Town of St. Stephen, NB, do hereby proclaim the month of October 2009 to be

**Canadian Library Month**

Under the theme:

**Your Library,  
Your World**

VII. NOTICES OF MOTIONS

No notices of motions.

VIII. APPROVAL OR AMENDING OF MINUTES

**REGULAR COUNCIL MEETING**

Moved by Councillor Donovan

Seconded by Councillor Toumishey

**221/09** **THAT** the Minutes of the Regular Council meeting held on August 24, 2009 be approved as circulated. **CARRIED**

IX. COMMUNICATIONS

**COMMUNICATION FOR INFORMATION FILE**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Toumishey

**222/09** **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 Williams

Seconded by Councillor Copeland

**223/09** **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on September 9, 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” – THIRD AND FINAL READING – SHORT TITLE ONLY**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

**224/09** **THAT** By-Law No. A – 8 – “A By-Law Respecting the Duties and Powers of the Chief Administrative Officer” - be given Third and Final Reading – Short Title Only. **CARRIED**

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

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

**225/09** **THAT** By-Law No. S-1.1: “A By-Law to Repeal a By-Law to Prevent Noise and Nuisances” – be given Third and Final Reading – Short Title Only. **CARRIED**

XII. CONTINUING BUSINESS

No items.

XIII. NEW BUSINESS

1. ACTING CAO

**STATEMENTS OF REVENUE AND EXPENDITURE**

Moved by Councillor Williams

Seconded by Councillor Donovan

- 226/09**       **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to July 31, 2009 be received. **CARRIED**

**CHEQUE REGISTER:**

**PAID BILLS**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 227/09**       **THAT** paid bills in the amount of \$2,197,360.82 (two million, one hundred and ninety-seven thousand, three hundred and sixty dollars and eighty-two cents) be ratified. **CARRIED**

**PAID BILL: CONFLICT – SELDON SMITH & SONS LIMITED**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Toumishey

- 228/09**       **THAT** the paid bill in the amount of \$509.63 (five hundred and nine dollars and sixty-three cents), Cheque #1309 for Seldon Smith & Sons Limited be ratified. **CARRIED**

2.     **PLANNING & PRIORITIES COMMITTEE**

No items.

3.     **FINANCE & ADMINISTRATION COMMITTEE**

**BY-LAW ENFORCEMENT OFFICER – SALARY INCREASE**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 229/09**       **THAT** the Council of the Town of St. Stephen authorizes a salary increase to \$22.50 (twenty-two dollars and fifty cents) per hour to Mark Fleming, By-Law Enforcement Officer, paid in regular weekly installments of 20 hours per week, with payment for additional hours reconciled quarterly, retroactive to 1 July 2009, which represents an unbudgeted expenditure for 2009. All other characteristics of employment remain the same as outlined in the May 12, 2008 "Confirmation of Appointment" letter to Mark Fleming from Hendrik Slegtenhorst, Chief Administrative Officer. **CARRIED**

**MINUTES  
REGULAR COUNCIL  
SEPTEMBER 21, 2009**

6

**APPLICATION FOR FINANCING – GENERAL FUND**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 230/09** **BE IT RESOLVED THAT** the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of St. Stephen debenture in the principal amount of \$1,076,000 (one million seventy six thousand dollars) on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of St. Stephen agree to issue post dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture:

<b><u>Purpose</u></b>	<b><u>Amount</u></b>	<b><u>Term</u></b>
Refinancing Debenture No. AH28-1999	\$1,076,000	5 Years

**CARRIED**

**APPLICATION FOR FINANCING – WATER & SEWER FUND**

Moved by Councillor Williams

Seconded by Councillor Donovan

- 231/09** **BE IT RESOLVED THAT** the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of St. Stephen debenture in the principal amount of \$20,000 (twenty thousand dollars) on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of St. Stephen agree to issue post dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture:

<b><u>Purpose</u></b>	<b><u>Amount</u></b>	<b><u>Term</u></b>
Refinancing Debenture No. AH29-1999	\$ 20,000	5 Years

**CARRIED**

**CHANGE OF DATE: OCTOBER REGULAR TOWN COUNCIL MEETING**

Moved by Councillor Donovan

Seconded by Councillor Copeland

- 232/09** **THAT** the Council of the Town of St. Stephen changes the date of the October Regular Town Council Meeting from the third (3<sup>rd</sup>) Monday, 19<sup>th</sup> day of October, 2009, to the fourth (4<sup>th</sup>) Monday, 26<sup>th</sup> day of October, 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**

**SOLID WASTE COLLECTION AGREEMENT**

Moved by Councillor Williams

Seconded by Councillor Donovan

- 233/09** **THAT** the Council of the Town of St. Stephen authorizes a four (4) month extension for solid waste collection with Southern Sanitation Ltd. from October 1, 2009 to January 31, 2010 at the continued rate of \$5.00 (five dollars) per household, with a new fuel surcharge calculated, and paid if necessary, based on one-half of the \$5.00 (five dollars) rate and the average monthly per liter increase. **CARRIED**

**APPOINTMENT - CHIEF ADMINISTRATIVE OFFICER/TOWN CLERK**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 234/09** **THAT** the Council of the Town of St. Stephen appoints John Ferguson as the Chief Administrative Officer/Town Clerk for the Town of St. Stephen commencing on Monday, September 28, 2009, with a starting salary of \$75,000 (seventy-five thousand dollars) annually, management benefit package, management increase effective in 2010, five (5) weeks' vacation, with a six months' probationary period.

**AND FURTHER THAT** the Council of the Town of St. Stephen approves a contribution to moving expenses in the total amount of \$3,000.00 (three thousand dollars), and a monthly travel allowance of \$500.00 (five hundred dollars) for the first two months of employment. **CARRIED**

4. **PUBLIC SAFETY & ENVIRONMENT COMMITTEE**

**EMERGENCY MEASURES ORGANIZATION (EMO) – STORAGE OF DISASTER SUPPLIES**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 235/09** **THAT** the Council of the Town of St. Stephen authorizes the Mayor and Clerk to enter into an agreement with the Provincial Department of Health from September 22, 2009 to September 21, 2012 for the storage of Emergency Measures Organization's (EMO's) disaster supplies at either 199 Union Street or 220 Union Street, with the preference at 199 Union Street for safety/protection reasons. **CARRIED**

**TRANSFER OF LAND FROM RICHARD PIERCE TO THE TOWN**

Moved by Councillor Williams

Seconded by Councillor Copeland

- 236/09** **THAT** the Council of the Town of St. Stephen assents to the subdivision plan known as "Richard Pierce Subdivision 09-1, Parcel "A"", Plan No. 2 – 3006, prepared by Murphy Surveys (1990) Ltd. and completed on November 27, 2008 which transfers a portion of PID # 1310069 to the Town to be added to a public street, namely Elm Park. **CARRIED**

5. COMMUNITY SERVICES COMMITTEE

No items.

XIV. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Maxwell

- Attended a Civic Centre meeting.
- Attended a Chamber of Commerce luncheon with Richard Fulton, Chair of the Civic Centre project, as guest speaker.
- Attended various Town meetings.
- Hosted the annual joint Council BBQ between Calais and St. Stephen at his summer home on Pleasant Lake.

Councillor Donovan

- Attended a Civic Centre meeting as a guest.
- Attended a Chamber of Commerce luncheon with Richard Fulton, Chair of the Civic Centre project, as guest speaker.
- Attended and thanked Deputy Mayor Maxwell for hosting a very enjoyable joint Council BBQ.

Councillor Williams

- Attended and thanked Deputy Mayor Maxwell for hosting a very enjoyable joint Council BBQ.
- Welcomed the new CAO and his family to the community and looks forward to a long and successful working relationship.
- Attended a Chamber of Commerce luncheon with Richard Fulton, Chair of the Civic Centre project, as guest speaker.
- Attended various Town meetings.
- Announced his candidacy for the Provincial Liberal nomination.

Councillor Toumishey

- Congratulated and welcomed the new CAO and stated he is very much looking forward to a long working relationship.
- Extended good luck to Councillor Williams in his seeking the Provincial Liberal nomination.
- Attended and enjoyed his first meeting in Collingwood, Ontario as a participant on four FCM Standing Committees.

**MINUTES  
REGULAR COUNCIL  
SEPTEMBER 21, 2009**

9

- Stated that future discussions should take place with respect to possible expansion of the St. Croix Public Library.

Councillor Copeland

- Welcomed the new CAO.
- Attended and thanked Deputy Mayor Maxwell for hosting a very enjoyable joint Council BBQ.

Mayor Purcell

- Attended a reception at SSSH in honour of Allyssa Cleaves, Canada Games Wrestling Gold Medalist.
- Officially opened the Fall Fair.
- Attended the annual Bonfire on the waterfront.
- Attended the first lantern lumiere evening on the waterfront and awarded prizes.
- Attended the annual meeting of Hospice of Charlotte.
- Attended a Chamber of Commerce luncheon with Richard Fulton, Chair of the Civic Centre project, as guest speaker.
- Attended an inaugural meeting of "Team Charlotte" at the Fairmount Algonquin with members of Enterprise Charlotte; the Mayors of Charlotte County; Tony Huntjens, MLA; Rick Doucet, MLA; and Judy Fahey, representing Greg Thompson, MP.

XV. QUESTION PERIOD

There were no questions.


XVI. ADJOURNMENT

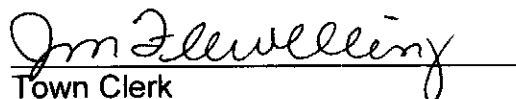
**ADJOURNMENT**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Copeland

237/09 THAT the meeting adjourn at 7:55 p.m. **CARRIED**

  
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Mayor

  
\_\_\_\_\_  
Town Clerk