

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
JUNE 22, 2009 @ 7:00 P.M.

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

ORDER OF COUNCIL BUSINESS

Moved by Councillor Tinker

Seconded by Councillor Williams

139/09 **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, Gavin Toumishey, and Jeremy Copeland; CAO/Clerk Hendrik Slegtenhorst; and, Assistant Clerk Joan Flewelling.

ABSENT: Councillor Barb Donovan

IV. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Tinker

Seconded by Councillor Williams

140/09 **THAT** the Agenda be approved with six amendments: deleted under XIII. **NEW BUSINESS 4. FINANCE & ADMINISTRATION COMMITTEE** (ix) and (x); and added under XIII. **NEW BUSINESS 5. PUBLIC SAFETY & ENVIRONMENT COMMITTEE** (vii), (viii), (ix) and (x). **CARRIED**

V. CONFLICT OF INTEREST

No conflicts 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 Tinker

Seconded by Councillor Toumishey

- 141/09 **THAT** the Minutes of the Regular Council meeting held on May 19, 2009 be approved as circulated. **CARRIED**

IX. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor Tinker

Seconded by Councillor Williams

- 142/09 **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

X. APPROVAL OF COMMITTEE MINUTES

COMMITTEE MEETING

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 143/09 **THAT** the Minutes of the Public Safety & Environment Committee meeting held on May 19, 2009 be approved. **CARRIED**

COMMITTEES MEETING

Moved by Councillor Williams

Seconded by Councillor Copeland

- 144/09 **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on June 15, 2009 be approved. **CARRIED**

XI. CONSIDERATION OF BY-LAWS

BY-LAW NO. A-2.2 - A BY-LAW TO AMEND BY-LAW NO. A-2, "A BY-LAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND TOWN ADMINISTRATION" – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker

Seconded by Councillor Toumishey

- 145/09 **THAT** By-Law No. A-2.2 – A By-Law to Amend By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration" - be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. S-7.2 - A BY-LAW TO AMEND A BY-LAW TO REGULATE THE COLLECTION AND DISPOSAL OF GARBAGE AND OTHER MATERIAL – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 146/09** **THAT** By-Law No. S-7.2 – “A By-Law to Amend a By-Law to Regulate the Collection and Disposal of Garbage and other Material” – be given Second Reading – Reading in its Entirety. **CARRIED**

XII. **CONTINUING BUSINESS**

1. 2009 FCM Conference Update (June 5 – 8), Whistler, BC – Councillor Toumishey presented a summary of his participation in the FCM Annual Conference held June 5 – 8, 2009 in Whistler, BC. His prepared comments reviewed the following four levels of information made available by the Conference:

- large group meeting and presentations;
- FCM policy structure and voting procedure;
- individual training sessions and workshops;
- Municipal Expo.

From the above-noted sessions, there was information related to the National Program; programs that had a direct relationship to the Town of St. Stephen; information for the proposed Civic Centre; and the political agenda of FCM nationally and internationally.

Councillor Toumishey stated that over the next several months he will share as much information with the Town and community as possible whenever the need arises.

XIII. **NEW BUSINESS**

1. CAO Report

REPORT OF CHIEF ADMINISTRATIVE OFFICER

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 147/09** **THAT** the report of the Chief Administrative Officer dated 18 June 2009 be received. **CARRIED**

2. CAO

STRATEGIC PLAN: STATUS OF SPECIFIC INITIATIVES – Memo from CAO dated 12 June 2009 received for information.

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 148/09** **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to April 30, 2009 be received. **CARRIED**

CHEQUE REGISTER:

PAID BILLS

Moved by Councillor Williams

Seconded by Councillor Tinker

- 149/09** **THAT** paid bills in the amount of \$875,629.18 (eight hundred and seventy-five thousand, six hundred and twenty-nine dollars and eighteen cents) be ratified. **CARRIED**

3. PLANNING & PRIORITIES COMMITTEE

RE-APPOINTMENTS – PLANNING ADVISORY COMMITTEE

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 150/09** **THAT** the following members be re-appointed to the Planning Advisory Committee:

- Ted Moore, as Chair, for a one (1) year term retroactive to June 1, 2009 and expiring May 31, 2010.
- André Levesque for a two (2) year term retroactive to January 1, 2009 and expiring December 31, 2010, acting as Vice Chair between June 1, 2009 and May 31, 2010.
- Garth Orchard for a two (2) year term retroactive to June 1, 2009 and expiring May 31, 2011. **CARRIED**

4. FINANCE & ADMINISTRATION COMMITTEE

RESIGNATION – CHIEF ADMINISTRATIVE OFFICER/TOWN CLERK

Moved by Councillor Toumishey

Seconded by Councillor Williams

- 151/09** **THAT** the Council of the Town of St. Stephen accepts the resignation of Hendrik Slegtenhorst, Chief Administrative Officer/Town Clerk, Town of St. Stephen, effective June 26, 2009, with vacation and compensation paid to July 12, 2009. **CARRIED**

MINUTES
REGULAR COUNCIL
JUNE 22, 2009

5

ACTING CHIEF ADMINISTRATIVE OFFICERS

Moved by Councillor Williams

Seconded by Councillor Tinker

- 152/09** **THAT** effective June 27, 2009, both the Treasurer and Director of Operations be appointed to Act as Chief Administrative Officers for the financial and operational matters of the Town, respectively, during the vacancy of the Chief Administrative Officer.

AND FURTHER THAT effective June 27, 2009, the difference between the weekly gross budgeted salary of the Chief Administrative Officer and that of the Treasurer and Director of Operations be split and paid equally to the Treasurer and Director of Operations, during the vacancy of the Chief Administrative Officer. **CARRIED**

TOWN CLERK

Moved by Councillor Tinker

Seconded by Councillor Williams

- 153/09** **THAT** effective June 27, 2009, the Assistant Clerk assumes the duties of Town Clerk as outlined in Section 76(2) of the *Municipalities Act*, until the vacancy of a Chief Administrative Officer/Clerk is filled. **CARRIED**

ASSISTANT CLERK

Moved by Councillor Williams

Seconded by Councillor Tinker

- 154/09** **THAT** effective June 27, 2009, the Treasurer be appointed as Assistant Clerk until the vacancy of a Chief Administrative Officer/Clerk is filled. **CARRIED**

RESCINDING OF RESOLUTION (EMERGENCY RESPONSE PLAN - COORDINATOR)

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 155/09** **THAT** Resolution #74/06 as stated in the Minutes of April 18, 2006, which reads

THAT the Council of the Town of St. Stephen appoints the Chief Administrative Officer to act as Coordinator of the Emergency Response Plan. **CARRIED**

be rescinded effective immediately. **CARRIED**

EMERGENCY RESPONSE PLAN – COORDINATOR

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 156/09** **THAT** the Council of the Town of St. Stephen appoints the Fire Chief to act as Coordinator of the Emergency Response Plan, effective immediately. **CARRIED**

MINUTES
REGULAR COUNCIL
JUNE 22, 2009

6

RESCINDING OF RESOLUTION (SCOTIABANK BORROWING AUTHORITY)

Moved by Councillor Tinker

Seconded by Councillor Williams

157/09 **THAT** Resolution #45/09 as stated in the Minutes of February 23, 2009, which reads

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 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**

be rescinded effective immediately. **CARRIED**

SCOTIABANK BORROWING AUTHORITY

Moved by Councillor Tinker

Seconded by Councillor Williams

- 158/09** **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 overdraft, 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, 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**

5. **PUBLIC SAFETY & ENVIRONMENT COMMITTEE**

SALE OF USED ASPHALT ROLLER AND TRAILER

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 159/09** **THAT** the Council of the Town of St. Stephen authorizes the Public Works Superintendent to sell the 1979 asphalt roller, Serial No. 18231, and an 8 foot trailer "where is as is" for the best offer, plus applicable taxes, after three days of advertising on the Town's website. **CARRIED**

**MINUTES
REGULAR COUNCIL
JUNE 22, 2009**

8

17 WEST STREET – STEVENSON PROPERTY

Moved by Councillor Williams

Seconded by Councillor Tinker

- 160/09** **THAT** the Council of the Town of St. Stephen approves the unbudgeted expense in the amount of \$533.86, including HST (five hundred and thirty-three dollars and eighty-six cents) for culvert pipe and fittings used at 17 West Street prior to the scheduled reconstruction of West Street under the 2010 Streets Rehabilitation program. **CARRIED**

RUSHTON STREET CONVEYANCE FROM NB HOUSING CORPORATION

Moved by Deputy Mayor Maxwell

Seconded by Councillor Williams

- 161/09** **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Planning Advisory Committee for the Town to assume the title of Rushton Street, between Union Street and Citizens Court, as a public street, "as is", and that NB Housing Corporation incur the surveying costs associated with preparing a subdivision plan.

AND THAT the Council of the Town of St. Stephen further accepts the recommendation of the Planning Advisory Committee that the existing buildings on property identified by PID # 01306422 will be exempt from the minimum set backs required under the Town's Zoning By-Law. **CARRIED**

RUSHTON STREET – UTILITY SERVICES

Moved by Deputy Mayor Maxwell

Seconded by Councillor Tinker

- 162/09** **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Planning Advisory Committee for the Town to construct sanitary sewer and water services, including a fire hydrant, on Rushton Street, between Union Street and Citizens Court, and related unbudgeted expenses. The water line will extend from Union Street to Citizens Court if no ledge is encountered. If ledge is encountered, the water line will be dead-ended.

CARRIED

AWARDING OF TENDER: STREETS REHABILITATION 2009 (GEORGE STREET – PORTER STREET) - PROJECT NO. 046-182

Moved by Councillor Tinker

Seconded by Councillor Toumishey

- 163/09** **THAT** of the four (4) tenders received, the low tender of \$143,605.00 (one hundred and forty-three thousand, six hundred and five dollars), including HST, from Southwest Concrete & Construction Ltd., of St. Stephen, NB, for the 2009 streets rehabilitation (George Street – Porter Street) be approved. **CARRIED**

AWARDING OF TENDER: STORM SEPARATION (QUEENSWAY AND PLEASANT STREET) – PROJECT NO. 046-180

Moved by Councillor Williams

Seconded by Councillor Toumishey

- 164/09** **THAT** of the seven (7) tenders received, the low tender of \$1,858,806.76 (one million, eight hundred and fifty-eight thousand, eight hundred and six dollars and seventy-six cents), including HST, from Hazen Thomas & Sons Contracting Ltd. of Fredericton, NB, for the storm separation (Queensway and Pleasant Street), contingent on approval from both the Building Canada Fund (BCF), and Municipal Capital Borrowing Board be approved. **CARRIED**

SUMMER MUSICAL CONCERT SERIES

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 165/09** **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that the following summer musical concert series be approved:

- June 25th – August 13th: Thursday evenings from 6:30 p.m. – 8:30 p.m. at the Town Square;
- July 1st – Canada Day: 11:00 a.m. – 3:00 p.m. at the Town Square;
- August 3rd – NB Day: 6:30 p.m. – 8:30 p.m. at the Town Square.
- August 20th – Grand Finale Concert from 6:00 p.m. – 9:00 p.m. at the Town Square. **CARRIED**

APPROVAL OF KARAOKE – BORDER CAFÉ

Moved by Councillor Tinker

Seconded by Councillor Williams

- 166/09** **THAT** the Council of the Town of St. Stephen accepts the recommendation of the Public Safety & Environment Committee that karaoke be permitted in the parking lot of the Border Café, located at 78 Milltown Boulevard, on Canada Day, Wednesday, July 1, 2009, between the hours of 3:00 p.m. – 8:30 p.m., and with proper supervision. **CARRIED**

APPROVAL OF EVENT – ST. STEPHEN MINISTERIAL

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

- 167/09** **THAT** the Council of the Town of St. Stephen approves the request from the St. Stephen Ministerial to host their “Love St. Stephen” event which will be comprised of music, a BBQ and children’s games on Saturday, June 27, 2009, between 11:00 a.m. – 2:00 p.m. at both Chocolate Park and Centennial Park. **CARRIED**

APPROVAL OF EVENT – PASSAMAQUODDY REGION N.B. ANTIQUE AUTO CLUB

Moved by Councillor Williams
Seconded by Councillor Tinker

168/09 **THAT** the Council of the Town of St. Stephen approves the request from the Passamaquoddy Region N.B. Antique Auto Club for a car show on the waterfront, Saturday, June 27, 2009 between 11:00 a.m. – 4:00 p.m. **CARRIED**

6. **COMMUNITY SERVICES COMMITTEE**

No items.

XIV. **REPORTS OF MAYOR AND COUNCILLORS**

Deputy Mayor Maxwell

- Attended the Civic Centre Fundraising Campaign Closing at the SSES.
- Organized a Town table and attended the induction of Don Sweeney into the NB Sports Hall of Fame.
- Attended the grand opening of the new Chocolate Discovery Centre.
- Attended the Relay for Life.
- Very pleased with the King Street project.
- Extended greetings on behalf of the Town at the SSHS graduation banquet.
- Attended with the Mayor when he presented a certificate to Sticks & Stones Fabricating Inc. in recognition of its new exporter award.
- Extended best wishes to Hendrik Slegtenhorst.

Councillor Williams

- Thanked Hendrik Slegtenhorst for his organization, dedication and commitment to the Town.

Councillor Toumishey

- Enjoyed the FCM Conference in Whistler, BC June 5 – 8, 2009.
- Amazed with the amount of infrastructure money the Town has received.
- Stated the Town has benefited from the assistance of Hendrik Slegtenhorst.

Councillor Tinker

- Stated Hendrik Slegtenhorst turned challenges into opportunities; was very organized; a great negotiator; played an active role on the Charlotte

**MINUTES
REGULAR COUNCIL
JUNE 22, 2009**

11

County Civic Centre Board; initiated a draft municipal plan; and has the Town well-positioned for the future.

- Extended best wishes to the former CAO.

Councillor Copeland

- Stated that since he had only been elected a short time, did not have much of an opportunity to work with Hendrik Slegtenhorst.
- Extended best wishes to the former CAO.

Mayor Purcell

- Thanked Hendrik Slegtenhorst for his assistance during the past year, and indicated that he played a major role in the Town receiving various infrastructure monies.
- Extended best wishes to the former CAO.
- Attended the Civic Centre Fundraising Campaign Closing at the SSES.
- Presented a certificate to Sticks & Stones Fabricating Inc. in recognition of its new exporter award.
- Attended the grand opening of the new Chocolate Discovery Centre.
- Extended greetings on behalf of the Town at the Relay for Life.
- Participated in an external accreditation of Lincourt Manor Nursing Home, and congratulated Jane Lyons, long-standing Administrator, on her retirement.

XV. QUESTION PERIOD

Kathy Bockus, reporter with the *Saint Croix Courier*, questioned whether or not the Border Café could be shut down by the By-Law Enforcement Officer now that approval has been granted to hold Karaoke on July 1, 2009.

Councillor Tinker stated that despite events having Town approval they can still be shut down by the By-Law Enforcement Officer if music was consistently in bad taste, if the level of sound seemed to be excessive, or if the permitted hours were exceeded.

XVI. ADJOURNMENT

ADJOURNMENT

Moved by Councillor Tinker

Seconded by Councillor Toumishey

169/09

THAT the meeting adjourn at 8:20 p.m. CARRIED



Mayor



Assistant Clerk