

THE EVENING TIMES AND STAR, ST. JOHN, N. B., THURSDAY, DECEMBER 21, 1922

CIVIC COMMISSION ASKS FOR RULING ON ITS POWERS

Decision That if it Could not be Entrusted With Work, Commission Might Well be Disbanded.

At a meeting of the Civic Power Commission last evening a resolution was passed which it is hoped will settle the question of whether or not the commission is independent. The great majority of those present said they considered that if they could not be entrusted by the Common Council with the distribution of the power the commission might well be disbanded and a civil department appointed for the work.

Transformer Recommendation.

After the adoption of the minutes of the previous sessions of the commission, Mr. Rowan brought up the matter of transformers. The chairman said he had received no official communication from the Common Council respecting the telegram from the Percival Company. Mayor Fisher produced the copy of the telegram and this was read to the meeting.

Following this, Mr. Rowan moved that, as the Percival Company was the lowest tenderer, their bid be accepted, subject to the approval of the city electrician and Mr. Kribs. This was not seconded.

The chairman read two communications from the Percival Company respecting their bid. The first one, dated December 19, stated that their price for the three transformers would be \$20,225 f.o.b. St. John. The second, dated yesterday, increased this price by nearly \$1,000, owing to an advance of five per cent. in copper prices. The new price would be \$22,200 for the three transformers. Some changes in the specifications were suggested. These were approved by the engineers, the latter said.

Later Mayor Fisher moved the following motion, embodying a report to the Council, which carried:

The Power Commission of the City of St. John begs to report that it is ready to make a selection of transformers for the sub-station from those which have been tendered for and respectfully asks the Council for approval of a \$79,200 estimate for the erection of the sub-station and its equipment, and also authorize the commission to provide the said station and equipment.

Powers Discussed.

Major McAvity, in opening the discussion of the sections of the resolution he had framed, explained that it was essential that the powers of the commission be clearly defined at once. He believed the resolution would serve the purpose of bringing to a head the question whether the commission would be able to function as contemplated. He moved, and Mr. McMullin seconded, that the resolution be considered section by section. This carried, and after a discussion lasting nearly one hour and a half, the following resolution was adopted, Messrs. Lewis and

Rowan voting "nay," although Mr. Lewis had voted for all the sections: The Resolution.

(1) Whereas, the electors of the city of St. John in three successive elections, expressed at the polls their determination that the Mayor and Common Council of the city of St. John should set up an independent commission for the purpose of erecting, constructing and operating works for the transmission and distribution of electrical power and energy in the city of St. John, and of controlling and managing same.

(2) And whereas, by section 28 of The New Brunswick Electric Power Act 1920, it is provided that a municipality having a contract under that Act may entrust the construction of the works and the control and management of the same to a commission.

(3) And whereas, a commission has been appointed by the Mayor and Common Council of the city of St. John, but with a limitation not provided for in the said Act, nor contemplated by the electors, namely, that such commission should proceed only so far as may be authorized by the Common Council from time to time.

(4) And whereas, the effect of sections 9 and 10 of the resolution of the Common Council, bearing date the 8th day of December, 1922, by which resolution said commission is appointed, provided, not that such commission shall be entrusted with the construction of the works and the control and management of the same, but only that it shall prepare plans and specifications for a distribution system and report to the Common Council as soon as possible what arrangements should be

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(4) And whereas, the effect of sections 9 and 10 of the resolution of the Common Council, bearing date the 8th day of December, 1922, by which resolution said commission is appointed, provided, not that such commission shall be entrusted with the construction of the works and the control and management of the same, but only that it shall prepare plans and specifications for a distribution system and report to the Common Council as soon as possible what arrangements should be

made for the construction and equipment of a distribution system, and that all tenders called for by said commission for construction work or equipment be received by the common clerk, and be opened at the first meeting of the council either meeting as the council or in committee, the object being to make the tenders public before being acted upon.

(5) And whereas, this commission has found that it cannot incur expenditures for materials necessary to the construction of the said works without the express approval of the Mayor and Common Council, which may well result in inconvenience, delay and loss of money.

(6) And whereas, it has accordingly been found impossible promptly to proceed with the construction of the said works.

(7) And whereas, in order that the prompt construction of the said works, which is most desirable in the interests of the city of St. John, may be accomplished, which can only be by proper co-operation between the Mayor and Common Council and this commission, and with authority to this commission to incur expenditures necessary for the construction of the said works and for the control and management of the same as necessity may arise, subject, however, to the audit of the city comptroller.

It is resolved, that the Mayor and Common Council be requested to authorize this commission to proceed with the construction and equipment of a sub-station at an estimated cost of \$79,200 and that further requirement for the completion of a system at an estimated cost of \$600,000, shall be similarly met, as need arises; and that in the event that the Common Council cannot agree to so empower this commission, they shall be requested to arrange for taking a plebiscite, with a view to ascertaining the decision of the electors on the question whether the distribution system shall be administered by an independent commission or by a department of the city government.

Before proceeding with the discussion of the resolution, Mr. Rowan expressed the opinion that the resolution would put the commission out of action. He believed that the best way to get at the matter would be to draft a resolution setting forth just what the commission desired from the Common Council in the way of powers.

The chairman replied that the situation was critical and that something drastic should be done. However, if the members of the commission were agreeable, he would follow Mr. Rowan's suggestion.

No opinions being expressed, the first section was read and adopted, on motion of Messrs. Phillips and McMullin. The second section also was adopted, Mr. Flood moving and Mr. McMullin seconding.

The third section was given a temporary halt and was not considered until the last section had been adopted. As it was merely a recital of facts, it carried, Mr. Flood moving and Mr. McMullin seconding.

Mayor Moves Amendment.

Section 4, which refers to Section 9 of the resolutions from the Common Council, setting up the Power Commission, was moved for adoption by Mr. McMullin, seconded by Mr. Phillips. Mayor Fisher moved an amendment that the portions referring to Sections 9 and 10 of the Common Council resolutions be considered separately. Mr. Flood seconded.

Major McAvity declared at this juncture, in reply to Mr. Rowan, that the Commission should get away from City Hall methods and policies and get down to business methods and soil-

des. Otherwise, he advised that the Council take over the entire operation and manage affairs through one department of City Hall.

Mr. Flood remarked that Mayor Fisher was on the Power Commission to safeguard the City Hall interests, yet it appeared that the Common Council wished to retain complete control. He thought there was room for compromise on this point.

The chairman asked "Why?" If the Council had no confidence in the commission, it should disband and allow City Hall to run matters entirely. "A stand must be taken, one way or the other," he declared.

Mr. Flood: "If we do take that stand and are forced to recede from it, what then?"

The chairman: "Then it goes to the people."

Mayor Fisher, speaking in support of his amendment, said that he felt strongly that the Common Council looked on Section 10 as a good business method. The Council would want this retained, he thought. He declared that the commission should concede this point.

The chairman said that the Council wanted to open the tenders, pass them to the commission for report, hand them back with a recommendation, and then suit themselves.

Mr. Rowan declared that not one of the Council members would vote a bond issue on that \$79,200 estimate. He charged that the commission had not taken the Council into its confidence.

Mr. Flood replied that the commission was not asking for a bond issue.

It asked for authority to proceed on the estimate. The bond issue would be voted from time to time.

The chairman declared he was getting tired playing office boy for the Common Council. Valuable time was being wasted, he maintained.

The amendment was put and lost. Messrs. Flood, Fisher and Rowan supported it. The chairman, Messrs. Phillips, McMullin and Lewis were against it.

Section 5 next was considered. Mayor Fisher thought it was not necessary. Mr. Phillips explained that it was merely a recital of facts. If the facts were not correct, he suggested they be made correct.

Mr. Rowan interjected that a Power Commission never could be independent. The Common Council members were responsible to the people.

Mr. Lewis remarked that while he favored the resolution, there was a good deal of truth in Mr. Rowan's objections.

Mr. Phillips pointed out in connection with the bond issue for the civic distribution system that three of the commissioners had pledged themselves to an expenditure of \$600,000 last spring. An amount of but \$600,000 was being put forward now.

Mayor Fisher, explaining his stand in the matter, said he was in full sympathy with the object aimed at by the resolution. He questioned the wisdom of going about it in the way proposed.

Mr. Lewis suggested taking things easy at first.

Mr. Rowan thought matters would straighten out themselves.

The section was put and carried. Messrs. Fisher, Flood and Rowan voting "Nay."

Section 6 carried. Mr. McMullin moving and Mr. Phillips seconding. Mayor Fisher and Mr. Rowan voted "Nay."

Section 7 carried without discussion. Major McAvity moving and Mr. McMullin seconding.

This finished the preamble of the resolution to the request.

Mayor Fisher moved that the words down to and including, "at an estimated cost of \$79,200" be adopted. Mr. McMullin seconded and this carried.

Mr. Rowan remarked that the commission had never presented plans and specifications regarding a distribution system, as requested, to the Common Council.

Mayor Fisher replied that there had been no opportunity for doing this. The commission had presented the matter of the sub-station which was part of the distribution system. The Mayor added that the Common Council would have to vote the bond issue for the distribution system. If it did not, the responsibility would rest with them.

This portion carried.

The second portion regarding the \$600,000 estimate of the distribution system, which included the sub-station cost, was adopted on motion of the chairman, seconded by Mr. McMullin.

The last portion regarding the plebiscite was moved for adoption by the chairman, seconded by Mr. Flood. This carried, only Mr. Rowan voting against it.

The chairman then moved that the report be adopted. Mr. Phillips seconded this and it carried. Mr. Lewis and Mr. Rowan voting against.

Mr. Lewis, explaining his stand, declared he was in full sympathy with the points of the resolution but he thought the commission could secure what it wanted by going easy. He was opposed to placing the resolution before the council immediately.

Mayor Fisher then moved that the chairman be instructed to request permission from the Common Council to present this resolution. This carried.

Major McAvity said he would do this at this morning's council meeting. Mayor Fisher added that the whole matter could be discussed at a meeting this afternoon, at 3 o'clock, between the Council and the Commission.

Mr. Rowan was asked by the chairman if he would be present. He replied that he would not be present as he did not consider it necessary.

HOBBS COVERS BACK DOOR ROUTE IN HIS MOTOR

New London, Conn., Dec. 21.—A woman who lives on Quaker Lane, New Hartford, opened her back door in answer to a ring and found on the doorstep a bedraggled male specimen of humanity who asked her for some scraps of food. She said "No."

"Maybe an old suit of your husband's clothes," suggested the caller, shivering suggestively in his ragged, thin, lady or a few pennies, to help a starving man?"

Still the answer was "No!" Without visible anger, the hobo tipped his hat, walked down the garden path, climbed into his touring car, stepped on the "gas" and drove sadly away.

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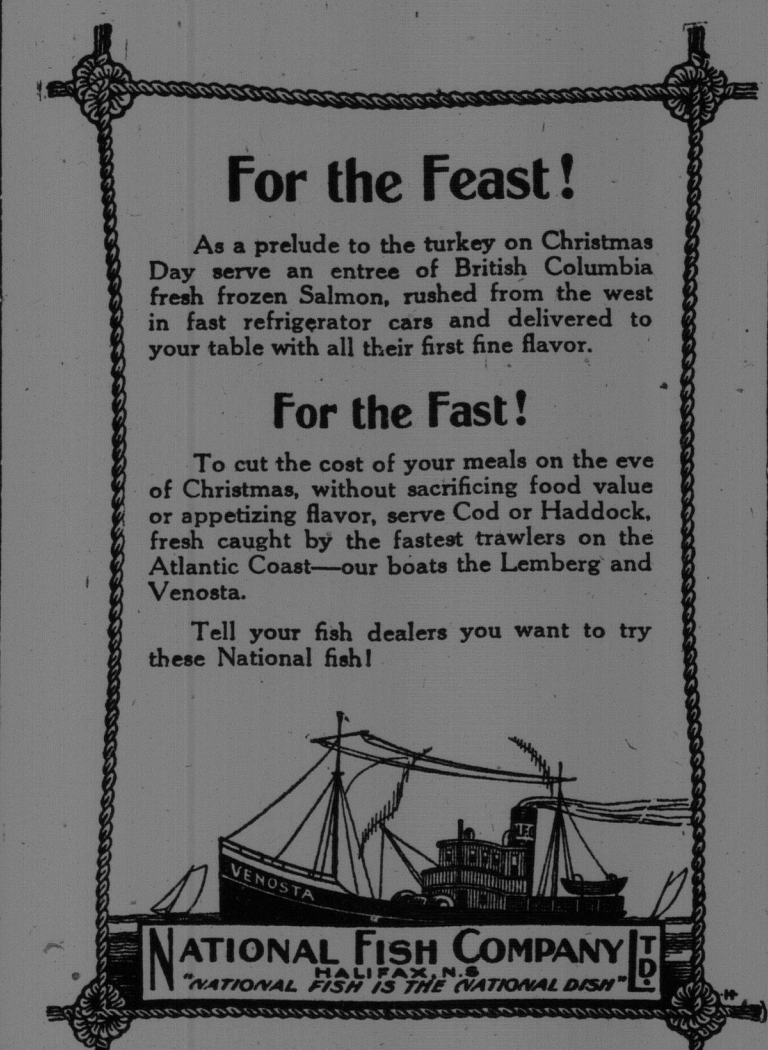
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