

# Town of Sussex

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Minutes of Meeting of Council held this

15th day of March 2010

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 15<sup>th</sup> day of March, 2010, at 7:00 o'clock in the evening.

The following members of the Council were present; Deputy Mayor Thorne, Councillors Campbell, Bradley, Wilson, Fulton and Wright. His Worship Mayor Carr was 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 Fulton, seconded by Councillor Wilson, 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 Fulton, seconded by Councillor Wilson, that the minutes of the regular meeting of the Town Council of the Town of Sussex held on February 15<sup>th</sup>, 2010 be approved as circulated. Motion carried.

It was moved by Councillor Wright, seconded by Councillor Wilson that the minutes of the special meeting of the Town Council of the Town of Sussex held on February 25<sup>th</sup>, 2010 be approved as circulated. Motion carried.

It was moved by Councillor Campbell, seconded by Councillor Wright that the minutes of the special meeting of the Town

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Council of the Town of Sussex held on March 8<sup>th</sup>, 2010 be approved as circulated. Motion carried.

The Council received correspondence from the Honourable Graydon Nicholas, Lieutenant Governor of the Province of New Brunswick encouraging the Council to advise the members of the community about the existence of the Order of New Brunswick and to submit nominations for individuals who may qualify for this important honor.

It was moved by Councillor Wilson, seconded by Councillor Fulton that the letter from the Honourable Graydon Nicholas be filed. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley that the Fire Report for the month of February, 2010, be received as circulated. Motion carried. During the month the Fire Department responded to a total of twelve (12) calls with four (4) calls originating within the Town of Sussex and eight (8) out of town calls.

It was moved by Councillor Campbell, seconded by Councillor Bradley, that the Building Inspector's Report for the month of February, 2010, be received as circulated. Motion carried. The report indicated that during the month the Building Inspector issued ten (10) permits for renovations, repairs, alterations and additions for a value of \$131,600.00.

It was moved by Councillor Wilson, seconded by Councillor Bradley that the Development Officer's Report for the month of

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February, 2010 be received as circulated. Motion carried. During the month, the Development Officer approved four (4) Building Location Surveys and one (1) Tentative Subdivision Plan.

It was moved by Councillor Bradley, seconded by Councillor Wilson that the minutes of the Planning Advisory Committee Meeting dated February 24<sup>th</sup>, 2010 be received as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Fulton that the minutes of the Planning Advisory Committee Meeting dated March 10<sup>th</sup>, 2010 be received as circulated. Motion carried.

Councillor Fulton vacated the Council chambers for items 11 (A), (B), (C) and (D) relating to the Municipal Plan By-Law Amendment By-Law #704-04-12 and the Zoning By-Law Amendment By-Law #1350-04-24 since Councillor Fulton was not present at the Hearing of Objections to these by-laws.

It was moved by Councillor Wilson, seconded by Councillor Bradley that Council have a Reading in it's Entirety of the Municipal Plan By-Law Amendment By-Law #704-04-12. Motion carried. The Town Clerk then read the By-Law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Wright that Council have a Third Reading by Title of the Municipal Plan By-Law Amendment By-Law #704-04-12. Motion carried. The Town Clerk then read the By-Law for the Third Time by Title and the Deputy Mayor declared the by-law duly enacted.

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It was moved by Councillor Wilson, seconded by Councillor Bradley that Council have a Reading in its Entirety of Zoning By-Law Amendment By-Law #1350-04-24. Motion carried. The Town Clerk then read the By-Law in its entirety.

It was moved by Councillor Wilson, seconded by Councillor Campbell that Council have a Third Reading by Title of the Zoning By-Law Amendment By-Law #1350-04-24. Motion carried. The Town Clerk then read the By-Law for the third time by title and the Deputy Mayor declared the by-law duly enacted.

Councillor Fulton returned to the Council Chambers.

It was moved by Councillor Wilson, seconded by Councillor Bradley that Council have a First Reading by Title of A By-law Respecting Dangerous or Unsightly Premises Within the Town of Sussex, By-Law#1100-10. Motion carried. The Town Clerk then read the By-Law for the first time by title.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council have a Second Reading by Title of A By-law Respecting Dangerous or Unsightly Premises Within the Town of Sussex, By-Law#1100-10. Motion carried. The Town Clerk then read the By-Law for the second time by title.

It was moved by Councillor Bradley, seconded by Councillor Wilson that the report of the Human Services Committee Meeting dated March 8<sup>th</sup>, 2010, be received as circulated. Motion carried.

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It was moved by Councillor Bradley, seconded by Councillor Wilson that Council approve that Harold Ross and Chris Carr attend an ice training seminar at the Maritime Arena Operators Institute at the CARI Centre in Charlottetown, PEI from June 14th-17th, 2010. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council accept the tender bid in the amount of \$207,431.00 from Erb's Enterprise for Contract 50-001-10 – 8th Hussars Sports Center Dasher Boards and Glass and that the Mayor and Town Clerk be authorized to sign the contractual documents for this contract on behalf of the Town. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council accept the tender bid in the amount of \$76,500.00 from New Wave Electric Co. Ltd. for Contract 50-002-10 – 8th Hussars Sports Center Lighting System Replacement and that the Mayor and Town Clerk be authorized to sign the contractual documents for this contract on behalf of the Town. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council accept the request for proposal quotation from Fundy Fencing Ltd. for playground equipment for RFP-01-10 for an amount of \$48,285.94. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council accept the quotation bid from Osburn's Bloomin'

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Baskets for Quotation T-01-10 for 86 flower baskets for an amount of \$9,946.83. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Wilson that Council approve the purchase of cleaning supplies from Swish Chemicals Ltd. for Quotation T-02-10. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Campbell that Council accept the quotation for Pool Chemicals - Quotation T-03-10 from Emmerson Pools. Motion carried.

Councillor Wilson declared a conflict of interest on the next item on the agenda and vacated the Council Chambers for any discussion and decision on the item.

It was moved by Councillor Bradley, seconded by Councillor Campbell that Council accept the quotation bid of items 1 through 8 from Kent Building Supplies for Quotation T-04-10 – Paint and items 9 and 10 from Moffett's Hardware. Motion carried.

Councillor Wilson returned to the Council Chambers from his conflict of interest.

It was moved by Councillor Bradley, seconded by Councillor Campbell that Council accept the quotation bid from Atlantic Gym & Sports Ltd. for Quotation T-06-10 – Ballfield Equipment in the amount of \$1,697.68. Motion carried.

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It was moved by Councillor Campbell, seconded by Councillor Wilson that the report of the Works Committee Meeting dated March 9<sup>th</sup>, 2010, be received as circulated. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Wilson that Council approve that Darrell Butcher and Stephen Hayward attend a Water Distribution Level II Operator Training Course to be held in Grand Falls, NB between March 29<sup>th</sup> and April 1<sup>st</sup>, 2010. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Wilson that Council accept the quotation from Plaggenborg's Ltd. for vacuum truck and for flusher truck services for a two year period for Quotation T-08-10 and that Council accept the quotation from Bart Plaggenborg Ltd. for a combination unit truck services for a two year period. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Bradley that Council accept the quotation from Bart Plaggenborg Ltd. for sanitary and storm sewer cleaning for Quotation T-09-10. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Wright that Council accept the quotation from E. J. Cunningham Ltd. for gravel for Quotation T-05-10. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Bradley that Council accept the quotation from E. J. Cunningham Ltd. for equipment rental for Quotation T-07-10. Motion Carried.

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It was moved by Councillor Campbell and seconded by Councillor Wright that Council engage Design Electric Inc. for the annual maintenance of all traffic light systems. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Wright that Council approve an expenditure of \$1,500.00 for an upgrade to the traffic lights at the intersection of Highway 121 and Lower Cove Road. Motion carried.

It was moved by Councillor Campbell and seconded by Councillor Wilson that Council approve that the Building Inspector attend the 34<sup>th</sup> annual NBBOA Conference and Training Course in Fredericton from April 13<sup>th</sup> to 16<sup>th</sup>, 2010. Motion carried.

It was moved by Councillor Wright and seconded by Councillor Wilson that the report of the Protective Services Committee Meeting dated March 10<sup>th</sup>, 2010, be received as circulated. Motion carried.

It was moved by Councillor Wright, seconded by Councillor Bradley that Council approve the Schedule "A" Amendment to the Animal Control Agreement dated March 19<sup>th</sup>, 2010. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Campbell that the report of the Administration Committee Meeting dated March 11<sup>th</sup>, 2010, be received as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley that Council accept the 2009 Turnbull and Kindred Professional Corporation Letter of Engagement and that Council authorize the Town



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Clerk and Deputy Mayor to sign the aforesaid mentioned Letter of Engagement on behalf of the Council. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright that Council resolve that the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of Sussex debenture in the amount of \$783,000.00 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Sussex agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture. Motion carried.

The Chairman of the Administration Committee informed the Council that the Town's External Auditor, Andrew Turnbull of Turnbull and Kindred Professional Corporation presented the 2009 External Audit of the General Fund and Utility Fund Budgets to the Administration Committee. The Auditor's Report informed the Committee that:

- the General Fund Budget had revenue of \$5,702,125 and an expenditure of \$5,701,289 which resulted in a surplus of \$839.00;
- the Utility Fund Budget had revenue of \$2,016,852 and expenditures of \$2,015,767 which resulted in a surplus of \$1,085;

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- the 2009 General Fund capital expenditures amounted to \$2,057,033;
- the debenture requirements for this General Fund for 2009 projects amounted to \$541,000;
- the 2009 Utility Fund capital expenditures amounted to \$1,620,176; and
- the debenture requirements for the Utility Fund budget for 2009 projects amounts to \$242,000.

It was moved by Councillor Wilson, seconded by Councillor Fulton that Council accept the Kindred Professional Corporation External Auditors Report for the 2009 General and Utility Fund budgets and that Council authorize the Deputy Mayor and Town Clerk/Treasurer to sign the 2009 Auditors Report on behalf of the Council. Motion carried

It was moved by Councillor Wilson, seconded by Councillor Bradley that Council approve the following student rates, classification and proposed 2010 rate/hour:

CLASSIFICATION	2010 RATE/HOUR
Administrative Assistant	\$11.75
Engineering Assistant	\$12.00
Pool Supervisor (First Aid/CPR/Bronze Cross) (with Lifesaving Instructor , Water Safety Instructor and National Lifeguard Service)	\$11.00
Lifeguard Instructors (First Aid/CPR/Bronze Cross)	\$10.00
-with National Lifeguard Service	\$10.25
-with Water Safety Instructor	\$10.50

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-with National Lifeguard Service and Water Safety Instructor	\$10.75
Day Camp Supervisor	\$10.25
Day Camp Monitor	\$9.25
Tourism Center Director	\$9.50
Tourism Assistant	\$9.00
Parks Maintenance	\$9.00
Works Maintenance	\$8.75

Motion carried.

It was moved by Councillor Wilson and seconded by Councillor Bradley that Council approve the Amended Non Smoking Policy C-28.

Motion carried.

It was moved by Councillor Wilson and seconded by Councillor Campbell that Council approve the following parade route for the Ladies Auxiliary of the Royal Canadian Legion for Thursday, May 27<sup>th</sup>, 2010 commencing at 7:00pm:

- “Commencing at the Post Office on Maple Avenue;
- thence along Maple Avenue to Main Street;
- thence along Broad Street from Main Street to the Cenotaph on Broad Street;
- thence from the Cenotaph on Broad Street to Main Street;
- thence along Main Street from Broad Street to Abundant Life Church;
- thence ending in the parking lot of Abundant Life Church.”

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Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley that Council approve for payment accounts for the month of February, 2010 totaling \$576,206.72. Motion carried.

Deputy Mayor Thorne addressed Council on the recent discussions and statements made by the Premier and the Minister of Finance regarding property tax rates in Municipalities. The Deputy Mayor noted that the comments were unfair to Municipalities and that the Municipalities have followed the requirements of the accounting mechanism that was set out by the Province in setting the Municipal Tax Rate and the procedures to follow if the Municipal Tax Rate was higher than the rate in the accountability formula provided by the Province. The Deputy Mayor reviewed with the Council the mechanism that was developed by the Province and noted that the CPI rate provided of 0.6% is unrealistic and unfair to the Municipalities and noted that the rate was a national rate and not a New Brunswick rate. Also, the CPI rate provided by Statistics Canada included such items as household goods and food that Municipalities rarely purchase and that a truer CPI rate should be developed for New Brunswick Municipalities that takes into consideration goods and services that Municipalities purchase such as RCMP services, Worker's Compensation premiums for Firefighters, increased costs for asphalt and pavement and energy costs. The Deputy Mayor noted that the value of new construction plays a key role in the formula and that faster growing Municipalities receive increased

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benefits over Municipalities who are not experiencing growth. The Deputy Mayor offered an alternative to using an unfair CPI rate or to developing a CPI rate specific to Municipalities. The Deputy Mayor suggested that the Province may want to look at no longer providing the Municipalities with an unconditional grant, but instead allowing Municipalities to receive the full value of property tax assessed in the Municipality including the non-residential and commercial rates of \$1.50 and \$2.25 that are presently collected by the Province and not returned to the Municipalities.

Other members of Council expressed their frustration in the ongoing debate and comments by the Province on the tax rate and assessment rate and noted that the Town Council and Administration has put a lot of time and effort in developing a fair and equitable tax rate in order to provide services to the residents of the Municipality.

The Council members also noted that if the accountability mechanism is forced on the Municipalities to use the tax rate as calculated by the Province then the province will in the long run end up crippling the Municipalities ability to provide services that are required and wanted by its citizens and that there will be a decline and decay of the Municipalities infrastructure.

The Deputy Mayor noted that the next regularly scheduled meeting of Council will be April 19<sup>th</sup>, 2010.

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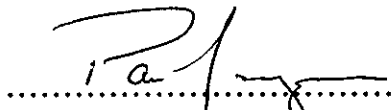
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It was moved by Councillor Wright, seconded by Councillor Wilson, that this regular meeting of the Town Council of the Town of Sussex adjourn. Motion carried.

  
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DEPUTY MAYOR THORNE

  
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TOWN CLERK