

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
OCTOBER 22, 2012 @ 7:00 P.M.

1. PRAYER
2. RECORDING OF ATTENDANCE

PRESENT: Mayor John Quartermain; Deputy Mayor John Ames; Councillors Allan MacEachern, Mike Booth, Debbie MacDonald and Jim Maxwell; Chief Administrative Officer/Development Officer John Ferguson; and, Town Clerk Joan Flewelling.

ABSENT: Councillor Marg Harding.

3. APPROVAL OF AGENDA

AGENDA

Moved by Deputy Mayor Ames

Seconded by Councillor MacEachern

196/12 **THAT** the Agenda be approved as circulated. **CARRIED**

4. CONFLICT OF INTEREST

Councillor Booth declared a conflict of interest on paid bill to Canada Post and left Council Chambers at 7:40 p.m. and returned at 7:41 p.m.

5. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

- (a) MADD Canada Project Red Ribbon Day - Mayor Quartermain proclaimed November 1, 2012 as "MADD Canada *Project Red Ribbon Day*":

Whereas:

The effects of impaired driving are the cause of widespread suffering and death in our communities.

Whereas:

MADD is taking positive action to reduce disabilities and deaths caused by impaired driving by:

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- (1) providing our multimedia presentation to each high school in Charlotte County to educate our youth;
- (2) providing and informing citizens of consequences of impaired driving; and,
- (3) helping within the community by saving lives and supporting victims.

Whereas:

MADD Annual Red Ribbon Campaign from November 1st 2012 – January 7th, 2013 will bring extra awareness of impaired driving during the Christmas festivities by planning ahead and having a safe drive home.

Now Therefore:

I, John Quartermain, Mayor of the Town of St. Stephen, hereby proclaims November 1st, 2012 as “Red Ribbon Campaign Day” and urges all citizens to cooperate and become involved with this worthy campaign.

- (b) Department of Public Safety – Charlotte County Region Emergency Program – Scott Biggs and Sandy Livingstone, NB EMO Program Officers, provided information on the Charlotte County Region Emergency Program which was developed after the government recognized the need to strengthen emergency management programs in Charlotte County as a result of the 2010 flooding.

In particular, the Town’s EMO responsibilities are as follows:

- Emergency Response Plan
- Appoint an EMO Coordinator
- Emergency Action Committee
- Emergency Operations Centre

6. NOTICES OF MOTIONS

No notices of motions.

7. APPROVAL OF COUNCIL MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor Maxwell

Seconded by Councillor Booth

197/12 **THAT** the Minutes of the Regular Council meeting held on September 24, 2012 be approved as circulated. **CARRIED**

8. ACCOUNTS

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Deputy Mayor Ames
Seconded by Councillor MacEachern

- 198/12** **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to September 30, 2012 be received. **CARRIED**

PAID BILLS

Moved by Councillor Maxwell
Seconded by Councillor MacDonald

- 199/12** **THAT** the paid bills in the amount of \$1,054,207.26 (one million, fifty-four thousand, two hundred and seven dollars and twenty-six cents) be ratified. **CARRIED**

PAID BILL: CONFLICT OF INTEREST – CANADA POST

Moved by Councillor MacEachern
Seconded by Deputy Mayor Ames

- 200/12** **THAT** the paid bill (Cheque # 011002) in the amount of \$754.61 (seven hundred, fifty-four dollars and sixty-one cents) for Canada Post be ratified. **CARRIED**

9. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Maxwell
Seconded by Councillor Booth

- 201/12** **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 Councillor MacEachern
Seconded by Councillor MacDonald

- 202/12** **THAT** the Minutes of the Committees meeting – Public Works; Police and Fire; Property, By-Laws and Environment; Parks and Recreation; Planning, Promotion and Tourism; and Finance and Administration held on October 10, 2012 be approved as circulated. **CARRIED**

11. STAFF REPORTS

STAFF REPORTS

Moved by Councillor Booth

Seconded by Councillor Maxwell

203/12 **THAT** the following staff reports for the month of September 2012 be adopted: Finance 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-7.7 – 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 Deputy Mayor Ames

Seconded by Councillor MacDonald

204/12 **THAT** By-Law No. A-7.7 – 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**

14. NEW BUSINESS

ROYAL CANADIAN MOUNTED POLICE – MONTHLY REPORT

Moved by Councillor MacEachern

Seconded by Councillor Maxwell

205/12 **THAT** the Royal Canadian Mounted Police (RCMP) September 2012 report for the St. Stephen Municipal Post, District # 1, be received for information and filed. **CARRIED**

LIGHTING UPGRADE – MUNICIPAL BUILDING (199 UNION STREET)

Moved by Councillor Booth

Seconded by Councillor Maxwell

- 206/12** **THAT** the Council of the Town of St. Stephen hereby awards the quote of \$7,548.40 (seven thousand, five hundred and forty-eight dollars and forty cents), including HST, being the low quote of the two (2) quotes solicited to Orr Electric & Alarm Ltd. of St. Stephen, NB, for the upgrade of lighting of the Municipal Building located at 199 Union Street. **CARRIED**

Deputy Mayor Ames voting in favour of the motion.

Councillor Booth voting in favour of the motion.

Councillor MacDonald voting in favour of the motion.

Councillor Maxwell voting in favour of the motion.

Councillor MacEachern voting against the motion.

APPROVAL OF EVENT – LINK TO LIFE RIBBON CAMPAIGN

Moved by Councillor Booth

Seconded by Deputy Mayor Ames

- 207/12** **THAT** the Council of the Town of St. Stephen grants permission to the Charlotte County Suicide Prevention Committee (the Committee) to post ribbons on King Street from the Charlotte Mall to Milltown Boulevard through to Milltown Customs between November 18th and November 30th, 2012 to raise public awareness of formal supports in the community and how to access them.

AND FURTHER THAT it is understood the ribbons will be removed by the Committee the first week of December 2012. **CARRIED**

ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Deputy Mayor Ames

Seconded by Councillor Maxwell

- 208/12** **THAT** the Council of the Town of St. Stephen appoints the following five members of Council to form the Town's Substandard Properties Appeal Committee:

- 1) Councillor Mike Booth (Chair)
- 2) Councillor Jim Maxwell (Co-Chair)
- 3) Deputy Mayor John Ames
- 4) Councillor Debbie MacDonald
- 5) Councillor Marg Harding

CARRIED

AWARDING OF BID: SOLID WASTE AND COLLECTION AND DISPOSAL SERVICES – RESIDENTIAL HOMES – ZONE I (TOSS12-03)

Moved by Councillor MacEachern

Seconded by Councillor MacDonald

- 209/12** **THAT** the Council of the Town of St. Stephen hereby awards the bid of \$8.75 (eight dollars and seventy-five cents) per household, per month, including HST, being the low bid of the two (2) bids received, as well as the highest score of the proposal evaluations, to Fero Waste & Recycling Inc. of Moncton, NB, for the solid waste collection and disposal – residential homes – Zone I for the period November 1, 2012 to October 31, 2015 subject to the execution of a solid waste collection agreement substantially in the form of existing agreements and compliance with the Town’s By-Law No. S-7, “A By-Law To Regulate The Collection And Disposal Of Garbage And Other Material”, and any applicable amendments or other applicable laws, and subject to the terms and conditions of the proposal as tendered. **CARRIED**

EXTENSION OF CONTRACT - SOLID WASTE AND COLLECTION AND DISPOSAL SERVICES – RESIDENTIAL HOMES – ZONE II (CTOSS2011-15)

Moved by Councillor Maxwell

Seconded by Councillor Booth

- 210/12** **THAT** the Council of the Town of St. Stephen authorizes an extension for the solid waste collection and disposal – residential homes – Zone II with Southern Sanitation Ltd. of Oak Bay, NB for the period November 1, 2012 to October 31, 2013, for the current contracted price of \$7.90 (seven dollars and ninety cents), including HST, per household per month, and conditional on the same terms and conditions as outlined in the current contract (CTOSS2011-15). **CARRIED**

EXTENSION OF CONTRACT - SOLID WASTE AND COLLECTION AND DISPOSAL SERVICES – RESIDENTIAL HOMES – ZONE III (CTOSS2011-16)

Moved by Councillor MacEachern

Seconded by Councillor Maxwell

- 211/12** **THAT** the Council of the Town of St. Stephen authorizes an extension for the solid waste collection and disposal – residential homes – Zone III with Southern Sanitation Ltd. of Oak Bay, NB for the period November 1, 2012 to October 31, 2014, for the current contracted price of \$7.90 (seven dollars and ninety cents), including HST, per household per month, and conditional on the same terms and conditions as outlined in the current contract (CTOSS2011-16). **CARRIED**

**ACTUARIAL SERVICES – CANADIAN INSTITUTE OF CHARTERED
ACCOUNTANTS PUBLIC SECTOR ACCOUNTING BOARD STANDARDS**

Moved by Councillor Booth

Seconded by Councillor Maxwell

- 212/12** **THAT** the Council of the Town of St. Stephen approves the amount of \$9,500.00 (nine thousand, five hundred dollars), plus HST, to Morneau Shepell Inc. of Fredericton, NB for the provision of actuarial services, prior to December 31, 2012, in order to meet obligations for compliance with the Canadian Institute of Chartered Accountants (CICA) Public Sector Accounting Board (PSAB) standards and municipal reporting requirements for New Brunswick Municipalities.

AND FURTHER THAT the Council authorizes the Mayor and Town Clerk to execute the agreement(s) with Morneau Shepell Inc. to provide the above-noted services. **CARRIED**

**THE TOWN OF ST. STEPHEN'S GARCELON CIVIC CENTER – DORA
CONSTRUCTION LIMITED – CHANGE REQUEST NUMBER 4**

Moved by Councillor MacDonald

Seconded by Councillor MacEachern

- 213/12** **THAT** the Council of the Town of St. Stephen hereby approves, for The Town of St. Stephen's Garcelon Civic Center project, Change Request Number 4 in the amount of \$4,000.00 (four thousand dollars), plus HST, dated August 16, 2012, as recommended by the Project Manager and under the terms of the Contract Agreement, with DORA Construction Limited, Section 6.3 and subsections 6.3.1, 6.3.2 and 6.3.4.

AND FURTHER THAT the purpose of the Change Request is to change the location of the second floor washroom from the cafeteria to the west wall to better facilitate the flow of traffic to service the meeting rooms from the cafeteria.

CARRIED

**THE TOWN OF ST. STEPHEN'S GARCELON CIVIC CENTER – DORA
CONSTRUCTION LIMITED – CHANGE REQUEST NUMBER 8**

Moved by Deputy Mayor Ames
Seconded by Councillor Booth

- 214/12 **THAT** the Council of the Town of St. Stephen hereby approves, for The Town of St. Stephen's Garcelon Civic Center project, Change Request Number 8 in the amount of a credit of \$67,395.00 (sixty-seven thousand, three hundred and ninety-five dollars), plus HST, dated September 14, 2012, as recommended by the Project Manager and under the terms of the Contract Agreement, with DORA Construction Limited, Section 6.2 and subsections 6.2.1.1 and 6.2.1.2.

AND FURTHER THAT the purpose of the Change Request is to allow for a change in the fire rating of the fire rated wall panels of the west wall resulting from criteria which required the increased rating as a result of the potential for further construction by the Province in the space which is next to the building on the west wall, and which is no longer required as a result of the receipt of a variance from the Province. **CARRIED**

MAJOR INDUSTRY AND ECONOMIC INCENTIVE POLICY

Moved by Deputy Mayor Ames
Seconded by Councillor MacDonald

THAT the Council of the Town of St. Stephen approves the Major Industry and Economic Incentive Policy No. 57 attached.

AMENDED

MAJOR INDUSTRY AND ECONOMIC INCENTIVE POLICY

Moved by Deputy Mayor Ames
Seconded by Councillor MacDonald

- 215/12 **THAT** the Council of the Town of St. Stephen approves the Major Industry and Economic Incentive Policy No. 57 attached, with amendments recommended by the Chief Administrative Officer, and retroactive to January 31, 2011 to allow applications presently on hold to qualify. **CARRIED**

Deputy Mayor Ames voting in favour of the motion.
Councillor Booth voting in favour of the motion.
Councillor MacDonald voting in favour of the motion.
Councillor Maxwell voting in favour of the motion.
Councillor MacEachern voting against the motion.

APPROVAL OF EVENT – SANTA CLAUS PARADE

Moved by Councillor Maxwell
Seconded by Deputy Mayor Ames

- 216/12 **THAT** the Council of the Town of St. Stephen grants permission to the Retailers' Christmas Promotion to hold the Santa Claus Parade, which includes music, on Friday, November 16, 2012, commencing at 6:30 p.m., followed by the tree lighting at Town Square, and ending approximately 9:00 p.m. **CARRIED**

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FUNDING REQUEST – ENTERPRISE CHARLOTTE

Moved by Councillor Maxwell

Seconded by Councillor MacDonald

- 217/12** **THAT** the Council of the Town of St. Stephen approves the funding request from Enterprise Charlotte for the first three (3) months of 2013 which is based on an annual rate of \$1.00 (one dollar) per capita paid quarterly, for a total of \$1,204.25 (one thousand, two hundred and four dollars and twenty-five cents), which represents the final funding amount to be paid to the organization. **CARRIED**

Councillor Booth voting in favour of the motion.

Councillor MacDonald voting in favour of the motion.

Councillor Maxwell voting in favour of the motion.

Deputy Mayor Ames voting against the motion.

Councillor MacEachern voting against the motion.

15. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Ames

- Attended a Business Improvement Area (BIA) meeting.
- Attended an International Festival meeting.
- After attending the Union of Municipalities of New Brunswick (UMNB) annual conference, and in particular, the meeting on New Brunswick's Forestry Sector hosted by Irving, stated that the Town should host a provincial meeting regarding New Brunswick's forestry sector, and suggested it be discussed further at next month's Planning, Promotion and Tourism Committee meeting.

Councillor MacEachern

- Attended the Union of Municipalities of New Brunswick (UMNB) annual conference.
- Attended various Town meetings.

Councillor Booth

- Spoke with representatives on the Milltown Legion.
- Milltown Legion's assets are being sold.

Councillor MacDonald

- Attended the Union of Municipalities of New Brunswick (UMNB) annual conference and found it to be very informative.
- Attended the Chamber of Commerce Business Recognition Gala.

Councillor Maxwell

- Attended various Town meetings.
- Attended the Chamber of Commerce Business Recognition Gala.

Mayor Quartermain

- Attended the Union of Municipalities of New Brunswick (UMNB) annual conference.
- Attend ongoing Civic Center meetings.
- Attended the Chamber of Commerce Business Recognition Gala.
- Participated in a flag raising ceremony to mark NB Foster Parent Appreciation Week from October 21 – 27, 2012.
- Will attend the opening ceremony for the new highway, one year ahead of schedule.

16. QUESTION PERIOD

Pat Cummins, a resident, asked whether or not the Town would be held liable for not repairing a problem it was aware of and the Chief Administrative Officer suggested it more than likely would be.

Mr. Cummins reiterated that "The Money Savers" are still being thrown from cars.

17. CLOSED SESSION

CLOSED SESSION

Moved by Deputy Mayor Ames

Seconded by Councillor MacEachern

THAT the Council of the Town of St. Stephen agree to move into closed session to discuss a financial matter as per Section 10.2(4)(c) of the New Brunswick *Municipalities Act*. **CARRIED**

18. ADJOURNMENT

ADJOURNMENT


Moved by Deputy Mayor Ames

Seconded by Councillor Booth

218/12 **THAT** the meeting adjourn at 9:30 p.m. **CARRIED**



Mayor



Town Clerk



TOWN OF ST. STEPHEN

POLICY

Title: MAJOR INDUSTRY AND ECONOMIC INCENTIVE POLICY Policy No. 57

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Effective Date: January 31, 2011

(Approved by Council October 22, 2012)

I. PURPOSE

The Major Industry and Economic Incentive Policy (the "**Policy**") is to provide development incentives to industry that will assist with their capital and operating expenses in support of a business case.

This Policy applies to new projects which will employ more than 100 employees or projects which have the potential to increase employment by a minimum of 20 persons; or increased employment for 10 percent of existing employers employing in excess of 200 employees.

This Policy is not intended to, nor will it guarantee, that a grant will be allocated. Applications to the Town will be evaluated on a case by case basis.

This Policy shall not apply to existing renovations or retrofits. It shall only apply to new construction or new expansions.

II. DEFINITIONS

The Chief Administrative Officer ("**CAO**") includes the Chief Administrative Officer for the Town of St. Stephen (the "**Town**") and such person as is designated by the Chief Administrative Officer to act on the Chief Administrative Officer's behalf.

Unusual circumstance means unique development obstacles in infrastructure or site development ("**unusual circumstances**"). Examples of unusual circumstances may include, but shall not necessarily be limited to, a lift station which may be required; ledge which may have to be removed; a railway crossing which may be needed; unexpected environmental conditions which may have to be overcome or innovative practices to minimize waste or reduce the impact on existing infra-structure.

III. CONTENT OF APPLICATION

To be considered under this Policy, all applications shall be made by the applicant prior to the start of any construction. Applications presently on hold qualify as applications retroactive to the start date of this policy.

All applications must include the following:

- (i) Description of the capital project –
 - a. Specification of development costs (capital and otherwise) in excess 5 million dollars.
 - b. The application must demonstrate “environmental sustainability” indicating measures and methods to minimize the impact on municipal infra-structure.
 - c. The description of the capital project shall include new and innovative technologies and/or best practices and efficient use of the building footprint and operations.
 - d. The application must describe the number of jobs created during construction and expected total long term operating employment.
- (ii) The developer must submit a business plan, including a capital and operation budget for the project, which demonstrates features beneficial the Town’s infrastructure, local economy and job creation.
- (iii) The amount of grant for which the application is being made.

Special consideration may be given to applications which demonstrate a need to overcome unusual circumstances. Preference may be given to applications which demonstrate development that takes advantage of and minimizes the impact on existing infra-structure.

IV. STATUTORY AUTHORITY FOR POLICY

Section 90.01 (1) of the *Municipalities Act* states in part:

90.01(1) Subject to subsection (4), a municipality may, by resolution of council, make grants to the following upon such terms and conditions as determined by council:

. . .

(c) any other organization or corporation if, in the opinion of council, the grant will assist in the development of the municipality.

V. PROCESS FOR APPROVAL OF APPLICATION

Section 1 – Regular Application

All applications shall be made to and evaluated by the CAO who may, at his or her sole discretion, either reject the application or make a recommendation to the St. Stephen Town Council (the “**Council**”). All applications will be evaluated on a case by case basis.

The CAO shall consult with the Town Treasurer (the “**Treasurer**”) with respect to any application prior to making a recommendation to Council.

Following a recommendation from the CAO, all grants determined by Council to assist the community, which determination is in the sole discretion of Council, will be paid to the developer beginning no earlier than in the calendar year following the completion of construction (certified by the Town of St. Stephen Building Inspector). Subject to the foregoing, grants approved hereunder will be paid in installments up to \$10,000 per year not exceeding 20 years.

Following Council approval, the Town shall draft a development agreement specifying such conditions of the grant as herein contained and such further conditions as deemed necessary by the Town, in its sole discretion, that must be signed by the developer, Mayor and Town Clerk accompanied by the official seals of each party to the agreement.

Section 2 – Unusual Circumstances

For situations that may qualify as unusual circumstances described above, a developer may request a recommendation from the CAO, who will consult with the Public Works Department and the Building Inspector for the Town, and jointly this group may advise the developer that a grant may be available under the category of unusual circumstances contained in Article V, Section 2 of the Policy, subject to approval of the Council.

Following a recommendation from the CAO under the category of unusual circumstances, all grants determined by Council to assist the community, which determination is in the sole discretion of Council, will be paid to the developer beginning no earlier than in the calendar year following the completion of construction (certified by the Town of St. Stephen Building Inspector). Subject to the foregoing, grants approved hereunder will be paid in installments up to \$2,000 per year not exceeding 10 years.

Following Council approval, the Town shall draft a development agreement specifying such conditions of the grant as herein contained and such further conditions as deemed necessary by the Town, in its sole discretion, that must be signed by the developer, Mayor and Town Clerk accompanied by the official seals of each party to the agreement.

VI. DISCRETION OF COUNCIL

Notwithstanding anything contained in this Policy, the Council shall have full discretion to approve any application for grant made under this policy that, in its opinion, assists the development of the Town.

Council may exercise its discretion as to the amount of any grant approved. Grant amounts may be less than, but in no event shall a grant exceed, the amounts described and noted in Article V, Section 1 and Article V, Section 2 of the Policy.

VII. OBLIGATIONS OF DEVELOPERS/CONDITIONS OF GRANT

Upon approval of an application for a grant, the following provisions shall apply:

- Developers shall complete such development in accordance with Town policies and by-laws.
- To continue to receive grant monies approved under this policy, a developer is required to maintain full operations. However, a measure of flexibility is permitted, and therefore a grant approved under this Policy shall not be discontinued so long as a developer maintains 80 percent of the new employment created by the development.
- If the new employment created by the development drops below 80 percent, the Council may continue the grant through authorizing a temporary variance setting out a specified time period during which the reduced employment will be permitted.


Major Industry and Economic Incentive Policy

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- The Town will cease payments if: (a) a temporary variance expires and the new employment level created by the development is not returned to the required 80 percent level, or (b) the employment level drops below 60 percent of the new employment created by the development. Payments may be reinstated if employment numbers return to above 60 the percent level through a temporary variance as specified above.
- Grants allotted under this Policy will be for the sole purpose of the stated project.
- If a developer changes the original stated purpose and criteria for which the grant was approved, the Town reserves the right to cancel such grant and recover any previous payments made to the developer under this Policy.
- All grants approved under this policy are non-transferable. If the ownership of a developer changes or the ownership of the development changes, any grant awarded under this Policy will null and void.
- The Town reserves the right to confirm employment numbers at two year intervals beginning no later than January 30th in a calendar year following the completion of construction (certified by the Town of St. Stephen Building Inspector). The employment numbers will be confirmed by the CAO.

THE POLICY IS SUBJECT TO AMENDMENT OR CANCELLATION AT ANYTIME BY RESOLUTION OF COUNCIL.

Approved:



Town Clerk