

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
FEBRUARY 23, 2009 @ 7:00 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

31/09 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, and Gavin Toumishey; CAO/Clerk Hendrik Slegtenhorst; and, Assistant Clerk Joan Flewelling.

ABSENT: Councillor John Quartermain and Councillor Ken Parker.

IV. APPROVAL OF AGENDA

AGENDA

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

32/09 THAT the Agenda be approved as circulated. **CARRIED**

V. CONFLICT OF INTEREST

No conflicts of interest were declared.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

No petitions/presentations/proclamations.

VII. NOTICES OF MOTIONS

No notices of motions.

VIII. APPROVAL OR AMENDING OF MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor Williams

Seconded by Councillor Tinker

33/09 THAT the Minutes of the Regular Council meeting held on January 19, 2009 be approved as circulated. **CARRIED**

IX. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Deputy Mayor Maxwell

Seconded by Councillor Toumishey

34/09 THAT Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

X. APPROVAL OF COMMITTEE MINUTES

COMMUNITY SERVICES COMMITTEE

Moved by Deputy Mayor Maxwell

Seconded by Councillor Toumishey

35/09 THAT the Minutes of the Community Services Committee meetings held on January 22, 2009 and February 17, 2009 be approved. **CARRIED**

PLANNING & PRIORITIES COMMITTEE

Moved by Councillor Toumishey

Seconded by Councillor Williams

36/09 THAT the Minutes of the Planning & Priorities Committee meeting held on January 26, 2009 be approved. **CARRIED**

**PUBLIC SAFETY & ENVIRONMENT COMMITTEE and
FINANCE & ADMINISTRATION COMMITTEE**

Moved by Councillor Williams

Seconded by Councillor Tinker

37/09 THAT the Minutes of the joint Public Safety & Environment Committee and Finance & Administration Committee held on January 28, 2009 be approved. **CARRIED**

XI. CONSIDERATION OF BY-LAWS

BY-LAW NO. L-8 - A BY-LAW TO REGULATE THE USE OF SWIMMING POOLS – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Williams

38/09 THAT By-Law No. L-8 – “A By-Law to Regulate the Use of Swimming Pools” – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. S – 8.1 - A BY-LAW RESPECTING THE HOUSING OF FARM ANIMALS – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Williams

39/09 THAT By-Law No. S – 8.1: “A By-Law Respecting the Housing of Farm Animals” – be given First Reading – Short Title Only. **CARRIED**

XII. CONTINUING BUSINESS

No continuing business.

XIII. NEW BUSINESS

1. CAO REPORT – The Chief Administrative Officer gave an oral monthly report, and noted the following major activities:

- management of operations;
- Council and Committees meetings;
- meetings with the Honourable Greg Thompson, P.C., M.P., and Premier Shawn Graham with respect to Civic Centre infrastructure monies;
- one-half of January spent on the budget;
- organized and attended a meeting with the Honourable Denis Landry, Minister of the Department of Transportation with respect to confirmation of monies for the King Street rehabilitation project;
- Building Canada Fund (CSO project) application and revisions;
- Town Hall move;
- Kiwanis pool;
- Municipal Plan.

2. RCMP REPORT – received for information.

3. CAO

STRATEGIC PLAN: STATUS OF SPECIFIC INITIATIVES – Memo from CAO dated 11 February 2009 received for information.

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APPLICATION TO THE MUNICIPAL CAPITAL BORROWING BOARD

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 40/09 THAT** the Municipality of the Town of St. Stephen submit to the Municipal Capital Borrowing Board an application for authorization to borrow for a capital expense for the following term and amount:

<u>Purpose</u>	<u>Amount</u>	<u>Term</u>
<u>Recreation and Cultural Services</u>		
Purchase of lands and premises for a new multi-purpose recreation, cultural and meeting facility. <u>CARRIED</u>	<u>\$791,000</u>	20 Years

**WILGAR LTD. - CHARLOTTE COUNTY CIVIC CENTRE PROJECT INC. –
AGREEMENT**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Toumishey

- 41/09 THAT** the Council of the Town of St. Stephen authorizes the Mayor and Town Clerk to enter into an agreement with Wilgar Ltd. and the Charlotte County Civic Centre Project Inc. to purchase lands and premises known as PID numbers 1305978, 15155716, 15049141, 15055569 and 1304237 for the purpose of the construction and operation of a multi-purpose recreation, cultural and meeting facility. **CARRIED**

APPLICATION TO THE MUNICIPAL CAPITAL BORROWING BOARD

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 42/09 THAT** the Municipality of the Town of St. Stephen submit to the Municipal Capital Borrowing Board an application for authorization to borrow for a capital expense for the following terms and amounts:

<u>Purpose</u>	<u>Amount</u>	<u>Term</u>
<u>Transportation Services</u>		
Street Rehabilitation	\$1,293,000	5 Years
Sidewalks	<u>\$ 350,000</u>	10 Years
	<u>\$1,643,000</u>	
<u>CARRIED</u>		

APPLICATION TO THE MUNICIPAL CAPITAL BORROWING BOARD

Moved by Councillor Tinker

Seconded by Councillor Toumishey

- 43/09 THAT** the Municipality of the Town of St. Stephen submit to the Municipal Capital Borrowing Board an application for authorization to borrow for a capital expense for the following term and amount:

<u>Purpose</u>	<u>Amount</u>	<u>Term</u>
<u>Transportation Services</u>		
Streets Rehabilitation	<u>\$250,000</u>	10 Years
<u>CARRIED</u>		

WATER & SEWER SERVICE – NEW BORDER CROSSING – PROJECT NO. 046-168 (CANADA BORDER SERVICES AGENCY TENDER ADJUSTMENT)

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 44/09 THAT** additional costs for overages due to unexpected construction costs and an accelerated completion date from the tender originally awarded to Fairville Construction Ltd. of Saint John, NB in September, 2007 for the installation of the water and sewer to the new border crossing of approximately \$235,780.07 (two hundred and thirty-five thousand, seven hundred and eighty dollars and seven cents), including HST be accepted. **CARRIED**

SCOTIABANK BORROWING AUTHORITY

Moved by Councillor Williams

Seconded by Councillor Tinker

- 45/09 BE IT RESOLVED THAT** the Mayor or such other person as the Council appoints, shall jointly with the Treasurer be hereby authorized on behalf of the Town of St. Stephen (the "Corporation") to borrow from the Scotiabank (the "Bank"), from time to time by way of promissory note, a sum or sums not exceeding at any one time \$268,648.00 (two hundred and sixty eight thousand, six hundred and forty eight dollars), to meet current expenditures of the Corporation for the year 2009. The Chief Administrative Officer, in lieu of the Mayor, shall be appointed by the Council of the Town of St. Stephen, with the Treasurer, on all amounts to \$5,000 (five thousand dollars). Further, the Assistant Treasurer, in the absence or disability of the Treasurer, shall be authorized to borrow jointly with the Mayor and/or the Chief Administrative Officer.

THAT the Mayor and Treasurer are hereby authorized to sign on behalf of the Corporation and to furnish the Bank, from time to time a promissory note or

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notes, sealed with the corporate seal, for the sum or sums so borrowed with interest at such rate as the Bank may from time to time determine.

THAT the Treasurer, Assistant Treasurer or Clerk are hereby authorized and directed to furnish to the Bank, at the time of each borrowing and at such other times as the Bank may from time to time request, a statement showing the nature and amount of the estimated revenues of the current year not yet collected, or where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the Corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed in the current year and in any preceding year that have not been repaid.

THAT the Treasurer, Assistant Treasurer or Clerk are hereby authorized and directed to apply in payment of all sums borrowed from the Bank, with interest thereon, all of the monies hereafter collected or received on account or realized in respect of the taxes levied for the current year and for any preceding years and all of the monies collected or received from any other source. **CARRIED**

ROYAL BANK OF CANADA BORROWING AUTHORITY

Moved by Councillor Williams

Seconded by Councillor Tinker

46/09 BE IT RESOLVED THAT the Mayor or such other person as the Council appoints, shall jointly with the Treasurer be hereby authorized on behalf of the Town of St. Stephen (the "Corporation") to borrow from the Royal Bank of Canada during the year ending December 31, 2009, the sum of \$930,367.00 (nine hundred and thirty thousand, three hundred and sixty seven dollars) to be advanced in such amounts as may be required, from time to time, for Water and Sewerage Accounts. The Chief Administrative Officer, in lieu of the Mayor, shall be appointed by the Council of the Town of St. Stephen with the Treasurer on all amounts to \$5,000 (five thousand dollars). Further, the Assistant Treasurer, in the absence or disability of the Treasurer, shall be authorized to borrow jointly with the Mayor and/or the Chief Administrative Officer.

THAT the said sum of \$930,367.00 (nine hundred and thirty thousand, three hundred and sixty seven dollars) so to be borrowed shall be repaid on or before the 31st day of December next; and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st day of December may be renewed by the said Mayor and Treasurer, from time to time, but no renewal shall fall due later than the 31st day of December next. **CARRIED**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams

Seconded by Councillor Tinker

47/09 THAT the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to November 30, 2008 be received. **CARRIED**

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PAID BILLS

Moved by Deputy Mayor Maxwell
Seconded by Councillor Toumishey

- 48/09 THAT** paid bills in the amount of \$1,147,308.81 (one million, one hundred and forty-seven thousand, three hundred and eight dollars and eighty-one cents) be ratified. **CARRIED**

PAID BILLS: CONFLICT – NB POWER

Moved by Councillor Williams
Seconded by Councillor Tinker

- 49/09 THAT** the paid bills (cheque #3681 for \$14,313.91, cheque #3741 for \$3,347.78, cheque #3870 for \$12,403.56, and cheque #3890 for \$5,003.87) in the amount of \$35,069.12 (thirty-five thousand, sixty-nine dollars and twelve cents) for NB Power be ratified. **CARRIED**

TERMS OF REFERENCE: PROVISIONS GOVERNING THE PROCEDURE
AND OPERATION OF THE ST. STEPHEN SUBSTANDARD PROPERTIES
APPEAL COMMITTEE

Moved by Councillor Tinker
Seconded by Councillor Williams

- 50/09 THAT** the Council of the Town of St. Stephen refers the terms of reference as outlined in the “Provisions Governing the Procedure and Operation of the St. Stephen Substandard Properties Appeal Committee dated February 23, 2009, to the Public Safety & Environment Committee, for its recommendation to a future Town Council meeting. **CARRIED**

ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Councillor Williams
Seconded by Councillor Tinker

- 51/09 THAT** the Council of the Town of St. Stephen refers the appointment of five members of Council to the Town’s Substandard Properties Appeal Committee to the Public Safety & Environment Committee, for its recommendation to a future Town Council meeting. **CARRIED**

ROBERT PHILLIPS – VIOLATION OF BY-LAWS/COMMENCEMENT OF
LEGAL ACTION

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

- 52/09 WHEREAS** Robert Phillips was served a final notice that he was in violation of the Building By-Law, on October 27, 2008, and was given adequate time to respond to this notice and remedy the violations noted below but has failed to do so;
WHEREAS after due consideration by Council of the importance of enforcing the By-Laws;

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IT IS AGREED that the Council of the Town of St. Stephen hereby authorize and ratify an application by the Town solicitor to the Court of Queen's Bench of New Brunswick pursuant to Sections 93 and 94 of the *Community Planning Act* seeking an order that Robert Phillips of 86 Union Street, in the Town of St. Stephen, cease contravening or failing to comply with the Building By-Law, being By-law No. L-6 and L-6.1 in that he has built an addition/structure on his home without obtaining a building permit and that the addition/structure appears to be in violation of the National Building Code. The application should request that this addition/structure be removed by Mr. Phillips forthwith or be removed at his expense. The application should also request all costs for the application to be paid by Mr. Phillips. **CARRIED**

ANNUAL COMPLIANCE EVALUATION – TOWN DRINKING WATER –
received for information.

STREETS OPERATOR – RECOMMENDATION

Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 53/09 THAT** Kevin Mundie, a former Janitor/Handyman, be promoted to the union position of Streets Operator, effective March 1, 2009, as outlined in the Canadian Union of Public Employees (CUPE) Local 770 Collective Agreement. **CARRIED**

HOSPICE OF CHARLOTTE INC. – REQUEST FOR DONATION

Moved by Councillor Williams
Seconded by Councillor Tinker

- 54/09 THAT** the Council of the Town of St. Stephen refers the request from Hospice of Charlotte Inc. of an unbudgeted expenditure in the amount of \$2,000.00 to assist with its operating budget to the Finance & Administration Committee for its recommendation to a future Town Council meeting after a request for grants policy is drafted and approved by Council. **CARRIED**

CHANGE OF DATE: FEBRUARY REGULAR TOWN COUNCIL MEETING

Moved by Deputy Mayor Maxwell
Seconded by Councillor Williams

- 55/09 THAT** the Council of the Town of St. Stephen changes the date of the February Regular Town Council Meeting from the third (3rd) Monday, 16th day of February, 2009, to the fourth (4th) Monday, 23rd day of February, 2009, at 7:00 p.m. as outlined in Section 9.01 of By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration". **CARRIED**

4. PLANNING & PRIORITIES COMMITTEE

(i) Economic Development Action Plan Update – Councillor Toumishey reviewed with Council a proposed schedule of the Economic Development Action Plan, and in particular, noted that:

- a list of economic goals will be reviewed at the next Planning & Priorities Committee meeting;
- St. Stephen Development Board will review by March 31, 2009, goals to determine what has already been put into place; what are presently being worked on; the relevant economic studies and current local, provincial and federal economic plans that could be drawn upon.
- Planning & Priorities Committee and St. Stephen Development Board will conduct a series of meetings by April 30, 2009, firstly with major economic stakeholders, and secondly with the public to present the work to date and to receive feedback.
- Planning & Priorities Committee and St. Stephen Development Board will summarize by July 31, 2009 information to date and complete the data review required for an Economic Plan, such as current land inventory, demographic review, fiscal review of the Town, and status of the Charlotte County Civic Centre project
- Planning & Priorities Committee and St. Stephen Development Board will finalize by August 31, 2009 an Economic Development Plan.
- Planning & Priorities Committee will present at the Regular Session of Council in September 2009 the Economic Development Plan, which will then be integrated into the 2010 budget.

5. FINANCE & ADMINISTRATION COMMITTEE

No items this month.

6. PUBLIC SAFETY & ENVIRONMENT COMMITTEE

No items this month.

7. COMMUNITY SERVICES COMMITTEE

KIWANIS POOL

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 56/09 THAT** the Council of the Town of St. Stephen authorizes the approximate unbudgeted expenditures of \$46,000.00 (forty-six thousand dollars) for operating costs, and \$13,000.00 (thirteen thousand dollars) for completion of safety recommendations in order to open the Kiwanis pool for the 2009 season.

CARRIED

JOHN HOWARD SOCIETY OF CHARLOTTE COUNTY, INC. – LAND AGREEMENT

Moved by Councillor Williams

Seconded by Councillor Tinker

- 57/09 THAT** the Council of the Town of St. Stephen authorizes the Mayor and Town Clerk to enter into an agreement with the John Howard Society of Charlotte County, Inc., granting a portion of Town-owned land, known as PID # 15162688, to be used for the purposes of a home of safety for females between the ages of 16 and 24 in the hopes of reducing the level of homelessness in the Charlotte County area, conditional upon commencement of the project within three (3) years or apply for an extension, and upon a change of purpose, the land reverts to the Town.

AND FURTHER THAT the Town solicitor will draft all the necessary legal documentation, and all legal costs involved will be the responsibility of the John Howard Society of Charlotte County, Inc. **CARRIED**

8. PLANNING ADVISORY COMMITTEE

No items this month.

XIV. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Maxwell

- Attended Town meetings.
- Attended Civic Centre Board meeting.
- Attended the Zone 4 meeting of UMN.
- Attended the Annual General Meeting of the Chamber of Commerce.
- Attended several birthday parties.
- Attended several funerals.

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Councillor Williams

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- Excited about the Civic Centre fundraising to date and stated that it is still ongoing.
- Attended the Annual General Meeting of the Chamber of Commerce.
- Pleased with the list of 2009 streets rehabilitation and hopes that future Councils will continue the annual project.
- Pleased that the King Street rehabilitation will be completed this year.
- Very excited that the new third bridge is becoming a reality.
- Very pleased with the draft action plan for economic development.

Councillor Toumishey

- Stated the past month was very busy.
- Attended a St. Stephen Development Board meeting.
- Attended a Civic Centre Board meeting.
- Attended the Zone 4 meeting of UMNb and was very interested in the discussions with respect to immigration.
- Pleased that Paul Harrell, a non-voting member of the Planning & Priorities Committee, and Councillor Williams attended an immigration seminar recently in Fredericton.
- Pleased that Shelley McKeeman has agreed to join the Planning & Priorities Committee as a non-voting member.
- Pleased that Garth Orchard has agreed to be one of the Town's representatives on the Chamber of Commerce's Board of Directors.
- Met with Bob Coates, Acting President of the Arena Board, to discuss the Board's vacancies, and have had no success to date in filling them.

Councillor Tinker

- As Chair of the Public Safety & Environment Committee, very pleased with the Department of Transportation's commitment of \$1.25 million over the next five years for the rehabilitation of King Street.
- Congratulated Council for its decision to spend \$250,000 on streets rehabilitation in 2009.

Mayor Purcell

- Attended a meeting with the Minister of Transportation on the King Street rehabilitation.
- Attended a meeting with Premier Graham on the Civic Centre project.
- Attended the Zone 4 meeting of UMNb.
- Met with the Regional Development Corporation's Senior Vice-President, Corporate Services and Programs, on the Civic Centre project.
- Attended the Annual General Meeting of the Chamber of Commerce.

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XV. QUESTION PERIOD

There were no questions.

XVI. ADJOURNMENT

ADJOURNMENT

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

58/09 THAT the meeting adjourn at 8:25 p.m. CARRIED



Mayor

CAO/Clerk