

Town of Sussex

Page 1/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

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 16th day of February, 2009, at 7:00 o'clock in the evening.

The following members of the Council were present: His Worship Mayor Carr, Deputy Mayor Thorne, Councillors Campbell, Stuart, Fulton and Bradley. 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 Campbell, seconded by Councillor Stuart, that the agenda for this regular Town Council meeting be approved as amended. Motion carried. The agenda was amended by reversing the order of business of Item # 5 and # 6.

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

It was moved by Councillor Fulton, seconded by Councillor Stuart, that the minutes of the regular meeting of the Town Council of the Town of Sussex held on January 19, 2009, be approved as circulated. Motion carried.

It was moved by Councillor Fulton, seconded by Councillor Stuart, that the minutes of the special meeting of the Town Council of the Town of Sussex held on January 19, 2009, be approved as circulated. Motion carried.

Town of Sussex

Page 2/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

The Council presented two Town of Sussex Youth Citizenship Awards. The first award went to Mrs. Jamie (Stout) Hutchings in recognition her outstanding contributions to the quality of life in the Sussex region. Mrs. Hutchings is a teacher who is always there for her students and peers. She is willing to help out in any way that will make Sussex Middle School a positive learning environment. Although new to teaching, which involves many responsibilities, she is always able to find time to help other people. This includes involvement with the "Solid Rock" youth group, and Partners for Youth, working with her husband at Sussex Wesleyan Church with youth activities including drama, lock-downs and music as well as being co-choreographer for last years Middle and High School shows "Alice in Wonderland" and "Little Shop of Horrors", all of this in addition to the recent addition of a baby to her young family.

Mrs. Hutchings is very positive role model to both her colleagues and students and she always finds the positive and good in people as well as situations.

His Worship Mayor Carr and members of the Council congratulated Mrs. Hutchings on her award and thanked her for her contributions to the community.

Town of Sussex

Page 3/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

The second Youth Citizenship Award was presented to Danielle Black in recognition of outstanding contributions to the quality of life in the Sussex region. Miss Black has shown amazing generosity for a number of important causes in her community. Along with another student she has helped to fill six shoeboxes for overseas children. She then canvassed her neighbourhood and brought in many items for Sussex Regional High's Christmas Care Drive. She alone brought in four huge bags full of coats, boots and clothing, in addition to three large boxes of non-perishable goods and \$20.00 in donations. On four different occasions she has even donated everything in her wallet in support of breast cancer research. Miss Black has shown her teachers and peers what great things one person can do to help others. The children in our community and abroad have enjoyed a happier holiday season thanks to Miss Black.

His Worship Mayor Carr and members of the Council congratulated Danielle Black on her Youth Citizenship Award and thanked her for her contributions towards the quality of life in the Sussex Region.

A letter was received from Alan deWinter, President of 626952 New Brunswick Limited, requesting rezoning for PID # 30243083 (Lot 2006-03), located on St. George Street. Mr. deWinter is requesting that the land be rezoned from R2 to R4 multifamily residential zone.

Town of Sussex

Page 4/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

It was moved by Councillor Stuart, seconded by Councillor Bradley, that the rezoning request from Alan deWinter, President of 626952 New Brunswick Limited, for PID # 30243083, located on St. George Street be denied. Motion carried.

A letter was received from the Honourable Hermenegilde Chiasson, Lieutenant Governor of the Province of New Brunswick, encouraging members of the community to submit names for the 2009 Order of New Brunswick campaign.

It was moved by Deputy Mayor Thorne, seconded by Councillor Fulton, that the correspondence from the Lieutenant Governor for the Province of New Brunswick be filed. Motion carried.

Deputy Mayor Thorne presented the 2009 General Fund Capital Improvement Program which included total expenditures of \$1,667,000.00.

It was moved by Deputy Mayor Thorne, seconded Councillor Fulton, that Council approve the following proposed 2009 General Fund Capital Improvement Program:

EXPENDITURES

- A. **STORM DRAINAGE PROGRAM** \$ 14,100.
Queen Street

Town of Sussex

Page 5/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

B. STREET IMPROVEMENT PROGRAM \$ 743,500.

Asphalt Paving

- Court Street (Floral Ave. to Union St.)
- Albert Street (St. George St. to Court St.)
- Essex Street (St. George St. to Court St.)
- James Lamb Court
- McKay Street
- Rosemount Avenue (Industrial Dr. to Maple Ave.)

Sidewalk

- Paradise Row (Main St. to St. George St.)
- Paradise Row (St. George St. to Court St.)
- Murray Avenue

Residential Development

- Malone Homestead Development

B.I.A. Program

- Improvement Program

C. PARKS AND PLAYGROUND PROGRAM \$ 72,000.

Trail Development

Tree Program

Princess Louise Park

O'Connell Park

Burton Park

D. STRUCTUE AND SIGNAGE PROGRAM \$ 510,600.

8th Hussars Sports Centre

Dominion Building/Town Hall

Public Works Garage

Sussex Regional Library

Proposed Pool Centre

Signage

Town of Sussex

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

E. EQUIPMENT PROGRAM \$ 326,800.

One – 5 Ton Truck c/w Dump Sled, Plow, Wing & Harness
Vacuum Sweeper
Metal Locator
Easy-Kleen High Pressure Washer
High Pressure Steamer
Computer Program
Computer Upgrade
Brine Pump # 1 Motor
LED Message Board
Swings, Slides, Ball Field Netting

TOTAL EXPENDITURES \$1,667,000.

FUNDING

PRINCIPAL PAYMENT PROGRAM \$ 349,900.

GENERAL OPERATING FUND \$ 51,100.

LONG TERM BORROWING \$1,266,000.

TOTAL FUNDING \$1,667,000.

Motion carried.

Deputy Mayor Thorne brought forward the 2009 Utility Capital Improvement Program which included total expenditures of \$1,739,300.00.

It was moved by Deputy Mayor Thorne, seconded by Councillor Fulton, that Council approve the following proposed 2009 Utility Capital Improvement Program:

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.

EXPENDITURES

- A. WATER NETWORK IMPROVEMENT PROGRAM \$ 568,100.**
- Water Source Alternative
Back Flow/Cross Connection Prevention Program
Broad Street
Reservoir to Church Avenue
Church Avenue (Main St. to Peter St.)
Subdivision Agreement – Malone Homestead Subdivision
- B. SANITARY SEWER NETWORK IMPROVEMENT PROGRAM \$ 67,200.**
- Main Street (Royal Bank to Wards Creek)
- C. STRUCTURE IMPROVEMENT PROGRAM \$1,019,000.**
- Jonah Court Well – Roof Replacement
Magnolia Avenue Well – Roof Replacement
Albert Street Well – Well Decommission
Proposed O’Connell Park Well – Well Decommission
Water Reservoir # 1 – Repairs
Lagoon Fence
Lagoon Disinfection Unit
Site D – Wallace Court Sewerage Lift Station # 4 – Roof Replacement
Site A – Lagoon Lift Station # 1 – Roof Replacement
- D. EQUIPMENT IMPROVEMENT PROGRAM \$ 85,000.**
- Lagoon Aerators Including Electronic Motors
Fleet Replacement - One ½ Ton Truck
- One 1 Ton Truck
- TOTAL EXPENDITURES \$1,739,300.**

Town of Sussex

Page 8/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

FUNDING

| | |
|--|------------------|
| OPERATING FUND | \$ 139,715. |
| PRINCIPAL PAYMENT PROGRAM | \$ 128,700. |
| UTILITY CAPITAL RESERVE FUND | \$ 130,000. |
| CANADA/NB MUNICIPAL INFRASTRUCTURE FUND | \$ 574,200. |
| LONG TERM BORROWING | \$ 340,600. |
| GAS TAX REVENUE | \$ 426,085. |
| TOTAL FUNDING | \$1,739,300. |

Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Stuart, that Council approve that the Town engage ADI Limited for consultant services for an asphalt contract and for consulting services for a General Public Works Contract that will include watermain and sanitary sewermain upgrade, storm sewer upgrade and concrete sidewalks. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Stuart, that Council approve that the Town engage Crandall Engineering Ltd. for consulting services for a disinfection unit control for the lagoon. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Stuart, that the municipality of Sussex submit to the Capital Borrowing Board Authority and application for authorization to borrow for a capital expense for the following term and amount:

Town of Sussex

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

| <u>PURPOSE</u> | <u>AMOUNT</u> | <u>TERM</u> |
|---|---------------|-------------|
| <u>Transportation Services</u> Equipment Improvement Program | \$325,000 | 10 Years |

Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Fulton, that the Fire Report for the month of January, 2009, be received as circulated. Motion carried. During the month the Fire Department responded to a total of 22 calls with 12 calls originating within the Town of Sussex and 10 out of Town calls.

It was moved by Councillor Bradley, seconded by Councillor Fulton, that the Building Inspector's report for the month of January, 2009, be received as circulated. Motion carried. The report indicated that during the month the Building Inspector issued five permits for renovations, repairs, alterations and additions for a value of \$164,360.00.

It was moved by Councillor Campbell, seconded by Councillor Fulton, that the Development Officer's report for the month of January, 2009, be received as circulated. Motion carried. The report indicated that during the month the Development Officer approved two Tentative Subdivision Plans.

Town of Sussex

Page 10/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

It was moved by Councillor Bradley, seconded by Councillor Fulton, that the minutes of the Planning Advisory Committee meeting dated February 11, 2009, be received as circulated. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Bradley, that Council have a reading in its entirety of By-Law # 940-09-01, A By-Law to Amend Schedule "B" and Schedule "C" of Recreational and/or Sports Facilities Fees and Recreational and/or Sports Program Fees By-Law, By-Law # 940-03. Motion carried. The by-law was then read in its entirety.

It was moved by Councillor Fulton, seconded by Councillor Stuart, that Council have third reading by title of By-Law # 940-09-01, A By-Law to Amend Schedule "B" and Schedule "C" of Recreational and/or Sports Facilities Fees and Recreational and/or Sports Program Fees By-Law, 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.

His Worship Mayor Carr noted that Item # (C) of Unfinished Business: A reading in its entirety of Building By-Law, By-Law # 151-09, and Item # (D) of Unfinished Business: third reading by title and enactment of Building By-Law, By-Law # 151-09, will stay on the Council agenda until the Council receives the report on the review and comments of the by-law from the Planning Advisory Committee.

Town of Sussex

Page 11/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

It was moved by Councillor Fulton, seconded by Councillor Stuart, that Council have a reading in its entirety of the Reserve Fund By-Law, By-Law # 954-09. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Stuart, seconded by Councillor Fulton, that Council have third reading by title of By-Law # 954-09, Reserve Fund By-Law. 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 Campbell, seconded by Councillor Fulton, that Council have a reading in its entirety of By-Law # 203-09, Composition of Council By-Law. Motion carried. The Town Clerk then read the by-law in its entirety.

It was moved by Councillor Stuart, seconded by Councillor Fulton, that Council have third reading by title of By-Law # 203-09, Composition of Council By-Law. 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 Stuart, seconded by Councillor Fulton, that Council have a reading in its entirety of By-Law # 855-09, Planning Advisory Committee By-Law. Motion carried. The Town Clerk then read the by-law in its entirety.

Town of Sussex

Page 12/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

It was moved by Deputy Mayor Thorne, seconded by Councillor Stuart, that Council have third reading by title of By-Law # 855-09, Planning Advisory Committee By-Law. 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 Bradley, seconded by Councillor Campbell, that the report of the Human Services Committee Meeting dated February 9, 2009, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Campbell, that Council approve the purchase of the photocopier for the Recreation Department from Office Interiors for \$2,486.00. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Campbell, that Council approve the purchase of 110 folding chairs from Canadian Tire for \$2,484.90 and two chair dollies from Ven-Rez Products for \$482.45 for the Recreation Department. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve that St. Paul's Scouts be given permission to hold a bonfire in Princess Louise Park on the evening of Tuesday, February 17, 2009. Motion carried.

It was moved by Councillor Bradley, seconded by Deputy Mayor Thorne, that Council appoint Patricia Stout to the Sussex Regional Library Board for a term expiring in June, 2011. Motion carried.

Town of Sussex

Page 13/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

It was moved by Councillor Stuart, seconded by Councillor Fulton, that the report of the Economic Development and Long Range Planning Committee Meeting dated February 9, 2009, be received as circulated. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Stuart, that the report of the Works Committee Meeting dated February 10, 2009, be received as circulated. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Stuart, that Council approve an expenditure not to exceed \$7,721.00 for replacement of the fuel tanks at the Jonah Court well house by Petro Service. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Stuart, that Council approve an expenditure of \$6,000.00 to Gemtec for the 2009 monitoring costs for the former Sussex landfill site. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Fulton, that Council approve the purchase of a snow blower and attachments for an expenditure not to exceed \$2,000.00, subject to the Purchasing Procedure. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Fulton, that Council approve an expenditure of \$4,294.00 for Young's Body Shop Ltd. to paint the boxes of four of the Town's one ton trucks. Motion carried.

Town of Sussex

Page 14/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

It was moved by Councillor Campbell, seconded by Councillor Fulton, that Council adopt the following updated policies as circulated: WD # 4, WD # 8, WD # 9, WD # 11, WD # 13 and WD # 14. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Campbell, that the report of the Protective Services Committee Meeting dated February 11, 2009, be received as circulated. Motion carried.

It was moved by Deputy Mayor Thorne, seconded by Councillor Campbell, that Council accept the resignation of David Fanjoy, firefighter, as of February 14, 2009. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that the report of the Administration Committee Meeting, dated February 12, 2009, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve the 2009 amendment to Schedule "A" of the Animal Control Agreement. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Fulton, that Council approve the release of the water line easement crossing Town of Sussex property having PID # 54965 and that Council authorize the Mayor and Town Clerk/Treasurer to sign the easement release documents on behalf of the Town. Motion carried.

Town of Sussex

Page 15/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve an easement discharging, releasing and surrendering the Town's easement across the Foster and Elaine Eisan property having PID # 265090 and that the Council authorize the Mayor and Town Clerk/Treasurer to sign the easement release document on behalf of the Town. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve that the Town submit an application to the Federal Youth Employment Strategies Program and that Council authorize the Town Clerk/Treasurer, the Chief Administrative Officer, and the Mayor to sign documents pertaining to this application. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Fulton, that Council purchase a portion of lot 2009-02 for an addition to Creek Lane right-of-way from Allan Anger for an amount of \$1,921.00 including HST. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Fulton, that Council purchase a portion of lot 2009-01 for an addition to Creek Lane right-of-way from the heirs of Phyllis Roberta McKay, Thane Willard McKay, Maureen Phyllis McMackin, Enid M. J. Bettle, D. Ruth Nelson, Dawnella Smith and Bertha Corbett for an amount of \$1,130.00 including HST. Motion carried.

Town of Sussex

Page 16/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

It was moved by Councillor Bradley, seconded by Councillor Fulton, that Council approve the subdivision plan Allan Anger and Phyllis Roberta McKay, Thane Willard McKay, Maureen Phyllis McMackin, Enid M. J. Bettle, D. Ruth Nelson, Dawnella Smith and Bertha Corbett Subdivision 2009-1, dated February 3, 2009, and that the Council authorize the Town Clerk/Treasurer to sign the aforesaid mentioned subdivision plan on behalf of the Town of Sussex. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Fulton:

- ◆ **WHEREAS** the Town of Sussex had acquired a Municipal Easement across a portion of the Amy Freeze property with PID # 30207070 to include a sanitary sewermain and a watermain; and
- ◆ **WHEREAS** the above noted Municipal Easement was duly registered in the Hampton Land Titles Office by Instrument # 140680 573; and
- ◆ **WHEREAS** this easement did not appear on the original Amending Subdivision Plan prepared by George Paulin of Valley Surveys of Sussex and subsequent Amending Subdivision Plan prepared by Hughes Surveys and Consultants Inc. of Saint John; and

Town of Sussex

Page 17/19

Minutes of Meeting of Council held this
16th day of February, 2009

A.D.,

- ◆ **WHEREAS** the Town of Sussex had contracted Hughes Surveys to prepare a Subdivision Plan to amend the previous Subdivision Plan of the Amy Freeze property to reflect the boundaries of the Municipal Easement; and
- ◆ **WHEREAS** this 2009 Subdivision Plan Amendment dated January 13, 2009, has been prepared and duly signed by the owner, Amy Freeze; and
- ◆ **WHEREAS** a recommendation from the Sussex Planning Advisory Committee has been received by the Mayor and Council to accept the easement; and
- ◆ **THAT** Council accept this easement on behalf of the Town of Sussex and authorize the Town Clerk/Treasurer to sign the amending subdivision plan on behalf of the Town.

Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council delete the following policy Sick Leave Provision Procedure, Policy # P-3. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve that Paul Maguire, Town Clerk/Treasurer attend the Association of Municipal Administrators Conference in Dieppe from June 17-19, 2009. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Stuart, that Council approve, for payment, accounts for the month of January, 2009, totaling \$441,548.35. Motion carried.

Town of Sussex

Page 18/19

Minutes of Meeting of Council held this

16th day of February, 2009

A.D.,

Deputy Mayor Thorne, Chairman of the Kings County Solid Waste Commission, informed Council that they along with the Westmorland Solid Waste Commission hosted a delegation from Newfoundland as they were looking to build similar facilities as are used in this region and that the representatives from Newfoundland were impressed with the operations of the different waste facilities.

Councillor Campbell commented on the contribution of the Potash Corporation of Saskatchewan to the proposed indoor pool facility for the Sussex region with a contribution amount of \$1,000,000.00 towards the project. The Council thanked the Potash Corporation of Saskatchewan for their continuing contribution to the economic and social environment of the Sussex region.

Councillor Campbell also noted that he was saddened to hear that the M.L.A. for Saint John, Roly MacIntyre, had recently been admitted to the hospital.

Councillor Fulton noted that the Protective Services Committee had discussed with the Corporal in charge of the R.C.M.P., for the Town of Sussex, the recent discharging of a taser in the Town. The R.C.M.P. Corporal satisfied the Council that the taser was used within the protocols of the R.C.M.P. for using such a weapon.

Town of Sussex

Minutes of Meeting of Council held this
16th day of February, 2009


A.D.,

His Worship Mayor Carr informed Council that he recently attended the opening of the new Social Development housing on Church Avenue and that the facility was a very pleasant and modern facility and that the Mayor was very pleased to see this type of this housing being provided in the Town.

His Worship Mayor Carr noted that the next regularly scheduled meeting of Council will be March 16, 2009.

It was moved by Councillor Stuart, seconded by Councillor Campbell, that this regular meeting of the Town Council of the Town of Sussex adjourn. Motion carried.


.....
MAYOR


.....
TOWN CLERK