

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
JULY 19, 2010 @ 7:00 P.M.

1. PRAYER

2. 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.

3. APPROVAL OF AGENDA

AGENDA

Moved by Deputy Mayor Maxwell

Seconded by Councillor Donovan

147/10 **THAT** the Agenda be approved with one addition: (h) Garbage Collection and Disposal – Residential Homes be added under 14. **NEW BUSINESS. CARRIED**

4. CONFLICT OF INTEREST

Councillor Tinker declared a conflict of interest and left Council Chambers at 7:04 p.m. and returned at 7:06 p.m.

5. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

No petitions/presentations/proclamations.

6. NOTICES OF MOTIONS

No notices of motions.

7. APPROVAL OF COUNCIL MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor Donovan

Seconded by Councillor Williams

148/10 **THAT** the Minutes of the Regular Council meeting held on June 28, 2010 be approved as circulated. **CARRIED**

SPECIAL COUNCIL MEETING

Moved by Councillor Copeland
Seconded by Councillor Tinker

- 149/10 **THAT** the Minutes of the Special Council meeting held on July 7, 2010 be approved as circulated. **CARRIED**

8. **ACCOUNTS**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams
Seconded by Deputy Mayor Maxwell

- 150/10 **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to June 30, 2010 be received. **CARRIED**

PAID BILLS

Moved by Councillor Williams
Seconded by Councillor Donovan

- 151/10 **THAT** the paid bills in the amount of \$1,230,704.82 (one million, two hundred and thirty thousand, seven hundred and four dollars and eighty-two cents) be ratified. **CARRIED**

PAID BILLS: CONFLICT – CHARLOTTE COUNTY CHEVROLET PONTIAC BUICK GMC LTD.

Moved by Deputy Mayor Maxwell
Seconded by Councillor Williams

- 152/10 **THAT** the paid bills (Cheque # 6456 for \$1,681.12; Cheque # 6536 for \$1,184.73; Cheque # 1930 for \$245.91, and Cheque # 1958 for \$722.61) in the amount of \$3,834.37 (three thousand, eight hundred and thirty-four dollars and thirty-seven cents) for Charlotte County Chevrolet Pontiac Buick GMC Ltd. be ratified. **CARRIED**

9. **COMMUNICATIONS**

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Williams
Seconded by Councillor Tinker

- 153/10 **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

10. APPROVAL OF COMMITTEE MINUTES

COMMITTEE MEETING

- 154/10 Moved by Councillor Tinker
Seconded by Councillor Copeland
THAT the Minutes of the Committee meeting held on June 28, 2010 be approved as circulated. **CARRIED**

COMMITTEES MEETING

- 155/10 Moved by Councillor Williams
Seconded by Councillor Donovan
THAT the Minutes of the Committees meeting – Community Services; Public Safety & Environment; Finance & Administration; and Planning & Priorities held on July 7, 2010 be approved as circulated. **CARRIED**

PLANNING ADVISORY COMMITTEE MEETING

- 156/10 Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker
THAT the Minutes of the Planning Advisory Committee meeting held on May 31, 2010 be accepted. **CARRIED**

11. STAFF REPORTS

STAFF REPORTS

- 157/10 Moved by Councillor Williams
Seconded by Councillor Copeland
THAT the following staff reports for the month of June 2010 be adopted: Treasurer; Director of Operations; Director, Parks & Recreation; Fire Chief; By-Law Enforcement Officer; and Development Officer. **CARRIED**

12. UNFINISHED BUSINESS

No unfinished business.

13. CONSIDERATION OF BY-LAWS

SECTION 39 OF THE COMMUNITY PLANNING ACT – CONDITIONS

- 158/10 Moved by Councillor Tinker
Seconded by Deputy Mayor Maxwell
THAT the Council of the Town of St. Stephen unanimously agree if the following two (2) motions, By-Law No. M-1.12 and By-Law No. Z-1.12 pass after being given third and final readings, short title only, then the two are subject to conditions legislated by Section 39 of the New Brunswick *Community Planning Act* and presented in the Chief Administrative Officer's report dated July 19, 2010 (copy attached). **CARRIED**

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BY-LAW NO. M-1.12 – MUNICIPAL PLAN – PID # 15051394 (57 PRINCE WILLIAM STREET – GRANVILLE PARK) – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Donovan
Seconded by Councillor Tinker

- 159/10 **THAT** By-Law No. M-1.12 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 15051394 (57 Prince William Street – Granville Park) – be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.12 – REZONING – PID # 15051394 (57 PRINCE WILLIAM STREET – GRANVILLE PARK) – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker
Seconded by Councillor Donovan

- 160/10 **THAT** By-Law No. Z-1.12 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 15051394 (57 Prince William Street – Granville Park)) – be given Second Reading – Reading in its Entirety. **CARRIED**

Deputy Mayor Maxwell voting in favour of the motion.
Councillor Tinker voting in favour of the motion.
Councillor Donovan voting in favour of the motion.
Councillor Williams voting in favour of the motion.
Councillor Toumishey voting against the motion.
Councillor Copeland voting against the motion.

14. **NEW BUSINESS**

AWARDING OF TENDER: STREETS REHABILITATION 2010 (ELIZABETH STREET – PRINCESS STREET) - PROJECT NO. 09-2810A

Moved by Deputy Mayor Maxwell
Seconded by Councillor Williams

- 161/10 **THAT** of the three (3) tenders received, the low tender of \$133,990.00 (one hundred and thirty-three thousand, nine hundred and ninety dollars), including HST, from Southwest Concrete & Construction Ltd., of St. Stephen, NB, for the 2010 streets rehabilitation (Elizabeth Street – Princess Street) be approved. **CARRIED**

NAME OF PROPOSED CIVIC CENTER

Moved by Councillor Williams
Seconded by Councillor Tinker

- 162/10 **THAT** the Council of the Town of St. Stephen agrees that the proposed Civic Center shall be named “The Garcelon Center”, in perpetuity, and the name shall be displayed on the facility in a manner acceptable to J. William Garcelon, President of Wilgar Ltd., in appreciation of the Garcelon family donation. **CARRIED**

ACQUISITION OF PROPERTY – WILGAR LTD. – REAL ESTATE SERVICES

Moved by Councillor Williams

Seconded by Councillor Copeland

- 163/10** **THAT** the Council of the Town of St. Stephen agrees to pay the unbudgeted expenditure of \$5,000.00 (five thousand dollars), plus HST, for real estate services associated with the land acquisition on Budd Avenue, bearing PID numbers 1305978, 15155716, 15049141, 15055569 and 1304237 from Wilgar Ltd. (J. William Garcelon) with respect to the properties designated for the Garcelon Civic Center. **CARRIED**

ACQUISITION OF PROPERTY – WILGAR LTD. – SURVEY COSTS

Moved by Councillor Williams

Seconded by Councillor Tinker

- 164/10** **THAT** the Council of the Town of St. Stephen agrees to pay the unbudgeted expenditure for survey costs on the real property acquired on Budd Avenue, bearing PID numbers 1305978, 15155716, 15049141, 15055569 and 1304237 from Wilgar Ltd. (J. William Garcelon) with respect to the properties designated for the Garcelon Civic Center. **CARRIED**

SICK LEAVE BANK - CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE), LOCAL 770

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 165/10** **THAT** the Council of the Town of St. Stephen agrees to supply sixty (60) days from the Union Sick Leave Bank for Firefighter # 13314 effective July 22, 2010, as requested by the Canadian Union of Public Employees (CUPE), Local 770, and outlined in Article 18.06 of its Collective Agreement. **CARRIED**

CANCELLED: AUGUST – REGULAR SESSION OF TOWN COUNCIL

Moved by Councillor Donovan

Seconded by Councillor Copeland

- 166/10** **THAT** the Council of the Town of St. Stephen cancels the Regular Session of Town Council scheduled for the third (3rd) Monday, August 16, 2010, 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", and the next Regular Session is scheduled for Monday, September 20, 2010 at 7:00 p.m. in Council Chambers, 73 Milltown Blvd., Suite 112 (entrance at back corner of building). **CARRIED**

Deputy Mayor Maxwell voting in favour of the motion.

Councillor Tinker voting in favour of the motion.

Councillor Donovan voting in favour of the motion.

Councillor Toumishey voting in favour of the motion.

Councillor Copeland voting in favour the motion.

Councillor Williams voting against the motion.

PLANNING ADVISORY COMMITTEE – TIM HORTONS REQUEST

Moved by Councillor Copeland

Seconded by Councillor Williams

- 167/10 **THAT** the Council of the Town of St. Stephen refers the request from Tim Hortons to extend the width of the exit onto Queen Street East from 15 feet to 21 feet in order to entertain both an exit and entrance to the Planning Advisory Committee (PAC) for its recommendation. **CARRIED**

GARBAGE COLLECTION AND DISPOSAL – RESIDENTIAL HOMES

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 168/10 **THAT** the Council of the Town of St. Stephen agrees the existing bids for garbage collection and disposal – residential homes – Bid Nos. 10-01; 10-02; and 10-03 not be entertained.
AND FURTHER THAT the Chief Administrative Officer be directed to “grandfather” the existing service to Southern Sanitation Ltd. of St. Stephen, NB for at least one (1) year effective August 1, 2010, and review the merits of continuing with the “grandfathered” clause or the Town operating its own residential garbage collection. **CARRIED**

15. **REPORTS OF MAYOR AND COUNCILLORS**

Councillor Copeland

- Attended various Town meetings.
- Attended a Civic Center meeting.
- Attended the St. Stephen-Milltown Rotary Club’s ceremony at The Rotary Field where the key to its change facility was presented to the Town.
- Attended an Arena Board meeting.
- Attended and enjoyed the Joint Council BBQ hosted by Calais Mayor Vinton Cassidy.

Councillor Tinker

- Attended a Zone 4 meeting of UMNB held in Council Chambers.
- Attended a Chocolate Fest meeting.
- Attended various Town meetings.

Councillor Toumishey

- Disappointed with Council’s vote on the rezoning of Granville Park.
- Suggests that Council reacted on external force, and not future development.
- Suggests that there is a void in the Town’s economic development plan.

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- Suggests a lack of good governance in allowing the rezoning of Granville Park.

In response to Councillor Toumishey's comments, Mayor Purcell called upon the CAO who advised that future senior housing was taken into consideration during the municipal plan review in 2008 which involved community input, and further advised that proper governance was followed throughout the rezoning process of Granville Park.

Councillor Williams

- Had no comments.

Councillor Donovan

- Attended a Charlotte County Museum Board meeting.
- Attended and enjoyed the Joint Council BBQ hosted by Calais Mayor Vinton Cassidy.
- Stated the decision on whether or not to vote for the rezoning of Granville Park was an extremely difficult one and was not taken lightly.

Deputy Mayor Maxwell

- Attended various Town meetings.
- Attended a Civic Center meeting.
- Attended the St. Stephen-Milltown Rotary Club's ceremony at The Rotary Field where the key to its change facility was presented to the Town.
- Attended the unveiling of the plans for the satellite dialysis unit at the Charlotte County Hospital.
- Content with voting in favour of the rezoning of Granville Park and stated that each Councillor voted individually and should respect each other's decision.

Mayor Purcell

- Attended the Public Hearing of Objections at the St. Stephen Legion with respect to Granville Park.
- Attended the St. Stephen-Milltown Rotary Club's ceremony at The Rotary Field where the key to its change facility was presented to the Town.
- Attended a meeting with the Premier, along with David Ganong and CAO John Ferguson, with respect to the Civic Center.
- Attended a Zone 4 meeting of UMNB held in Council Chambers.

16. QUESTION PERIOD

Charles Monaghan, a resident, questioned an article in the *Telegraph-Journal* with respect to E. A. Farren Limited and Soucy-Ellis Architects Ltd.

The CAO advised that Soucy-Ellis Architects Ltd. prepared the engineering report related to the Civic Center project, and when taking over the Civic Center project, the work of the Civic Center Committee had to be verified and E. A. Farren Limited was retained to prepare a due diligence report which was paid for by the Regional Development Corporation.

A few citizens spoke out against the decision to rezone Granville Park and suggested a better location would be on the waterfront next to Home Support Services, the area which had been chosen for the once proposed Charlotte Court.

Mayor Purcell advised that the Charlotte Court project failed due to lack of unit sales, and further advised that no soil testing had been performed. Therefore, had there been enough sales to proceed, after proper soil testing, the land may not have been appropriate for such a project.

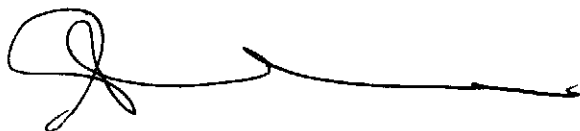
Councillor Williams advised that after a thorough study, the Civic Center was repositioned away from the waterfront, on the draft plans, to allow for the necessary building support.

17. ADJOURNMENT

ADJOURNMENT

Moved by Councillor Williams
Seconded by Councillor Tinker

169/10 THAT the meeting adjourn at 8:10 p.m. CARRIED



Mayor



CAO/Clerk