

24th

July, 2006

The Town Council of the Town of Sussex met in regular session, by appointment of the Mayor of the said Town, in the Council Chambers of the said Town on Monday the 24th day of July, 2006, at 7:00 o'clock in the evening.

The following members of the Council were present: His Worship Mayor Carr, Deputy Mayor Thorne, Councillors Fulton, Bradley and Black. Councillors Wilson and Wright were absent. Also present at this meeting were the Chief Administrative Officer, Michael Cummings and the Town Clerk/Treasurer, Paul Maguire.

It was moved by Councillor Black, seconded by Councillor Bradley, that the agenda for this regular Town Council meeting be approved. Motion carried.

No members present declared a conflict of interest on any items on the agenda at this time.

It was moved by Councillor Bradley, seconded by Councillor Black, that the minutes of the regular meeting of the Town Council of the Town of Sussex, held on June 19, 2006, be approved as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that the minutes of the regular meeting of the Town Council of the Town of Sussex, held on May 15, 2006, be approved as circulated. Motion carried.

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A letter was received from Big Brothers Big Sisters informing the Council that September, 2006, is Big Brothers Big Sisters month.

It was moved by Deputy Mayor Thorne, seconded by Councillor Bradley, that the letter from Big Brothers Big Sisters be filed. Motion carried.

A letter was received from Rube Cooling of Maxwell Drive expressing her support for the combined Local Service District Advisory Committees choice for an indoor swimming pool for the community.

It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that the letter from Rube Cooling be filed. Motion carried.

A copy of a letter which was addressed to the editor of the Kings County Record was received from the Local Service District Advisory Committees from Sussex, Studholm, Cardwell, Waterford and Hammond Parishes expressing their opinion that they strongly believe that it is time for the two indoor pool groups to negotiate an agreement for building a new pool in the Kings East area.

It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that the letter from the Local Service Districts be filed.

A letter was received from Mr. and Mrs. Cruickshank from 157 Church Avenue requesting that their property be rezoned from a Bed and Breakfast to a Senior Retirement Residence Home.

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It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that the Cruickshank's application for rezoning of 157 Church Avenue be accepted. Motion carried.

It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that the rezoning application from the Cruickhanks for 157 Church Avenue be referred to the Administration Committee. Motion carried.

A letter was received from Carl Turenne, Lieutenant-Colonel Commandment, of the National Defence Armour School informing the Town that there will be a training exercise in both the Town of Sussex and the outlying areas from July 31 to August 4, 2006.

It was moved by Councillor Black, seconded by Councillor Bradley, that the letter from the Armour School be filed. Motion carried.

A letter was received from Muscular Dystrophy Canada informing the Council of the achievement of the local firefighters in their raising of funds for Muscular Dystrophy Canada.

It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that the letter from Muscular Dystrophy Canada be filed. Motion carried.

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A letter was received from the Executive Secretary to the Facility Administrator of the Sussex Health Centre informing the Town that there will be a public information session day regarding Pandemic Influenza and Planning at Jubilee Hall on September 25, 2006, from 9:00am to 3:30pm.

It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that the letter from the Sussex Health Centre be filed. Motion carried.

A letter was received from owners of Jonah Place Bed and Breakfast Inn complimenting the Town on the decision to place the beautiful stone benches all through the downtown area.

It was moved by Deputy Mayor Thorne, seconded by Councillor Fulton, that the letter from Jonah Place Bed and Breakfast Inn be filed. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Fulton, that the Fire Report for the month of June, 2006, be received as circulated. Motion carried. During the month the Fire Department responded to a total of 23 calls with 14 calls originating within the Town of Sussex and nine out of Town calls.

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It was moved by Deputy Mayor Thorne, seconded by Councillor Fulton, that the Building Inspector's report for the month of June, 2006, be received as circulated. Motion carried. The report indicated that during the month the Building Inspector issued one permit for new construction for a value of \$5,351,400.00 and 15 permits for renovations, repairs, alterations and additions for a value of \$158,065.00.

It was moved by Deputy Mayor Thorne, seconded by Councillor Bradley, that the Development Officer's report for the month of June, 2006, be received as circulated. Motion carried. The report indicated that during the month the Development Officer approved ten building location surveys, two tentative subdivision plans, one amending subdivision plan and two subdivision plans.

It was moved by Councillor Fulton, seconded by Deputy Mayor Thorne, that the minutes of the Planning Advisory Committee held July 12, 2006, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council approve the following existing Item # 12, Admission Fee, **be removed** from the proposed By-Law # 940-06-02:

12. ADMISSION FEE

Regular user groups of the 8th Hussars Sports Centre with accounts shall be exempt the \$0.60 per person admission fee for regular league schedules, playoffs or events in which only the members of the organization participate.

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12. ADMISSION FEE (to be removed) (cont'd)

All other special events which are booked shall pay the admission fee.

Special events shall be defined as any event requesting to be scheduled at the 8th Hussars Sports Centre and which may or may not disrupt the regularly scheduled time of the users.

Special events will be further defined as any event or games that may or may not impede the regularly scheduled season of a user and/or user group.

The following shall **replace** the existing Item # 12, Admission Fee, in the proposed By-Law # 940-06-02:

12. ADMISSION FEE

The Recreation Department shall provide staff, tickets and shall work the door for all special events taking place in the 8th Hussars Sports Centre.

Special events shall be defined as any event requesting to be scheduled at the 8th Hussars Sports Centre and which may or may not disrupt the regularly scheduled time of the users.

User groups of the 8th Hussars Sports Centre, with accounts, shall be exempt the \$0.60 per person admission fee for regular league schedules, playoffs or events in which the membership of the organization participates.

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12. ADMISSION FEE (to replace) (cont'd)

All other special events (exhibition games, all-star games, tradeshows, etc.) which are booked throughout the year shall pay the admission fee when charging admission.

Organizations wishing to provide complimentary passes/tickets to guests of a special event may do so by making arrangements with the Recreation Director no less than two weeks prior to the event.

Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council have a reading in its entirety of By-Law # 940-06-02, A By-Law to Amend Schedule "A" of Recreational and/or Sports Facilities Fees and Recreational and/or Sports Program Fees, By-Law # 940-03. Motion carried. The by-law was then read in its entirety.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council have third reading by title of By-Law # 940-06-02, A By-Law to Amend Schedule "A" of Recreational and/or Sports Facilities Fees and Recreational and/or Sports Program Fees, By-Law # 940-03. Motion carried. The Town Clerk then read the by-law for the third time by title and His Worship Mayor Carr declared the by-law duly enacted.

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It was moved by Councillor Bradley, seconded by Councillor Black, that Council have a reading in its entirety of By-Law # 204-06, Council Members Remuneration and Expense By-Law. Motion carried with Councillor Fulton voting nay. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council have third reading by title of By-Law # 204-06, Council Members Remuneration and Expense By-Law. Motion carried with Councillor Fulton voting nay. The Town Clerk then read the by-law for the third time by title and His Worship Mayor Carr declared the by-law duly enacted.

It was moved by Councillor Bradley, seconded by Councillor Black, that the report of the Human Services Committee Meeting dated July 17, 2006, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that Council approve the purchase of four double doors from Apex Industries for the 8th Hussars Sports Centre for an amount of \$13,222.86. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council accept the bid from Atlantic Tractors & Equipment Ltd. for Quotation T-09-06, Tractor, for an amount of \$25,672.80 as the lowest bidder meeting the specifications. Motion carried.

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It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that Council approve that Jason Thorne, Recreation Director, attend the Recreation New Brunswick annual conference in Saint John, N.B., from September 13-15, 2006, inclusive. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that the report of the Economic Development and Long Range Planning Committee Meeting dated July 17, 2006, be received as circulated. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council appoint Councillor Black as the Liaison Councillor for the Sussex Downtown Business Association. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council approve that the Downtown merchants may hold a yard sale on sidewalks in front of their establishments during the time period of August 18-20, 2006. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Black, that Council approve that Buskers and their demonstrations may be carried out on sidewalks in the Downtown area during the third annual Country Musical Festival on Saturday, August 5, 2006. Motion carried.

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It was moved by Councillor Fulton, seconded by Councillor Black, that Council appoint Michael Cummings, Chief Administrative Officer, as the Town's representative to the Fundy Biosphere Committee General Meeting scheduled in Moncton, N.B., in October, 2006. Motion carried.

It was moved by Councillor Black, seconded by Councillor Bradley, that the report of the Works Committee Meeting dated July 18, 2006, be received as circulated. Motion carried.

It was moved by Councillor Black, seconded by Councillor Bradley, that Council purchase luminary heads and brackets for the traffic lights at Main/Leonard and at Main/Moffett from Fortran Ltd. for an amount of \$13,623.00. Motion carried.

It was moved by Councillor Black, seconded by Councillor Bradley, that Council purchase amber LED luminaries for the pedestrian crosswalk light on Main Street at Duke Street from Fortran Ltd. for an amount of \$614.46. Motion carried.

It was moved by Councillor Black, seconded by Councillor Fulton, that Council purchase 22 pushbuttons for the various traffic lights on Main Street from Tacel Ltd. for an amount of \$4,714.40. Motion carried.

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It was moved by Councillor Black, seconded by Councillor Fulton, that Council purchase three, six metre arms and double brackets for the traffic lights at the Main Street/Moffett Avenue intersection from Sentinel Pole Ltd. for an amount of \$2,399.00. Motion carried.

It was moved by Councillor Black, seconded by Councillor Bradley, that Council purchase eight spring cushion hangars for the traffic lights at the Main Street/Moffett Avenue intersection from Sentinel Pole Ltd. for an amount of \$1,003.20. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Bradley, that the report of the Protective Services Committee Meeting, dated July 19, 2006, be received as circulated. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that Council approve the following Atlantic International Balloon Fiesta parade route for Saturday, September 9, 2006, commencing at 12:00 Noon:

- ◆ commencing in the west parking lot of the Tourist Information and Interpretive Centre on Broad Street;
- ◆ thence along Broad Street to Main Street;
- ◆ thence along Main Street from Broad Street to Leonard Drive;
- ◆ thence along Leonard Drive from Main Street to Perry Street; and
- ◆ thence along Perry Street to Jubilee Hall.

Motion carried.

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It was moved by Councillor Fulton, seconded by Councillor Bradley, that the report of the Administration Committee Meeting, dated July 20, 2006, be received as circulated. Motion carried.

It was moved by Councillor Fulton, seconded by Deputy Mayor Thorne, that Council approve an expenditure of Six Thousand Dollars (\$6,000.00) for the Town's 2007 Hometown Page participation. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council accept the drainage easement identified on the tentative subdivision plan dated May 24, 2006, of the Raymond Wynne Jones and Nicole J. Jones Subdivision 2006-1 and that Council authorize the Town Clerk to sign the Raymond Wynne Jones and Nicole J. Jones Subdivision 2006-1 on behalf of the Town. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council approve a grant of Twenty-Three Hundred Dollars (\$2,300.00) to sponsor the breakfast luncheon of the 2006 Atlantic International Balloon Fiesta. Motion carried.

It was moved by Councillor Fulton, seconded by Deputy Mayor Thorne, that Council accept the land designated to increase the Floral Avenue right-of-way on the subdivision plan dated July 5, 2006, and that Council authorize that the Town Clerk sign the Floral Avenue Subdivision Plan 2006-01 on behalf of the Town. Motion carried.

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It was moved by Councillor Fulton, seconded by Deputy Mayor Thorne, that Council approve an expenditure of Nine Thousand, Nine Hundred and Eighty-Two Dollars and Fifty-Nine Cents (\$9,982.59) plus legal and survey fees for the purchase of Floral Avenue right-of-way from Goold's Nurseries Ltd., Karen Ann Goold and Howard Myles Gillies. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Black, that Council approve the following for the 21st Atlantic International Balloon Fiesta:

- ◆ to hold the 21st Annual Atlantic International Balloon Fiesta in Princess Louise Park from September 7-10, 2006, inclusive;
- ◆ to utilize the 8th Hussars Sports Centre commencing on September 6, 2006, from 6:00pm to September 10, 2006, ending at 7:00pm;
- ◆ to utilize Princess Louise Park and the Golden Jubilee Hall from September 6-10, 2006, inclusive;
- ◆ to conduct launches and landing of balloons to and from Princess Louise Park from September 8-10, 2006, inclusive;
- ◆ to permit tethering of hot air balloons in Princess Louise Park from September 8-10, 2006, inclusive;
- ◆ to permit the landing and taking off of helicopters from Princess Louise Park from September 9-10, 2006, inclusive;
- ◆ to hold a parade along Broad Street/Main Street/Leonard Drive from the Sussex Hotel property to Princess Louise Park commencing at 12:00 Noon on Saturday 9, 2006;

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- ◆ to have midway rides in the parking lot adjacent the Sports Centre from September 6, 2006, to September 10, 2006, inclusive;
- ◆ to erect manned barricades at both ends of Perry Street during the event as a means of controlling traffic and providing an access emergency entrance as required by Transport Canada; and subject
- ◆ that all balloon launches, helicopter rides and other events shall be subject to all regulations and by-laws covering special launches by Provincial and Federal regulations regarding these various activities;
- ◆ that the balloonists, helicopter pilots and participants shall be required to obtain and to adhere to all regulations provided for by Provincial and Federal regulations and that the owners of these balloons and helicopters carry their certificate of insurance and provide a copy of said insurance to the Atlantic International Balloon Fiesta Inc.;
- ◆ that midway rides adjacent to the Sports Centre provide proof of insurance and a Provincial certificate of operation for the different rides to the Atlantic International Balloon Fiesta Inc.;
- ◆ that the Atlantic International Balloon Fiesta Inc. shall carry Aviation Liability Insurance and provide to the Town of Sussex a copy of the Aviation Liability Insurance and a certificate of insurance that includes the Town of Sussex as a named insured;

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- ◆ that a copy of the Atlantic International Balloon Fiesta Inc. certificate of insurance and Aviation Liability Insurance shall be provided to the Town's insurer;
- ◆ that the Town's Administration inform the Town's insurer that the Town has given permission to the Atlantic International Balloon Fiesta Inc. to have balloon launches and helicopter rides leave from and land into Princess Louise Park; and
- ◆ that the Atlantic International Balloon Fiesta Committee be made aware that Council may at anytime cancel their approval for launching balloons, having helicopter rides and skydiving leave from and land into Princess Louise Park.

Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council approve that McMackin Masonry be engaged to complete the masonry work for the four exit doors at the 8th Hussars Sports Centre for an amount of \$6,061.76 and that Apex Door Installation be engaged to install these same four exit doors for an amount of \$2,622.00 at the 8th Hussars Sports Centre. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Black, that Council approve the revised job description for the position of Part-time Secretary. Motion carried.

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It was moved by Councillor Fulton, seconded by Councillor Bradley, that Council approve the revised job description for the position of Water and Sewer Foreman. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Black, that Council approve for payment accounts for the month of May, 2006, totaling \$455,926.89. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Black, that the Council approve that the Jonah Court land development owned by Mr. and Mrs. Jim Andrew subject that the landowners create a subdivision in accordance with the Subdivision By-Law and that the subdivision plan include:

- ◆ land for public purposes that contains Parsons Brook and seven metres of land from the top of the bank on the southern and western side of Parsons Brook;
- ◆ a note on the subdivision plan that the lots are identified on the Flood Risk Map 3FR 02 45 7100 65 480, dated September 13, 1982;
- ◆ a note on the subdivision plan that the lots contained in the subdivision are located in a proposed Zone “A” of a Wellfield Protection Area and are subject to the regulations as outlined for a Zone “A” of the Wellfield Protection Act;
- ◆ a municipal service easement on the north side of the Developer’s land for municipal services; and

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- ◆ subject that all deeds and transfers as the case may be for all the lots identified in the subdivision plan contain restrictive covenants binding upon the developer and all subsequent owners of the lots, which covenants are consistent with and in full compliance with all provincial legislations for a Zone “A” under the Wellfield Protection Act whether or not the Act and its regulations are adopted by the Council of the Town of Sussex; and
- ◆ subject that Mr. Andrew enters into a Municipal Service Agreement with the Town for the provision of municipal services with a financial guarantee for the aforesaid services and subject that the municipal services are provided and installed in accordance with the following conditions:
 - that engineering plans be completed by an Engineering Consultant acceptable to the Council,
 - that each service lateral line contain a manhole at approximately one-half of the distance to each home in order to provide access for clean out,
 - that the existing manhole on Jonah Court be upgraded to a concrete, pre-cast water-tight enclosure to ensure protection of the groundwater,
 - that the lateral lines be a minimum DR-18 PVC pipe and with proper gasketing,
 - that the lateral lines be air-tested to ensure there are no leaks before they are put in service,

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- that a minimum slope of 2% be given to the service connection on the entire length of the pipe so to avoid the possibility of blockage and giving sewage a good speed of entry into the manhole and subsequently into the sewer pipe,
- that the service connection to the three lots are to be connected into a new manhole to be installed (at the same location) with openings pre-installed by the manufacturer along with benching for each connections, and
- that the developer recognize that the structure on the proposed lots may have to be serviced by an individual lift station within the structure instead of a gravity sanitary sewer line.

Motion carried.

Deputy Mayor Thorne addressed Council with respect to his family and their experience with the ICU in Palliative Care of the Sussex Health Centre during a family members recent illness and expressed that the staff at the Sussex Health Centre were very professional and there kindness made him and his family very proud of the employees and the local facilities health care.

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It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that this regular meeting of the Town Council of the Town of Sussex adjourn. Motion carried.

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MAYOR

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TOWN CLERK