

**TOWN OF ST. STEPHEN**  
**REGULAR COUNCIL**  
**73 MILLTOWN BLVD., SUITE 112**  
**OCTOBER 26, 2009 @ 7:15 P.M.**

I. PRAYER

II. CHANGE OF ORDER OF BUSINESS

**ORDER OF COUNCIL BUSINESS**

Moved by Councillor Tinker

Seconded by Councillor Toumishey

**243/09** **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, Barb Donovan, Jeremy Copeland and Gavin Toumishey; CAO/Clerk John Ferguson; and, Assistant Clerk Joan Flewelling.

IV. APPROVAL OF AGENDA

**AGENDA**

Moved by Councillor Williams

Seconded by Councillor Tinker

**244/09** **THAT** the Agenda be approved as circulated. **CARRIED**

V. CONFLICT OF INTEREST

Councillor Tinker declared a conflict of interest and left Council Chambers at 7:35 p.m. and returned at 7:36 p.m.

VI. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

No petitions/presentations/proclamations.

VII. NOTICES OF MOTIONS

No notices of motions.

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**VIII. APPROVAL OR AMENDING OF MINUTES**

**REGULAR COUNCIL MEETING**

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

**245/09** **THAT** the Minutes of the Regular Council meeting held on September 21, 2009 be approved as circulated. **CARRIED**

**SPECIAL COUNCIL MEETING**

Moved by Councillor Tinker

Seconded by Councillor Copeland

**246/09** **THAT** the Minutes of the Special Council meeting held on October 6, 2009 be approved as circulated. **CARRIED**

**IX. COMMUNICATIONS**

**COMMUNICATION FOR INFORMATION FILE**

Moved by Councillor Williams

Seconded by Deputy Mayor Maxwell

**247/09** **THAT** Communication for Information, note and file, be adopted. **CARRIED**

**COMMUNICATION FOR ACTION**

No communication for action.

**X. APPROVAL OF COMMITTEE MINUTES**

**COMMITTEES MEETING**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Copeland

**248/09** **THAT** the Minutes of the Committees meeting – Public Safety & Environment; Finance & Administration; Community Services; and Planning & Priorities held on October 14, 2009 be approved. **CARRIED**

**XI. CONSIDERATION OF BY-LAWS**

**BY-LAW NO. A-7.4 – “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

**249/09** **THAT** By-Law No. A-7.4 – “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**

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**BY-LAW NO. S – 8.1 - A BY-LAW RESPECTING THE HOUSING OF FARM ANIMALS – THIRD AND FINAL READING – SHORT TITLE ONLY**

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

- 250/09**       **THAT** By-Law No. S – 8.1: “A By-Law Respecting the Housing of Farm Animals” – be given Third and Final Reading – Short Title Only. **MOTION DEFEATED**

Deputy Mayor Maxwell voting against the motion.

Councillor Donovan voting against the motion.

Councillor Williams voting against the motion.

Councillor Toumishey voting against the motion.

Councillor Tinker voting against the motion.

Councillor Copeland voting against the motion.

**BY-LAW NO. M-1.10 – MUNICIPAL PLAN – PID # 01307909 (76 CHURCH STREET) – FIRST READING – SHORT TITLE ONLY**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Copeland

- 251/09**       **THAT** By-Law No. M-1.10 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 01307909 (76 Church Street) – be given First Reading – Short Title Only. **CARRIED**

**BY-LAW NO. Z-1.10 – REZONING – PID # 01307909 (76 CHURCH STREET) - FIRST READING – SHORT TITLE ONLY**

Moved by Councillor Williams

Seconded by Councillor Tinker

- 252/09**       **THAT** By-Law No. Z-1.10 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 01307909 (76 Church Street) – be given First Reading – Short Title Only. **CARRIED**

**BY-LAW NO. M-1.10 – MUNICIPAL PLAN – PID # 01307909 (76 CHURCH STREET) – SECOND READING – READING IN ITS ENTIRETY**

Moved by Councillor Tinker

Seconded by Councillor Williams

- 253/09**       **THAT** By-Law No. M-1.10 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 01307909 (76 Church Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

**BY-LAW NO. Z-1.10 – REZONING – PID # 01307909 (76 CHURCH STREET) – SECOND READING – READING IN ITS ENTIRETY**

Moved by Councillor Tinker

Seconded by Councillor Williams

- 254/09**       **THAT** By-Law No. Z-1.10 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 01307909 (76 Church Street) – be given Second Reading – Reading in its Entirety. **CARRIED**

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**BY-LAW NO. M-1.11 – MUNICIPAL PLAN – PID # 15182751 (23 ST. STEPHEN DRIVE) – FIRST READING – SHORT TITLE ONLY**

Moved by Deputy Mayor Maxwell  
Seconded by Councillor Williams

- 255/09**       **THAT** By-Law No. M-1.11 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given First Reading – Short Title Only. **CARRIED**

**BY-LAW NO. Z-1.11 – REZONING – PID # 15182751 (23 ST. STEPHEN DRIVE) - FIRST READING – SHORT TITLE ONLY**

Moved by Councillor Tinker  
Seconded by Councillor Williams

- 256/09**       **THAT** By-Law No. Z-1.11 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given First Reading – Short Title Only. **CARRIED**

**BY-LAW NO. M-1.11 – MUNICIPAL PLAN – PID # 15182751 (23 ST. STEPHEN DRIVE) – SECOND READING – READING IN ITS ENTIRETY**

Moved by Deputy Mayor Maxwell  
Seconded by Councillor Williams

- 257/09**       **THAT** By-Law No. M-1.11 – “A By-Law to Amend By-Law No. M-1, being the Town of St. Stephen Municipal Plan By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given Second Reading – Reading in its Entirety. **CARRIED**

**BY-LAW NO. Z-1.11 – REZONING – PID # 15182751 (23 ST. STEPHEN DRIVE) – SECOND READING – READING IN ITS ENTIRETY**

Moved by Councillor Williams  
Seconded by Councillor Tinker

- 258/09**       **THAT** By-Law No. Z-1.11 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – PID # 15182751 (23 St. Stephen Drive) – be given Second Reading – Reading in its Entirety. **CARRIED**

XII.    **CONTINUING BUSINESS**

**CANADIAN POSTMASTERS AND ASSISTANTS ASSOCIATION – SUPPORT OF POSTAL SERVICES FOR RURAL CANADIANS**

Moved by Deputy Mayor Maxwell  
Seconded by Councillor Tinker

- 259/09**       **WHEREAS** since the Canadian Postmasters and Assistants Association (CPAA) since 1902 has fought for the rights of rural post office employees and for the full access to postal services for rural Canadians;  
**AND WHEREAS** the CPAA’s struggle has focused on employment equity, pay equity, various benefits and the fight against rural post office closures;  
**BE IT RESOLVED** that the Council of the Town of St. Stephen write the President and Chief Executive Officer of Canada Post, with a copy to the Prime Minister’s Office and our local Member of Parliament, stating its support in

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maintaining postal services in rural and remote Canadian communities in an effort to improve our economy and maintain our quality of life. **CARRIED**

XIII. **NEW BUSINESS**

1. **CAO**

**STAFF REPORTS**

Moved by Councillor Tinker

Seconded by Councillor Williams

**260/09** **THAT** the following staff reports for the month of September 2009 be adopted: Treasurer; Director of Operations; Director, Parks & Recreation; Fire Chief; By-Law Enforcement Officer; and Development Officer. **CARRIED**

**STATEMENTS OF REVENUE AND EXPENDITURE**

Moved by Councillor Tinker

Seconded by Councillor Donovan

**261/09** **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to August 31, 2009 be received. **CARRIED**

**CHEQUE REGISTER:**

**PAID BILLS**

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

**262/09** **THAT** paid bills in the amount of \$1,546,169.96 (one million, five hundred and forty-six thousand, one hundred and sixty-nine dollars and ninety-six cents) be ratified. **CARRIED**

**PAID BILL: CONFLICT – THE TIDE**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Copeland

**263/09** **THAT** the paid bill (cheque #4891) in the amount of \$103.40 (one hundred and three dollars and forty cents) for The Tide be ratified. **CARRIED**

2. **PLANNING & PRIORITIES COMMITTEE**

**RE-APPOINTMENTS – CHOCOLATE FEST INC.**

Moved by Deputy Mayor Maxwell

Seconded by Councillor Donovan

**264/09** **THAT** the Council of the Town of St. Stephen re-appoints Heather Cunningham and Duncan McGeachy as the Town's representatives to the Board of Chocolate Fest Inc. for a three (3) year term effective November 19, 2009. **CARRIED**

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**APPOINTMENT – CHOCOLATE FEST INC.**

Moved by Councillor Donovan  
Seconded by Councillor Copeland

- 265/09**       **THAT** the Council of the Town of St. Stephen appoints Ian Stewart as the Town's representative to the Board of Chocolate Fest Inc. for a three (3) year term effective November 19, 2009. **CARRIED**

**APPOINTMENT – FUNDY COMMUNITY FOUNDATION**

Moved by Councillor Tinker  
Seconded by Deputy Mayor Maxwell

- 266/09**       **THAT** the Council of the Town of St. Stephen appoints Michael Corbett as the Town's representative to the Board Recruitment Committee of the Fundy Community Foundation for a three (3) year term effective November 1, 2009 and expiring on October 31, 2012. **CARRIED**

**ST. STEPHEN BUSINESS IMPROVEMENT AREA INC. (BIA) - 2009 GRANT**

Moved by Councillor Tinker  
Seconded by Councillor Donovan

- 267/09**       **THAT** the Council of the Town of St. Stephen approves a 2009 grant in the amount of \$4,600.00 (four thousand, six hundred dollars) to the St. Stephen Business Improvement Area Inc. (BIA), to be used as its contribution towards wharf and lighthouse repairs under the Atlantic Canada Opportunities Agency (ACOA) Project No: 196245.  
**AND FURTHER THAT** the grant is to be expended from funds in the budget line "Downtown Development" under Environmental Development Services.  
**CARRIED**

3.     **FINANCE & ADMINISTRATION COMMITTEE**

**WAGE FREEZE – UNION AND NON-UNION EMPLOYEES**

Moved by Councillor Tinker  
Seconded by Councillor Toumishey

- 268/09**       **THAT** the Council of the Town of St. Stephen, in accord with the Provincial Budget, authorizes a wage freeze of union and non-union employees' wages effective January 1, 2010 to be monitored quarterly. **CARRIED**

**COST OF LIVING FREEZE – MAYOR AND COUNCILLORS**

Moved by Deputy Mayor Maxwell  
Seconded by Councillor Copeland

- 269/09**       **THAT** the Council of the Town of St. Stephen agrees to freeze its annual, not to exceed 3% Cost of Living, as outlined in Section 5.05 of the Town's By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration", effective December 1, 2009 to be monitored quarterly.  
**CARRIED**

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**PARTIAL RESCINDING OF RESOLUTION (APPOINTMENT – CHIEF ADMINISTRATIVE OFFICER/TOWN CLERK)**

Moved by Councillor Tinker

Seconded by Councillor Donovan

**270/09**       **THAT** the Council of the Town of St. Stephen approves the partial rescinding of Resolution #234/09 as stated in the Minutes of September 21, 2009, which reads

“ . . . a monthly travel allowance of \$500.00 (five hundred dollars) for the first two months of employment.”

effective immediately.

**AND FURTHER THAT** the Council of the Town of St. Stephen approves the use of a Town vehicle by the Chief Administrative Officer for the purposes of travel from Saint John until such time as a permanent move to St. Stephen has occurred, as well as for daily business purposes for the Town. **CARRIED**

**CAPITAL FUND BANK ACCOUNT**

Moved by Councillor Tinker

Seconded by Deputy Mayor Maxwell

**271/09**       **THAT** the Council of the Town of St. Stephen authorizes the Treasurer to open a new bank account at the Royal Bank of Canada to be used for Capital Fund purposes. **CARRIED**

4.       **PUBLIC SAFETY & ENVIRONMENT COMMITTEE**

**TRANSFER OF LAND FROM NEW BRUNSWICK HOUSING CORPORATION TO THE TOWN**

Moved by Councillor Williams

Seconded by Councillor Tinker

**272/09**       **THAT** the Council of the Town of St. Stephen assents to the subdivision plan known as “New Brunswick Housing Corporation Subdivision 09-1, Lot 09-1, Plan No. 2 – 3071, prepared by Murphy Surveys (1990) Ltd. and completed on June 18, 2009 which transfers a portion of PID # 01306422 to the Town to be added to a public street, namely Rushton Street. **CARRIED**

5.       **COMMUNITY SERVICES COMMITTEE**

**EXTENSION OF TURF MAINTENANCE CONTRACT #07-01**

Moved by Councillor Donovan

Seconded by Councillor Toumishey

**273/09**       **THAT** the Council of the Town of St. Stephen accepts the recommendation that Turf Maintenance Contract #07-01, “Passive Parks, Tot Lots and Other Turf Areas” be extended to Sharpe’s Lawn Care, Mayfield, NB, for one (1) year, with a two percent (2%) increase effective January 1, 2010 to December 31, 2010. **CARRIED**

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**EXTENSION OF TURF MAINTENANCE CONTRACT #07-02**

Moved by Councillor Tinker

Seconded by Councillor Williams

- 274/09**      **THAT** the Council of the Town of St. Stephen accepts the recommendation that Turf Maintenance Contract #07-02, "Playing Fields" be extended to Mayfield Gardens & Landscape Inc., St. Stephen, NB, for one (1) year, with a two percent (2%) increase effective January 1, 2010 to December 31, 2010. **CARRIED**

XIV.      **REPORTS OF MAYOR AND COUNCILLORS**

Councillor Copeland

- Attended a Civic Center meeting.
- Attended various Town meetings.

Councillor Tinker

- Attended a Chocolate Fest meeting.
- Attended various Town meetings.
- Attended the Chamber of Commerce Business Recognition Dinner.
- Congratulated Ryan Caswell, an SSHS hockey player, for his great hockey skills and participation with Team NB.

Councillor Toumishey

- Attended various Town meetings.
- Spoke at a Political Science class at SSHS and stated that the students' major attention was on the proposed Civic Center.

Councillor Williams

- Stated that a citizen had complained with respect to the Storm Water Separation Project, and questioned whether or not the Town provides sufficient information to the public, especially on major projects.

Councillor Donovan

- Apologized for being absent from the Public Hearing of Objections held prior to the Council meeting.
- Stated that she did not recall receiving a notice with respect to the Storm Water Separation Project.
- Attended a Civic Center meeting.
- Attended a BIA meeting.
- Looks forward to the next month.

Deputy Mayor Maxwell

- Attended various Town meetings.
- Attended a BIA meeting.
- Attended a Civic Center meeting.
- Attended a Chocolate Museum Operational Committee meeting.
- Attended the Annual UMN Conference in Fredericton.
- Attended the Calais Alternative Care open house.
- Attended at Town Square to recognize the Canada Games athletes, and in particular to recognize Alyssa Cleaves, Wrestling Gold Medalist, whose plaque, donated by Smet Monuments, hangs at SSHS.
- Attended an event at Ganong Nature Park.
- Attended the Chamber of Commerce Business Recognition Dinner.

Mayor Purcell

- Attended the Chamber of Commerce Business Recognition Dinner.
- Traveled with a delegation to attend the Municipal Capital Borrowing Board hearing with respect to the land site for the proposed Civic Center, and commended the CAO on his excellent presentation.
- Attended the Boys & Girls Club Annual General Meeting.
- Attended the Calais Alternative Care open house.

XV. QUESTION PERIOD

There were no questions.


XVI. ADJOURNMENT


ADJOURNMENT

Moved by Deputy Mayor Maxwell

Seconded by Councillor Donovan

275/09 THAT the meeting adjourn at 8:00 p.m. CARRIED

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO/Clerk