

22nd May, 2007

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 Tuesday the 22nd day of May, 2007, at 7:00 o'clock in the evening.

The following members of the Council were present: His Worship Mayor Carr, Deputy Mayor Thorne, Councillors Black, Fulton, Bradley, Wright, Campbell and Wilson. There were no absentees. Also present at this meeting were the Chief Administrative Officer, Michael Cummings and the Town Clerk/Treasurer, Paul Maguire.

It was moved by Councillor Wright, seconded by Councillor Black, that the agenda for this regular Town Council meeting be approved as amended. Motion carried. The agenda was amended by adding under Item # 6 - Delegations, Petitions and Correspondence: (F) John McNair; and (G) Minister of Justice and Consumer Affairs.

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

It was moved by Councillor Wilson, seconded by Councillor Bradley, that the minutes of the special meeting of the Town Council of the Town of Sussex, held on April 18, 2007, be approved as circulated. Motion carried.

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It was moved by Councillor Bradley, seconded by Councillor Wilson, that the minutes of the regular meeting of the Town Council of the Town of Sussex, held on April 23, 2007, be approved as circulated. Motion carried.

A letter was received from John and Louise Parlee requesting rezoning of a parcel of land on Main Street bearing P.I.D. # 30104670.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council accept the application for rezoning from John and Louise Parlee and refer the request to the Administration Committee for review. Motion carried.

A letter was received informing the Town that May 27 to June 2, 2007, is Disability Awareness Week.

It was moved by Councillor Wright, seconded by Councillor Bradley, that the letter regarding Disability Awareness Week be filed. Motion carried.

A letter was received from the Metepenagiag Mi'kmaq Nation, N.B. and Indian and Northern Affairs Canada informing the Town that the land claims with the Metepenagiag Mi'kmaq Nation's Hosford Lot and Indian Reserve No. 7 may have a potential impact on the Town of Sussex.

It was moved by Deputy Mayor Thorne, seconded by Councillor Wilson, that the letter from the Metepenagiag Mi'kmaq Nation, N.B. and Indian and Northern Affairs Canada be filed. Motion carried.

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A letter was received from the Lieutenant-Colonel of the Armour School informing the Town that the Combat Training Centre Gagetown will be conducting a training exercise in both the Town of Sussex and outlying areas from July 30 to August 3, 2007.

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

A letter was received from Gisele Pelletier-Baker, Programs officer with Service Canada, informing the Town that the Town will not be receiving any Canada Summer Jobs.

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

A letter was received from John McNair, Owner/Operator of Outdoor Elements Inc., requesting permission to place a bicycle repair sign on Town-owned property located beside the Train Station.

It was moved by Deputy Mayor Thorne, seconded by Councillor Black, that Council support the placement of Mr. McNair's bicycle repair sign on the Town-owned property beside the Train Station as directed by the Town Administration for the year 2007 and that the sign be renewable for 2008 upon approval of an application for the sign by Mr. McNair. Motion carried with Councillors Wilson and Fulton voting nay.

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A letter was received from the Minister of Justice and Consumer Affairs advising the Town that effective June 18, 2007, the Provincial Court satellite in Sussex will be closed. His Worship Mayor Carr noted that he had talked to the Minister prior to the Council meeting and the Minister has informed His Worship that the decision to close the Sussex Court has been delayed until September, 2007. The Minister also indicated to His Worship that he would personally be visiting Sussex to review the Court premises before he makes his final decision on the status of the Court.

It was moved by Councillor Wright, seconded by Councillor Wilson, that the letter from the Minister of Justice and Consumer Affairs be filed. Motion carried.

It was moved by Councillor Wright, seconded by Councillor Black, that the Fire Report for the month of April, 2007, be received as circulated. Motion carried. During the month the Fire Department responded to a total of 29 calls with 21 calls originating within the Town of Sussex and eight out of Town calls.

It was moved by Councillor Wilson, seconded by Councillor Black, that the Building Inspector's report for the month of April, 2007, be received as circulated. Motion carried. The report indicated that during the month the Building Inspector issued 10 permits for new construction for a value of \$2,176,000.00, 18 permits for renovations, repairs, alterations and additions for a value of \$180,800.00 and one permit for demolition for a value of \$3,000.00.

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It was moved by Councillor Wilson, seconded by Councillor Fulton, that the Development Officer's report for the month of April, 2007, be received as circulated. Motion carried. The report indicated that during the month there were numerous enquiries relating to zoning and subdivision regulations with two deeds examined and approved for registration, however, there were no plans or instruments submitted for approval.

It was moved by Councillor Fulton, seconded by Councillor Wilson, that the minutes of the Planning Advisory Committee Meeting held on May 9, 2007, be received as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have a reading in its entirety of Municipal By-Law Amendment, By-Law # 704-04-06. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have third reading by title and enactment of Municipal By-Law Amendment, By-Law # 704-04-06. 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 Wilson, seconded by Councillor Fulton, that Council amend the terms and conditions of the Zoning By-Law Amendment, By-Law # 1350-04-09, to reflect in condition # 2 that the trees be planted at three (3) metres center instead of two (2) metres center and in condition # 4 that the following be added: and the parking lot light standards shall have a maximum height of eight (8) metres. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have a reading in its entirety of Zoning By-Law Amendment, By-Law # 1350-04-09. Motion carried. The by-law was then read in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have third reading by title and enactment of Zoning By-Law Amendment, By-Law # 1350-04-09. 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.

Councillor Bradley and Councillor Black noted that they did not vote on Items (A), (B), (C), and (D) under Unfinished Business on the agenda. These items are Municipal Plan By-Law Amendment, By-Law # 704-04-06 and Zoning By-Law Amendment, By-Law # 1350-04-09, since they were not present at the public presentation of the Municipal Plan By-Law Amendment, By-Law # 704-04-06.

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It was moved by Councillor Wilson, seconded by Councillor Campbell, that Council have a reading in its entirety of Municipal Plan By-Law Amendment, By-Law # 704-04-04. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have third reading by title and enactment of Municipal Plan By-Law Amendment, By-Law # 704-04-04. 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.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have a reading in its entirety by of Zoning By-Law Amendment, By-Law # 1350-04-07. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have third reading by title and enactment of Zoning By-Law Amendment, By-Law # 1350-04-07. 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.

Deputy Mayor Thorne declared a conflict of interest on Items (I), (J), (K) and (L) under Unfinished Business on the agenda. These items are Municipal Plan By-Law Amendment, By-Law # 704-04-05 and Zoning By-Law Amendment, By-Law # 1350-04-08. Deputy Mayor Thorne vacated the Council Chambers for any discussion or decision on the items.

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It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have a reading in its entirety of Municipal Plan By-Law Amendment, By-Law # 704-04-05. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have third reading by title and enactment of Municipal Plan By-Law Amendment, By-Law # 704-04-05. 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.

It was moved by Councillor Wilson, seconded by Councillor Black, that Council add the following terms and conditions to the Zoning By-Law Amendment, By-Law # 1350-04-08:

- 1) no on-street parking;
- 2) provide signage indicating parking for this office is the paved parking lot across the street; and
- 3) completion of a 36" high railing on the rear deck of the building prior to any use of the building.

Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council have a reading in its entirety of Zoning By-Law Amendment, By-Law # 1350-04-08. Motion carried. The Town Clerk then read the by-law in its entirety.

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It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council have third reading by title and enactment of Zoning By-Law Amendment, By-Law # 1350-04-08. 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.

Deputy Mayor Thorne returned to the Council Chambers from his conflict of interest.

It was moved by Councillor Bradley, seconded by Councillor Wilson, that the report of the Human Services Committee Meeting dated May 14, 2007, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson, that Council approve that the Department of National Defence be able to use the 8th Hussars Sports Centre at no cost to serve as the central lodging for troops during their operations scheduled for July 30 to August 3, 2007. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Campbell, that Council approve that the Moosehead Oldtimers have free use of the Sports Centre on August 25, 2007, to host a fundraiser for an Automated External Defibrillator (AED) for the Sports Centre. Motion carried with Councillor Wright voting nay.

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It was moved by Councillor Bradley, seconded by Councillor Wilson, that Council approve that a 20' X 40' tent be erected on the land between the Saint John Ambulance building and the entrance to the Sports Centre from July 9 to July 13, 2007, for Young People's Hour. 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 May 14, 2007, be received as circulated. Motion carried.

It was moved by Councillor Black, seconded by Councillor Fulton, that the report of the Works Committee Meeting dated May 15, 2007, be received as circulated. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that Council approve the engagement of the Maricor Group for engineering services for the replacement of the roof at the 8th Hussars Sports Centre. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Wilson, that the report of the Protective Services Committee Meeting, dated May 16, 2007, be received as circulated. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Wilson, that Council approve the following parade route for the Canada Day Committee for July 1, 2007, commencing at 6:30pm subject to the direction of policing services:

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- commencing in Princess Louise Park on Perry Street;
- thence along Perry Street to Leonard Drive;
- thence along Leonard Drive from Perry Street to Main Street;
- thence along Main Street from Leonard Drive to Maple Avenue;
- thence along Maple Avenue from Main Street to Morrow Avenue;
- thence along Morrow Avenue from Maple Avenue crossing the
CNR tracks to Perry Street; and
- thence along Perry Street to Jubilee Hall on Perry Street in
Princess Louise Park.

Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Wilson, that Council accept the resignation of the following volunteer firefighters from the Sussex Fire Department: Adam Constantine as of April 27, 2007, and Jamie Eastwood as of April 9, 2007. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Black, that the report of the Administration Committee Meeting, dated May 17, 2007, be received as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Deputy Mayor Thorne, that Council authorize the Town Clerk/Treasurer and the Mayor to sign the location agreement between Hemmings House Pictures Ltd. and the Town of Sussex for the wrestling event that was held at the Sports Centre on May 4, 2007. Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council authorize the Town Clerk/Treasurer to return to Wal-Mart Canada their letter of credit that was filed with the Town in accordance with their development agreement with the Town for Main Street improvements. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Black, that Council approve a contribution of Twelve Hundred Dollars (\$1,200.00) towards a recreational study that is proposed to be completed by a graduate student of UNB for the Town of Sussex and Village of Sussex Corner. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton, that Council approve for payment accounts for the month of April, 2007, totaling \$140,016.84. Motion carried.

Deputy Mayor Thorne addressed Council on the operating deficit of \$80,000.00 to \$100,000.00 per year that occurs at the 8th Hussars Sports Centre. Deputy Mayor Thorne noted that the Town of Sussex is required to replace the roof on this facility which would be in the \$300,000.00 range and that this roof would be considered a capital expenditure and would not be included in the operating deficit. The Deputy Mayor noted that the Town of Sussex will not be able to continue to pay the operating deficits and capital expenditures on the regional facilities and that these facilities will have to be funded by the region in the future.

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Councillor Campbell noted that now that the rezoning process for 201 Main Street has been completed, that the terms and conditions take into consideration some of the concerns expressed during the public presentation and the hearing of objections for the Municipal Plan and Zoning By-Law amendments and he was glad to see the developer take this in consideration when presenting his landscaping plan for this property.

Councillor Bradley brought to the attention of Council the recent events of death threats at the Sussex Middle School and that these may be results of bullying by students at this school. Councillor Bradley noted that the Educators and School Administration should always be aware of situations in the school system and be able to react before a serious event or situation occurs at the school. Councillor Bradley noted that His Worship will be forwarding correspondence to the local School Board regarding the recent events at the Sussex Middle School and their policies on bullying at the school.

Councillor Fulton reminded Council that when the Town purchases Christmas lights they should endeavor to make sure that the lights be L.E.D. lights if possible.

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Councillor Wright brought to the attention of Council the conditions of sidewalks in the Town and for the Town Administration to ensure that the sidewalks are user friendly for people with disabilities and those who are required to use wheelchairs or motorized scooters to travel on the sidewalks.

His Worship Mayor Carr thanked Council and especially the Deputy Mayor for performing the Mayor's duties during his recent recovery from knee surgery.

It was moved by Councillor Wright, seconded by Councillor Bradley, 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