

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
OCTOBER 17, 2011 @ 7:00 P.M.

1. PRAYER

2. RECORDING OF ATTENDANCE

PRESENT: Mayor G. L. (Jed) Purcell; Deputy Mayor Jim Maxwell; Councillors Ralph Williams, Barb Donovan, Robert Tinker, Jeremy Copeland and Gavin Toumishey; Chief Administrative Officer/Development Officer John Ferguson; and, Town Clerk Joan Flewelling.

3. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Tinker

Seconded by Councillor Copeland

251/11 **THAT** the Agenda be approved as circulated. **CARRIED**

4. CONFLICT OF INTEREST

No conflicts were declared.

5. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

(a) Royal Canadian Legion: Branches #9 & #48 – Jill Grimmer, President of The Royal Canadian Legion, St. Croix Branch No. 9 and David McCrum, Past President of The Royal Canadian Legion, Milltown Branch No. 48 presented the Mayor and Council with a Certificate of Appreciation for its support in the erection of the “We Support Our Troops” sign.

6. NOTICES OF MOTIONS

No notices of motions.

7. APPROVAL OF COUNCIL MINUTES

REGULAR COUNCIL MEETING

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

252/11 **THAT** the Minutes of the Regular Council meeting held on September 19, 2011 be approved as circulated. **CARRIED**

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SPECIAL COUNCIL MEETING

Moved by Councillor Williams
Seconded by Councillor Tinker

- 253/11** **THAT** the Minutes of the Special Council meeting held on October 6, 2011 be approved as circulated. **CARRIED**

8. **ACCOUNTS**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 254/11** **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to August 31, 2011 be received. **CARRIED**

PAID BILLS

Moved by Councillor Williams
Seconded by Councillor Tinker

- 255/11** **THAT** the paid bills in the amount of \$700,833.16 (seven hundred thousand, eight hundred and thirty-three dollars and sixteen cents) be ratified. **CARRIED**

9. **COMMUNICATIONS**

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Tinker
Seconded by Councillor Williams

- 256/11** **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

10. **APPROVAL OF COMMITTEE MINUTES**

COMMITTEES MEETING

Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 257/11** **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Planning & Priorities; Community Services; and Finance & Administration held on October 5, 2011 be approved as circulated. **CARRIED**

PLANNING ADVISORY COMMITTEE MEETINGS

Moved by Deputy Mayor Maxwell
Seconded by Councillor Williams

- 258/11 **THAT** the Minutes of the Planning Advisory Committee meeting held on August 29, 2011 be accepted.

11. **STAFF REPORTS**

STAFF REPORTS

Moved by Councillor Tinker
Seconded by Councillor Williams

- 259/11 **THAT** the following staff reports for the month of September 2011 be adopted: Treasury Department; Public Works Department; Department of Parks, Recreation and Property Management; Fire Department; Department of By-Laws and Building Inspection; and Development Office. **CARRIED**

12. **UNFINISHED BUSINESS**

No unfinished business.

13. **CONSIDERATION OF BY-LAWS**

BY-LAW NO. A-7.6 – A BY-LAW TO AMEND BY-LAW NO. A-7 – “A BY-LAW TO IMPOSE A SPECIAL BUSINESS IMPROVEMENT LEVY” – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker
Seconded by Councillor Williams

- 260/11 **THAT** By-Law No. A-7.6 – A By-Law to Amend By-Law No. A-7 – “A By-Law to Impose a Special Business Improvement Levy” be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. M-1.1 – AMENDMENT TO MUNICIPAL PLAN – PID # 01304500 (15 QUEEN STREET WEST) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker
Seconded by Councillor Williams

- 261/11 **THAT** By-Law No. M-1.1 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 01304500 (15 Queen Street West) – be given First Reading – Short Title Only. **CARRIED**

BY-LAW NO. Z-1.1 – REZONING – PID # 01304500 (15 QUEEN STREET WEST) – FIRST READING – SHORT TITLE ONLY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 262/11 **THAT** By-Law No. Z-1.1 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 01304500 (15 Queen Street West) – be given First Reading – Short Title Only. **CARRIED**

14. **NEW BUSINESS**

WRITTEN VIEWS – PLANNING ADVISORY COMMITTEE – PROPOSED AMENDMENTS TO MUNICIPAL PLAN BY-LAW AND ZONING BY-LAW

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 263/11 **THAT** the Council of the Town of St. Stephen receives the attached written views of the Planning Advisory Committee (PAC) dated September 27, 2011 as requested by a resolution of Council dated September 19, 2011 with respect to proposed By-Law No. M-1.1, “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law”, and By-Law No. Z-1.1, “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law”. **CARRIED**

SETTING DATE FOR PUBLIC HEARING OF OBJECTIONS – PROPOSED REZONING OF 15 QUEEN STREET WEST

Moved by Councillor Tinker

Seconded by Councillor Williams

- 264/11 **THAT** Wednesday, November 9, 2011 at 5:30 p.m. in Council Chambers, 73 Milltown Blvd., Suite 112 (entrance at back corner of building), St. Stephen, NB be set as the date, time and place for a Public Hearing of Objections of proposed By-Law M-1.1, “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law”, and proposed By-Law No. Z-1.1, “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” which would see the consideration of the property known as 15 Queen Street West (PID # 01304500) rezoned from Residential Mix (R-2) to Commercial Mix (CM) to allow for an office and storage for an electrical contractor. **CARRIED**

FUNDRAISING ROAD TOLL – CHARLOTTE COUNTY ANIMAL SHELTER

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 265/11 **THAT** the Council of the Town of St. Stephen approves the request from the Charlotte County Animal Shelter to hold a fundraising road toll at the corner of Marks and Union Streets, on Saturday, October 15, 2011 between the hours of 9:00 a.m. and 5:00 p.m., with a rain date of Saturday, October 22, 2011 between the hours of 9:00 a.m. and 5:00 p.m., retroactively should it proceed on October 15, 2011.

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AND FURTHER THAT this request is approved as a result of the original June dates approved by resolution of Council on May 16, 2011 not proceeding due to inclement weather. **CARRIED**

APPROVAL OF EVENT – ST. STEPHEN’S UNIVERSITY’S FESTIVAL OF THE ARTS

Moved by Councillor Tinker
Seconded by Councillor Williams

- 266/11** **THAT** the Council of the Town of St. Stephen grants permission to St. Stephen’s University to hold an outdoor music and arts festival (Festival of the Arts) between 1:00 p.m. and 7:00 p.m. on Saturday, October 29, 2011 at 8 Main Street (front lawn on Milltown Blvd.). **CARRIED**

RENAMING OF THE W. T. BOOTH CENTENNIAL POOL

Moved by Deputy Mayor Maxwell
Seconded by Councillor Tinker

- 267/11** **THAT** the Council of the Town of St. Stephen approves the renaming of the W. T. Booth Centennial Pool to the W. T. Booth Community Pool effective immediately. **CARRIED**

WATER AND SEWERAGE BILL – 21 SPRING STREET – UTILITY ACCOUNT NO. 790021

Moved by Councillor Williams
Seconded by Councillor Tinker

- 268/11** **THAT** the Council of the Town of St. Stephen approves the write-off and removal of the outstanding water and sewerage amounts owing, including interest, on the property located at 21 Spring Street, Utility Account No. 790021, as at September 30, 2011. **CARRIED**

SERVICE NEW BRUNSWICK - SERVICE AGREEMENT # 11-013

Moved by Councillor Tinker
Seconded by Councillor Williams

- 269/11** **THAT** the Council of the Town of St. Stephen authorizes the Mayor and Town Clerk to enter into a three (3) year Service Agreement # 11-013 with Service New Brunswick to process various municipal payments retroactive to July 1, 2011 and expiring on June 30, 2014. **CARRIED**

DAVID ALISON GANONG CHOCOLATE PARK – SECURITY CAMERAS

Moved by Councillor Tinker
Seconded by Councillor Williams

- 270/11** **THAT** the Council of the Town of St. Stephen authorizes the estimated unbudgeted expenditure of \$4,802.50 (four thousand, eight hundred and two dollars and fifty cents), including HST, for the purchase and installation of security cameras in the David Alison Ganong Chocolate Park. **CARRIED**

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CHANGE OF PURPOSE – MINISTERIAL APPROVAL NUMBER 10-0050

Moved by Councillor Tinker

Seconded by Councillor Williams

271/11 **THAT** the Council of the Town of St. Stephen authorizes the following “Change of Purpose” under Ministerial Approval Number 10-0050:

From Purpose

Transportation Services

Sidewalks and Streets Improvements

Amount

\$115,000

Term

10 Years

To Purpose

Environmental Development Services

Building Renovation and Addition

\$115,000

10 Years

CARRIED

FINANCIAL ADVISOR/PROJECT ACCOUNTANT

Moved by Councillor Williams

Seconded by Councillor Tinker

272/11 **THAT** the Council of the Town of St. Stephen approves Frank G. Godsoe Chartered Accountant to act as the Town’s Financial Advisor/Project Accountant for The Town of St. Stephen’s Garcelon Civic Center, retroactive to August 17, 2011 to December 31, 2011. **CARRIED**

E. A. FARREN, LIMITED - INVOICE NO. 1074

Moved by Councillor Tinker

Seconded by Councillor Williams

273/11 **THAT** the Council of the Town of St. Stephen authorizes the expenditure of \$11,133.26 (eleven thousand, one hundred and thirty-three dollars and twenty-six cents), including HST (Invoice No. 1074) to E. A. Farren, Limited of Saint John, NB for provision of design revisions of The Town of St. Stephen’s Garcelon Civic Center design, revised design plotting file drawings, and design improvement, including site visit vehicle expenses. **CARRIED**

E. A. FARREN, LIMITED – PROCUREMENT COORDINATION AND OVERSIGHT PROPOSAL

Moved by Councillor Tinker

Seconded by Councillor Williams

274/11 **THAT** the Council of the Town of St. Stephen accepts the proposal in the amount of \$43,389.00 (forty-three thousand, three hundred and eighty-nine dollars), plus HST, from E. A. Farren, Limited of Saint John, NB to carry out procurement coordination and oversight on the demolition, site soil remediation/improvement, geotechnical, and environmental components on behalf of the Town of St. Stephen, in order to ready the site for the commencement of construction of The Town of St. Stephen’s Garcelon Civic Center. **CARRIED**

SOLID WASTE COLLECTION AGREEMENT – EXTENSION

Moved by Councillor Tinker

Seconded by Councillor Williams

THAT the Council of the Town of St. Stephen authorizes a further extension of the Solid Waste Collection Agreement with Fero Waste & Recycling Inc. (Fero) for the two (2) week period ending November 11, 2011.

AND FURTHER THAT the extension will be on the same terms as the current Addendum to the Agreement of August 30, 2010, as signed on September 28, 2011, by Fero and the Town of St. Stephen.

It was moved by Councillor Donovan and seconded by Councillor Tinker at 7:25 p.m. to move the above-noted “Solid Waste Collection Agreement – Extension” motion into closed session as per Section 10.2(4)(c) of the New Brunswick *Municipalities Act* to discuss prior to the vote. **CARRIED**

It was moved by Councillor Donovan and seconded by Councillor Tinker at 7:30 p.m. to resume open session. **CARRIED**

SOLID WASTE COLLECTION AGREEMENT – EXTENSION

Moved by Councillor Tinker

Seconded by Councillor Williams

275/11

THAT the Council of the Town of St. Stephen authorizes a further extension of the Solid Waste Collection Agreement with Fero Waste & Recycling Inc. (Fero) for the two (2) week period ending November 11, 2011.

AND FURTHER THAT the extension will be on the same terms as the current Addendum to the Agreement of August 30, 2010, as signed on September 28, 2011, by Fero and the Town of St. Stephen. **CARRIED**

LAND CONVEYANCE – BURNT HILL ROAD

Moved by Councillor Williams

Seconded by Councillor Toumishey

RESOLVED THAT the Town convey to Joshua D’White Anderson, of 93 Milltown Boulevard, St. Stephen, N.B. for the sum of Four Hundred Dollars (\$400.00), plus applicable tax and all legal expenses, PID No. 15188626, being a parcel on the northeasterly side of the Burnt Hill Road that was conveyed to the Town of Milltown in 1924, and the Mayor and Town Clerk are authorized to execute documents of transfer and impress the Town seal.

AMENDED

LAND CONVEYANCE – BURNT HILL ROAD

276/11

It was moved by Councillor Donovan and seconded by Councillor Tinker to amend the motion by substituting , “. . . for the sum of Four Hundred Dollars (\$400.00)” with “. . . for the sum of One Dollar (\$1.00)” which now reads:

RESOLVED THAT the Town convey to Joshua D’White Anderson, of 93 Milltown Boulevard, St. Stephen, N.B. for the sum of One Dollar (\$1.00), plus applicable tax and all legal expenses, PID No. 15188626, being a parcel on the northeasterly side of the Burnt Hill Road that was conveyed to the Town of Milltown in 1924, and the Mayor and Town Clerk are authorized to execute documents of transfer and impress the Town seal. **CARRIED**

15. **THE TOWN OF ST. STEPHEN’S GARCELON CIVIC CENTER UPDATE**

The attached update dated October 14, 2011 was provided by the Chief Administrative Officer (CAO).

In addition to the update, the CAO noted that the ministerial approval has now been received from the province for the short and long term financing.

16. **REPORTS OF MAYOR AND COUNCILLORS**

Councillor Copeland

- Attended an Arena Board meeting.
- Attended various Town meetings.
- Attended a Civic Center meeting.

Councillor Tinker

- Attended various Town meetings.
- Attended with the Deputy Mayor a Citizens on Patrol (COPS) meeting and commended the COPS for the great assistance they provide in the community, and will attend with the Deputy Mayor at next month’s meeting to discuss how Council could assist to strengthen the organization.

Councillor Williamson

- Noted a tree down at the St. Stephen Cenotaph and was advised by the Director, Parks, Recreation & Property Management that he will notify the Legion.

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Deputy Mayor Maxwell

- Had a busy month.
- Next month looks even busier.

Councillor Donovan

- Attended the "Sweet Reunion" event at The Chocolate Museum.
- Attended with her husband, in Victorian costumes, an Art Show in McAdam, a fundraiser for the Train Station.
- Attended a very informative Women's Networking Trade Show at the Masonic Hall.
- Very pleased to see the new "Welcome to St. Stephen" sign at the John E. "Jake" Memorial Park, and thanked the Director, Parks, Recreation & Property Management for his involvement.

Councillor Toumishey

- Attended the Union of Municipalities of New Brunswick (UMNB) annual conference and found it to be more informative than in past years.
- Discovered at the UMNB conference that St. Stephen is on the natural gas shale map, and as a result, encouraged Council and citizens to become aware of potential issues.

17. QUESTION PERIOD

Further to Council's recent discussions with respect to promoting smoke-free playgrounds, Charles Monaghan, citizen, read the following excerpt from the *Reader's Digest*:

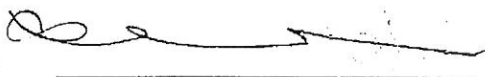
The tobacco industry reports that it provides jobs for more than 57,000 Americans and this does not include physicians, nurses, x-ray technicians, hospital employees, firefighters, dry cleaners, respiratory specialists, pharmacists, morticians and gravediggers.

18. ADJOURNMENT

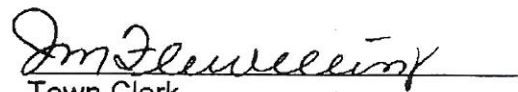
ADJOURNMENT

Moved by Deputy Mayor Maxwell
Seconded by Councillor Copeland

277/11 **THAT** the meeting adjourn at 8:00 p.m. **CARRIED**



Mayor



Town Clerk