

TOWN OF ST. STEPHEN
REGULAR COUNCIL
199 UNION STREET (FIRE HALL)
JULY 28, 2008 @ 7:05 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Councillor Tinker

Seconded by Councillor Parker

117/08 **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, Gavin Toumishey, John Quartermain and Ken Parker; CAO/Clerk Hendrik Slegtenhorst; and, Assistant Clerk Joan Flewelling.

IV. APPROVAL OF AGENDA

Moved by Councillor Williams

Seconded by Councillor Tinker

118/08 **THAT** the Agenda be approved as circulated. **CARRIED**

V. CONFLICT OF INTEREST

Councilor Williams declared a conflict of interest and left Council Chambers at 7:12 p.m. and returned at 7:13 p.m. Councillor Quartermain declared a conflict of interest and left Council Chambers at 7:13 p.m. and returned at 7:15 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

No petitions/presentations/proclamations.

VII. NOTICES OF MOTIONS

No notices of motions.

VIII. APPROVAL OR AMENDING OF MINUTES

Moved by Councillor Williams
Seconded by Deputy Mayor Maxwell

119/08 **THAT** the Minutes of the Regular Council meeting held May 20, 2008 be approved as circulated. **CARRIED**

Moved by Deputy Mayor Maxwell
Seconded by Councillor Toumishey

120/08 **THAT** the Minutes of the Special Council meeting held on June 25, 2008 be approved as circulated. **CARRIED**

IX. ACCOUNTS

Moved by Councillor Williams
Seconded by Councillor Tinker

121/08 **THAT** paid bills in the amount of \$1,810,087.21 (one million, eight hundred and ten thousand, eighty-seven dollars and eighty-three cents) be ratified. **CARRIED**

Moved by Councillor Williams
Seconded by Councillor Toumishey

122/08 **THAT** paid bills in the amount of \$1,084.62 (one thousand, eighty-four dollars and sixty-two cents) for the following be ratified:

- 1) Minister of Finance (Registration – Recreation Vehicle, Cheque #846) in the amount of \$536.75;
- 2) Jennifer Dow (Re-imbusement amount paid for Registration on Recreation Vehicle to the Registrar of Imported Vehicles, Cheque #847) in the amount of \$204.75;
- 3) A. E. Horne & Son Ltd. (Brokerage Fees & GST on Purchase of Recreation Vehicle, Cheque #851) in the amount of \$343.12. **CARRIED**

Councillor Parker voting against the motion.
Councillor Tinker voting against the motion.

Moved by Deputy Mayor Maxwell
Seconded by Councillor Parker

123/08 **THAT** the paid bill (cheque # 2454) in the amount of \$100.00 (one hundred dollars) for Stephen McLay be ratified. **CARRIED**

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Moved by Councillor Tinker
Seconded by Councillor Williams

- 124/08** **THAT** the paid bills (cheque #2522) in the amount of \$18,948.19 (eighteen thousand, nine hundred and forty-eight dollars and nineteen cents); (cheque #2662) in the amount of \$11,405.52 (eleven thousand, four hundred and five dollars and fifty-two cents); (cheque #3488) in the amount of \$16,531.00 (sixteen thousand, five hundred and thirty-one dollars); and (cheque #3536) in the amount of \$9,353.27 (nine thousand, three hundred and fifty-three dollars and twenty-seven cents), totaling \$56,237.98 (fifty-six thousand, two hundred and thirty-seven dollars and ninety-eight cents) for NB Power be ratified. **CARRIED**

X. COMMUNICATIONS

Moved by Councillor Parker
Seconded by Councillor Tinker

- 125/08** **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

XI. APPROVAL OF COMMITTEE MINUTES

1. COMMITTEES – APPROVAL OF MINUTES – JULY 9, 2008

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

- 126/08** **THAT** the Minutes of the Committees meeting held on July 9, 2008 be approved. **CARRIED**

2. COMMITTEES – APPROVAL OF MINUTES – JULY 23, 2008

Moved by Councillor Toumishey
Seconded by Councillor Tinker

- 127/08** **THAT** the Minutes of the Committees meeting held on July 23, 2008 be approved. **CARRIED**

3. PLANNING ADVISORY COMMITTEE

Moved by Councillor Tinker
Seconded by Councillor Parker

- 128/08** **THAT** the Minutes of the Planning Advisory Committee meeting held on June 23, 2008, be accepted. **CARRIED**

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XII. STAFF REPORTS

Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 129/08** **THAT** the following staff reports for the month of May 2008 be adopted: CAO; Treasurer; Police; Fire; By-Law Officer; Public Works; and Parks & Recreation. **CARRIED**

Moved by Councillor Tinker
Seconded by Councillor Quartermain

- 130/08** **THAT** the following reports of the Chief Administrative Officer be adopted:

- (i) Summary Report for July, 2008
- (ii) Association of Municipal Administrators of New Brunswick – 32nd Annual Conference, St. Andrews, NB
- (iii) Canadian Association of Municipal Administrators – 37th Annual Conference, Québec, Québec
- (iv) Federation of Canadian Municipalities – 71st Annual Conference, Québec, Québec. **CARRIED**

XIII. UNFINISHED BUSINESS

No unfinished business.

XIV. CONSIDERATION OF BY-LAWS

BY-LAW NO. M-1.5 – MUNICIPAL PLAN – PID #01307503 (441 MILLTOWN BLVD.) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker
Seconded by Councillor Parker

- 131/08** **THAT** By-Law No. M-1.5 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #01307503 (441 Milltown Blvd.) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.5 – REZONING – PID #01307503 (441 MILLTOWN BLVD.) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Williams
Seconded by Councillor Tinker

- 132/08** **THAT** By-Law No. Z-1.5 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #01307503 (441 Milltown Blvd.) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. M-1.5 – MUNICIPAL PLAN – PID #01307503 (441 MILLTOWN BLVD.) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

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133/08 THAT By-Law No. M-1.5 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #01307503 (441 Milltown Blvd.) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. Z-1.5 – REZONING – PID #01307503 (441 MILLTOWN BLVD.) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Williams
Seconded by Councillor Tinker

134/08 THAT By-Law No. Z-1.5 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #01307503 (441 Milltown Blvd.) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. M-1.7 – MUNICIPAL PLAN – PID #15154180 (NEXT TO DISHER PROPERTIES ON RIVER STREET) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Williams
Seconded by Councillor Tinker

135/08 THAT By-Law No. M-1.7 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #15154180 (next to Disher properties on River Street) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.7 – REZONING – PID #15154180 (NEXT TO DISHER PROPERTIES ON RIVER STREET) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Williams
Seconded by Councillor Tinker

136/08 THAT By-Law No. Z-1.7 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #15154180 (next to Disher properties on River Street) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. M-1.7 – MUNICIPAL PLAN – PID #15154180 (NEXT TO DISHER PROPERTIES ON RIVER STREET) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker
Seconded by Councillor Williams

137/08 THAT By-Law No. M-1.7 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #15154180 (next to Disher properties on River Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. Z-1.7 – REZONING – PID #15154180 (NEXT TO DISHER PROPERTIES ON RIVER STREET) – SECOND READING – READING IN ITS ENTIRETY

Moved by Deputy Mayor Maxwell
Seconded by Councillor Williams

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138/08 THAT By-Law No. Z-1.7 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #15154180 (next to Disher properties on River Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. M-1.8 – MUNICIPAL PLAN – PID #15170871 (112 PRINCE WILLIAM STREET) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell

139/08 THAT By-Law No. M-1.8 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #15170871 (112 Prince William Street) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.8 – REZONING – PID #15170871 (112 PRINCE WILLIAM STREET) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Williams
Seconded by Councillor Tinker

140/08 THAT By-Law No. Z-1.8 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #15170871 (112 Prince William Street) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. M-1.8 – MUNICIPAL PLAN – PID #15170871 (112 PRINCE WILLIAM STREET) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker
Seconded by Councillor Parker

141/08 THAT By-Law No. M-1.8 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law – PID #15170871 (112 Prince William Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. Z-1.8 – REZONING – PID #15170871 (112 PRINCE WILLIAM STREET) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Williams
Seconded by Deputy Mayor Maxwell

142/08 THAT By-Law No. Z-1.8 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law – PID #15170871 (112 Prince William Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. S-11 – A BY-LAW RESPECTING DANGEROUS OR UNSIGHTLY PREMISES – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Williams
Seconded by Councillor Tinker

143/08 THAT By-Law No. S-11 – “A By-Law Respecting Dangerous or Unsightly Premises – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. S-11 – A BY-LAW RESPECTING DANGEROUS OR UNSIGHTLY PREMISES – SECOND READING – READING IN ITS ENTIRETY

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Moved by Councillor Quartermain
Seconded by Councillor Williams

144/08 **THAT** By-Law No. S-11 – “A By-Law Respecting Dangerous or Unsightly Premises – be given Second Reading – Reading in its Entirety. **CARRIED**

XV. **NEW BUSINESS**

IMPROVEMENT OF COUNCIL AND COMMITTEE BUSINESS

Moved by Councillor Tinker
Seconded by Councillor Quartermain

145/08 **THAT** the Council of the Town of St. Stephen approves and adopts the content and structures detailed in the Mayor’s Memorandum to Council dated 2 July 2008 entitled “Proposal for Improvement of Council and Committee Business”, copy attached, amended by electing Councillor Williams as Chair of Community Services Committee, and Deputy Mayor Maxwell elected as a member of that committee.

Councillor Williams abstained from voting.

EXPROPRIATION OF EASEMENT FOR THE CANADA BORDER SERVICES AGENCY

Moved by Councillor Williams
Seconded by Councillor Tinker

146/08 **WHEREAS** it is necessary to provide water and sewer services to the new Canada Border Services Agency and in order to do so it is necessary to expropriate an easement over property owned by Jeffrey W. Irving, Susan Irving and Pauline Thompson (PID 1312388);

AND WHEREAS on January 8, 2008, the Town of St. Stephen, an Expropriating Authority, filed a Notice of Intention to Expropriate an easement over the aforementioned property and filed this Notice with the Expropriations Advisory Officer;

AND WHEREAS on the 23rd of January the appropriate Notices under the *Expropriations Act* were filed in the Charlotte County Records office and published in the St. Croix Courier and Jeffrey W. Irving, Susan Irving and Pauline Thompson were duly served with the Notice of Intention to Expropriate;

AND WHEREAS Jeffrey W. Irving, Susan Irving and Pauline Thompson (the Objectors) filed a Notice of Objection on February 21, 2008 to the Notice of Intention to Expropriate and it was necessary to hold a hearing in front of the Expropriations Advisory Officer;

AND WHEREAS the Expropriating Authority and the Objectors appeared before John D. Larlee, Q.C., Expropriations Advisory Officer for a one day hearing held at the St. Stephen Fire Hall on June 19, 2008 and both parties pleaded their case;

AND WHEREAS the Expropriations Advisory Officer reviewed the evidence and issued a written report on July 17, 2008, advising, *inter alia*, that the proposed expropriation proceed;

AND WHEREAS the Town of St. Stephen hired Appraisals (Fundy) Ltd. to prepare an estimate of loss in property value due to the expropriation and that Summary Report stated that the estimated loss to the land owner was Eight Thousand (\$8,000.00) Dollars:

BE IT RESOLVED THAT the Council of the Town of St. Stephen has considered the report of the Expropriations Advisory Officer and has considered the Summary Report of Appraisals (Fundy) Ltd. and hereby authorizes the Town's Solicitor to proceed with the formal Expropriation of easement to the Irving/Thompson property and authorizes the payment of the sum of Eight Thousand (\$8,000.00) Dollars, to Jeffrey W. Irving, Susan Irving and Pauline Thompson in compensation thereof. **CARRIED**

REQUEST FOR PROPOSAL NO. 08-04 EXTERNAL AUDIT SERVICES

Moved by Councillor Tinker

Seconded by Councillor Williams

- 147/08** **THAT** of the two (2) proposals received, the low total proposal price from Teed Saunders Doyle & Co. of Saint John, NB, in the amount of \$46,686.40 (forty-six thousand, six hundred and eighty-six dollars and forty cents), including HST, for three (3) years for the provision of auditing services for the Town of St. Stephen for the years ending December 31, 2008; 2009 and 2010 be accepted. **CARRIED**

SOLID WASTE COLLECTION

Moved by Councillor Tinker

Seconded by Councillor Williams

- 148/08** **WHEREAS** the Town of St. Stephen entered into a three (3) year Solid Waste Collection Renewal Agreement with Dana Cumberland (Cumberland Waste Removal) dated the 1st day of October, 2006;

AND WHEREAS, effective May 31, 2008, Southern Sanitation Ltd. has purchased Cumberland Waste Removal, including responsibility for all pre-existing municipal contracts, and Southern Sanitation Ltd. has agreed to execute any documents necessary to satisfy the Town;

BE IT RESOLVED THAT the Council of the Town of St. Stephen authorizes continuing to deal with Southern Sanitation Ltd. on the same terms and conditions as appear in the original agreement with Cumberland Waste Removal. **CARRIED**

REQUEST FOR PROPOSAL NO. 08-03 WATERFRONT TRAIL WALKWAY RECONSTRUCTION

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Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 149/08** **THAT** of the four (4) proposals received, the low total proposal price from Sharpe's Lawn Care of Mayfield, NB, in the amount of \$103,282.00 (one hundred and three thousand, two hundred and eighty-two dollars), including HST, for the four (4) year waterfront trail walkway reconstruction be accepted. **CARRIED**

RE-APPOINTMENT – PLANNING ADVISORY COMMITTEE

Moved by Councillor Tinker
Seconded by Councillor Parker

- 150/08** **THAT** Garth Orchard be re-appointed to the Planning Advisory Committee for a one (1) year term retroactive to June 1, 2008 and expiring May 31, 2009. **CARRIED**

RE-APPOINTMENT – PLANNING ADVISORY COMMITTEE

Moved by Councillor Williams
Seconded by Councillor Tinker

- 151/08** **THAT** Greg Farrell be re-appointed to the Planning Advisory Committee for a two (2) year term retroactive to June 1, 2008 and expiring May 31, 2010. **CARRIED**

OUT-OF-PROVINCE TRAVEL: BY-LAW ENFORCEMENT OFFICER

Moved by Councillor Tinker
Seconded by Councillor Williams

- 152/08** **THAT** the Council of the Town of St. Stephen authorizes Mark Fleming, By-Law Enforcement Officer, to attend a Municipal Law Enforcement Officers' Association 2008 Annual Training Seminar in Collingwood, Ontario September 8 – 11, 2008, inclusively. **CARRIED**

XVI. **REPORTS OF MAYOR AND COUNCILLORS**

Deputy Mayor Maxwell

- Attended Civic Centre meetings.
- Attended Arena Board meeting.
- Attended Ganong Park grand opening.
- Attended government announcement at Flakeboard.

Councillor Quartermain

- No comments this month.

Councillor Williams

- Looks forward to his 9th term on Council and pleased to have four new members.

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Councillor Toumishey

- Pleased with the level of support in training newly elected members and thanked the Province and CAO.

Councillor Parker

- No comments this month.

Councillor Tinker

- Attended a Chocolate Fest meeting.
- Attended an International Festival meeting.
- Attended an Environmental Sustainability meeting.
- Thanked Mayfield Gardens for preparation of ground for tree planting, and Smet Monuments for the donation of the plaque for NB Day Tree planting.
- Organized and attended the NB Merit Awards ceremony.
- Attended the newly restored Loyalist Burial Ground grand opening.
- Reiterated his concern with the drug problem.
- Commented on the importance of a coordinated community outreach plan for seniors.
- Discussed the importance of a mission statement for any employees dealing with law enforcement within the Municipality.

Mayor

- Stated that he spends several hours daily at Town Hall in order to familiarize himself.
- Stated that the CAO and Town staff have been very helpful.
- Toured the Maxwell Crossing Pump Station and Waste Water Treatment Plant with the CAO.
- Visited the Woodstock Civic Centre with the CAO.
- Attended a Development St. Stephen meeting.
- Attended a Business Improvement Area meeting.

XVII. QUESTION PERIOD

Charles Monaghan, Town resident, asked if the previous Council had discussed a site for the new Town Hall.

The CAO advised that he had never brought forward to the previous Council sites for consideration. He further advised that certain options to relocate Town Hall staff will be considered through future Committee meetings, and not necessarily a new Town Hall.

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XVIII. ADJOURNMENT

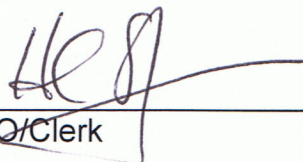
Moved by Councillor Williams

Seconded by Councillor Quartermain

153/08 **THAT** the meeting adjourn at 8:30 p.m. **CARRIED**



Mayor



CAO/Clerk