

**TOWN OF SAINT ANDREWS**  
**Regular Council Meeting**  
**Minutes**  
**August 12, 2013**

A Regular meeting of Town Council was held in the Council Chambers beginning at 7:00 p.m. with the following members present: Mayor Stan Choptiany, Deputy Mayor Catherine Akagi, Councillors Lee Sochasky, Alan Golding, Edie Bishop and Doug Naish. Also present were Staff Members: Tim Henderson, CAO/Clerk, Chris Spear, Treasurer and Christina Hartford, Administrative Assistant.

Absent: Councillor Melanie Wood

**DISCLOSURE OF CONFLICT OF INTEREST IF ANY**

Councillor Alan Golding declared a conflict of interest regarding a land issue.

**PRESENTATIONS**

**MINUTES**

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried to adopt the minutes of the Regular Meeting of Council of July 8, 2013.

**STAFF REPORTS**

It was moved by Councillor Golding, seconded by Deputy Mayor Akagi and carried to accept the Staff Reports as presented.

**COMMUNICATIONS**

**COMMITTEE REPORTS & RESOLUTIONS**

**Finance & Administration Committee**

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that the Youth Engagement Steering Committee be granted permission to use Market Square on September 21, 2013 from 4-11 p.m. subject to necessary conditions specified by the Chief Administrative Officer.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council endorse in principle, NBCC's proposal to co-host the 2015 Annual Conference of the Tourism Industry Association of New Brunswick (TIANB) and direct the CAO to work with the College to determine the extent of the Town's expected commitment.

It was moved by Councillor Naish, seconded by Councillor Bishop and carried that Council approve the Kiwanis Club of St. Andrews' request to extend the concrete pad across the rear of the kitchen shelter, subject to obtaining any necessary building permits.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that the draft Bylaw 13-05, A Bylaw Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship between Council, the Chief Administrative Officer, and the Employees of the Town, as amended be sent for first reading by Council.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council approve the draft Policy Respecting the Duties & Powers of the Development Officer/Building Inspector/Compliance Officer and the relationship between Council, the CAO, the Development Officer/Building Inspector/Compliance Officer and the employees of the Town as amended.

It was moved by Councillor Naish, seconded Councillor Sochasky that Council approve an in-kind assistance grant to organization of "Walk Cause We Care" for the use of the Visitor Information Centre and Curling Rink as necessary, subject to conditions determined by the CAO, as appropriate.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried to amend the motion to include the date and time for the event.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried that Council approve an in-kind grant to the organization of “Walk Cause We Care” for the use of the Visitor Information Centre and Curling Club Rink as necessary on Saturday, October 5, 2013 from 9a.m. to 2 p.m., subject to conditions determined by the CAO, as appropriate.

## INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried that Bylaw No. 13-01, a Bylaw to Amend Bylaw No 10-04 Being the Zoning Bylaw of the Town of Saint Andrews be read by title a second time.

It was moved by Councillor Sochasky, seconded by Councillor Golding and carried that Bylaw No 13-01, A Bylaw to Amend Bylaw No. 10-04 Being the Zoning Bylaw of the Town of Saint Andrews be read by title a third time.

**ByLAW 13-01, Amendment  
TO  
BYLAW NO 10-04 OF THE TOWN OF SAINT ANDREWS  
RESPECTING ZONING**

**BE IT ENACTED** by the Council of the Town of Saint Andrews that Zoning By-law 10-04 is hereby amended as follows:

1. Define the word “condominium” by adding immediately after the definition of “conditional use” in Section 1.1, the following:

“Condominium” means any Multiple Dwelling(s) regulated under the Condominium Property Act (Chapter C-16.05 SNB and any amendments thereto).

2. By adding immediately after Section 4.3.6 the following:

#### 4.4 MR1 (Multiple Residential) Zone

##### 4.4.1 MR1 Zone Permitted Uses

Any land, **building** or **structure** may be used for the purposes of:

- (a) One of the following **main uses**:
  - (i) a **single-family dwelling**;
  - (ii) a **semi-detached dwelling**;
  - (iii) a **two-family dwelling**;
  - (iv) **rowhouse dwellings** of three or more units, subject to section 4.1.11;
  - (v) **apartment dwellings** of three or more units, subject to sections 4.1.13 and 4.1.14;
  - (vi) a **group home**, subject to section 4.1.12;
  - (vii) a **boarding house**, subject to section 4.1.11;
  - (viii) **senior citizens’ housing**, subject to sections 4.1.13 and 4.1.14;
  - (ix) a **residential care facility**, subject to sections 4.1.13 and 4.1.14;
- (b) One of the following **secondary uses**:
  - (i) subject to Section 4.1.9, a **home based business** other than a **bed and breakfast** or **boarding house**;
- (c) Subject to 4.1.7, any **accessory building, structure** or **use** incidental to the **main use** of the land, **building** or **structure** if such **main use** is permitted in this Section.

##### 4.4.2 Converted Dwelling Units

Existing **single-family** or **two-family dwellings** within the MR Zone may be converted to provide three or more **dwelling units** provided that the **dwelling units** created by the conversion are self-contained, and the **building** and the **lot** meet all of the requirements of this By-law following the conversion.

##### 4.4.3 MR1 Zone Standards

No **development** shall be undertaken nor shall any land, **building** or **structure** be used within the MR (Multiple Residential) Zone unless the following standards are met:

<b>MR1 Lot Requirements</b>	
<i>Lot Component</i>	Requirement
Minimum Lot Area	540 m <sup>2</sup> (5,805 ft <sup>2</sup> )
Minimum Lot Frontage	24.4 m (80 ft) or 6.0 m (20 ft) per <b>dwelling unit</b> , whichever is greater
Minimum Lot Depth	30 m (100 ft)
Minimum Required Front Yard	6.0 m (20 ft)
Minimum Required Flankage Yard	4.5 m (14.8 ft)
Minimum Required Rear Yard	7.5 m (25 ft)
Minimum Required Side Yard	3.0 m (10 ft)
Minimum Required Side Yard abutting the ER or SR Zone	10 m (32.8 ft)
Maximum Height	<b>Main buildings:</b> 8.5 m (28 ft) <b>Accessory buildings:</b> 5.5 m (18 ft)
Maximum Lot Coverage	45 %

##### 4.4.4 Accessory Building Height

Notwithstanding Section 4.4.3, no **accessory building** may exceed the **height** of the **main building** on the **lot**.

**4.4.5 Use of Front Yards**

No **accessory building** or **structure**, including a **swimming pool** may be **erected** in the **front yard** of a property, and not more than twenty percent (20%) of the **front yard** area may be used for the purposes of **parking spaces, parking aisles** or **driveways**.

**4.4.6 Minimum Floor Area**

Each **dwelling unit** in an **apartment dwelling development** shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including **garages, carports, porches, verandahs, decks, breeze-ways, unenclosed balconies or stairways or enclosed stairways** common to more than one unit shall be provided as follows:

MR1 Zone Floor Area Requirements	
Type of Dwelling unit	Square Meters of Floor Area
Bachelor Apartments	32.5 m <sup>2</sup> (350 ft <sup>2</sup> )
One-bedroom apartments	42 m <sup>2</sup> (450 ft <sup>2</sup> )
Two-bedroom apartments	58 m <sup>2</sup> (625 ft <sup>2</sup> )
Apartments with three or more bedrooms	65 m <sup>2</sup> (700 ft <sup>2</sup> )

**4.5 MR2 (High Density Multiple Residential) Zone Outside Town Plat**

**4.5.1 MR2 Zone Permitted Uses**

Any land, building or structure may be used for the purposes of:

- (a) One of the following main uses:
  - (i) rowhouse dwellings of four or more units, subject to section 4.1.1;
  - (ii) apartment dwellings of four or more units, subject to sections 4.1.13 and 4.1.14;
  - (iii) senior citizen's housing, subject to sections 4.1.13 and 4.1.14;
  - (iv) a residential care facility, subject to sections 4.1.13 and 4.1.14;
  - (v) a condominium.
- (b) May also include such secondary uses within the building as:
  - (i) Medical offices or clinics;
  - (ii) Personal service shops; and/or
  - (iii) A retail store not exceeding 16 m<sup>2</sup> (172.2 ft<sup>2</sup>);
  - (iv) Amenity uses including pools, garages, gazebo, greenhouse, games and meeting room space.
  - (v) Food Service for Residents & Guests
- (c) Subject to 4.1.7, any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted in this Section.

**4.5.2 MR2 Zone Standards**

No development shall be undertaken nor shall any land, building or structure be used within the MR2 (High Density Multiple Residential) Zone unless the following standards are met:

MR2 Lot Requirements	
Lot Component	Requirement
Minimum Lot Area	6,000 m <sup>2</sup> (19,686 ft <sup>2</sup> ) or 200 m <sup>2</sup> per dwelling unit, whichever is greater
Minimum Lot Frontage	100 m (328 ft) or 2.5 m (8.2 ft) per dwelling unit, whichever is greater
Minimum Lot Depth	50 m (164 ft)
Minimum Required Front Yard	7.6 m (25 ft)
Minimum Required Flankage Yard	6.0 m (20 ft)
Minimum Required Rear Yard	9.0 m (30 ft)
Minimum Required Side Yard	7.6 m (25 ft)
Minimum Required Side or Rear Yard abutting the ER or SR Zone	15.0 m (49.2 ft)
Maximum Height	Main buildings: 11m (36 ft) Accessory buildings: 5.5 m (18 ft)
Maximum Lot Coverage	35%

**4.5.3 Accessory Building Height**

Notwithstanding Section 4.5.2, no accessory building may exceed the height of the main building on the lot.

**4.5.4 Use of Front Yards**

No accessory building or structure, including a swimming pool may be erected in the front yard of a property, and not more than twenty percent (20%) of the front yard area may be used for the purposes of parking spaces, parking aisles or driveways.

**4.5.5 Minimum Floor Area**

Each dwelling unit in an apartment dwelling development shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including garages, carports, porches, verandahs, decks, breeze-ways, unenclosed balconies or stairways or enclosed stairways common to more than one unit shall be provided as follows:

MR2 Zone Floor Area Requirements	
Type of Dwelling Unit	Square Meters of Floor Area
Bachelor Apartments	32.5 m <sup>2</sup> (350 ft <sup>2</sup> )
One-bedroom apartments	42 m <sup>2</sup> (450 ft <sup>2</sup> )
Two-bedroom apartments	58 m <sup>2</sup> (625 ft <sup>2</sup> )
Apartments with three or more bedrooms	65 m <sup>2</sup> (700 ft <sup>2</sup> )

Read First Time: July 8, 2013  
 Read Second Time: August 12, 2013  
 Read Third Time and Enacted: August 12, 2013

\_\_\_\_\_  
 Clerk

\_\_\_\_\_  
 Mayor

It was moved Councillor Golding, seconded by Councillor Bishop and carried that Bylaw No. 13-02, a Bylaw to Amend Bylaw No 02-8 Being the Bylaw Related to the Operation and Management of the St. Andrews Market Wharf of the Town of Saint Andrews be read by title a second time.

It was moved Councillor Sochasky, seconded by Deputy Mayor Akagi and carried that Bylaw No. 13-02, a Bylaw to Amend Bylaw No 02-8 Being the Bylaw Related to the Operation and Management of the St. Andrews Market Wharf of the Town of Saint Andrews be read by title a third and final time.

#### TOWN OF SAINT ANDREWS BY-LAW 13-02

#### A BY-LAW TO AMEND BY-LAW 02-8, BEING A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE ST. ANDREWS MARKET WHARF

##### **1.0: Authority**

1.1. The Council of the Town of Saint Andrews, under authority vested in it by *Section 11* and the First Schedule of the *Municipalities Act*, R.S.N.B., 1973, c. M-22 and amendments thereto, enacts this By-Law.

##### **2.0: Purpose**

2.1 This By-Law is intended to enable, provide and enforce the responsible management and operation of the St. Andrews Market Wharf.

##### **3.0: Interpretation**

In this by-law,

3.1 "Council" means the Town Council of the Town of Saint Andrews.

3.2 "Board" means the Board of Directors of the St. Andrews Market Wharf.

3.3 "Committee" means the Wharf Users Committee.

3.4 "Wharf User" means the owner(s) or operator(s) of a boat or vessel or other commercial motor vehicle who use the Wharf to dock, moor, or berth their boat or vessel or to load and unload freight from a commercial motor vehicle or anyone else who uses the Wharf in the course of any a commercial or recreational activity.

3.5 "Fishery/Aquaculture vessel" means a vessel that is primarily used in the course of a fishery or Aquaculture business.

3.6 "Tour Boat" means a boat that is used to carry paying passengers.

3.7 "Pleasure Boat" means a boat used solely for recreation or pleasure.

3.8 "commercial motor vehicle" means any vehicle used to move freight on or off the wharf, which is subject to wharf fees

3.9 "Business Plan" means the Wharf's current five (5) year Business Plan.

3.10 "Wharf" means the St. Andrews Market Wharf.

3.11 "Wharfinger" means the employee of the Town of Saint Andrews who manages the Wharf.

##### **4.0: Scope**

This by-law

4.1 applies to all aspects related to the management and operation of the St. Andrews Market Wharf, including the establishment and enforcement of a fee schedule for Wharf Users.

4.2 establishes the Board to provide Council with advice and recommendations regarding the management and operation of the Wharf.

4.3 recognizes the Committee may provide advice and recommendations to the Board regarding the Wharf.

4.4 applies to any rules and regulations that are established to provide for the safe, secure and efficient operation of the Wharf.

4.5 applies retroactively.

##### **5.0 Board of Directors**

###### ***Purpose***

5.1 The Board shall be responsible to advise, recommend and report to Council on all areas respecting the management and operation of the Wharf. The Board shall also provide guidance to the Wharfinger with respect to achieving the goals and objectives of the Wharf. All decisions, advice and recommendations of the Board shall be subject to the approval of Council.

###### ***Composition***

5.2 The Board of Directors of the St. Andrews Market Wharf hereinafter referred to as the "Board" shall be established and appointed by Council. All of the Board's respective successors shall be appointed by Council. All members shall serve without remuneration for their services but shall be paid travel expenses according to the Town's travel directive when authorized to travel outside the Town by the Board.

5.3 The Council shall appoint the following as members of the Board of Directors: Two(2) Wharf Users, one(1) Council member, and four (4) persons from the community at large. The Board shall consist of seven(7) members of whom one(1) shall be its Chairperson and another its Vice-chairperson. The Assistant Town Manager shall be a non-voting member of the Board and shall act as Executive Secretary to the Board. The Wharfinger shall be a non-voting member of the Board and shall report to the Board.

5.4 The Board members shall be appointed as follows: Three(3) members initially for one(1) year, after which these will become two(2) year terms, three(3) members for two(2) years and a Council member at pleasure of Council. If a board member's term expires in a given year, that term shall expire on March 31 of that year. No member shall serve for more than four(4) consecutive years but shall be eligible for reappointment to the Board after a two (2)year absence. Council may vary this provision by resolution if there are no successor members available from the community or nominated by the Committee.

5.5 If at any time a member of the Board member misses three (3) consecutive Board Meetings or is unable to fulfill his or her term, Council shall appoint a replacement. That person shall serve out the remainder of the term of the member her/she is replacing.

###### ***Procedure***

5.6 Those decisions of the Board, which are subject to approval by Council, shall be made by or under authority of resolution adopted by the majority of the votes cast at a duly convened meeting of the Board.

5.7 A majority of all Board members shall constitute a quorum.

5.8 The Chairperson or, in the Chairperson's absence, the Vice-Chairperson shall preside at all board meetings. Should the latter and former both be absent, the members in attendance shall, if a quorum exists, elect a Chairperson for that meeting only.

###### ***Duties***

- 5.9 The Board shall meet at least six(6) times per year. One(1) of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One(1) of the meetings shall be in September to prepare its proposed budget for the next fiscal year.
- 5.10 The Board shall develop and maintain the long term Business Plan for the Wharf.
- 5.11 Not later than October 1<sup>st</sup> of each year, the Board and the Finance and Administration Committee of Council shall prepare a budget for the operation of the Wharf for the next fiscal year, in consultation with the Town's administration, for review, amendment, consideration and adoption by Council.
- 5.12 The Board shall provide Council with the April annual report and a monthly report for those months during which the Board holds a meeting(s).

**6.0: Usage Fees**

- 6.1 Fees shall be assessed as per the attached Schedule "A".
- 6.2 Fees may be reviewed and adjusted by the Board. Any review or adjustment of the Fee Schedule shall take place at the annual budget meeting as referred to in s. 5.11.
- 6.3 Any Fee adjustment shall require the approval of Council by formal resolution.
- 6.4 Wharf Users from the previous year shall be notified of any adjustment to the Fee Schedule, delivered by regular mail to their last stated address.
- 6.5 The Wharfinger shall ensure that the annual Fee Schedule is posted at a prominent place on the Wharf.

**7.0: Administration of Fee Schedule**

- 7.1 The Town shall be responsible for preparing the annual Wharf User Application Forms, collect fees, administer financial penalties for late payment, mail notices, and any other administrative duty that may be required of the Town to administer the Fee Schedule or any other aspect of this By-Law.

**8.0: Enforcement**

- 8.1 The Wharfinger, as directed by the Board and approved by Council, shall enforce all rules and regulations required for the safe, secure and efficient operation of the Wharf. Any Rules and Regulations require the approval of Council and shall be in writing and posted in prominent areas of the Wharf.
- 8.2 Any Wharf User who fails to abide by the rules of the Wharf or fails to obey any verbal direction by the Wharfinger, shall be subject to the following penalty:
  - (a) First Offence, a written warning to desist from committing the particular offence;
  - (b) Second Offence, suspension of Wharf privileges for a period of one (1) to five (5) days; and
  - (c) Third Offence, indefinite suspension of Wharf privileges for an indefinite period of time, reviewable by the Board and subject to the approval of Council.

**9.0: Repeal**

- 9.1 The Town of Saint Andrews By-Law 02-08 is hereby repealed.

FIRST READING: July 8, 2013  
 SECOND READING: August 12, 2013  
 THIRD READING: August 12, 2013

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 TOWN MAYOR

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 TOWN CLERK

**SCHEDULE "A"  
 FEE SCHEDULE  
 ST. ANDREWS MARKET WHARF**

**1. FISHERY \ AQUACULTURE VESSEL**

Fees to be paid prior to June 1<sup>st</sup>.

FISHERY ANNUAL - January 01-December 31 -	\$550.00
AQUACULTURE ANNUAL - January 01-December 31 -	\$825.00

**2. TOUR BOAT**

Fees are for an entire season of dockage and shall not be prorated for a partial season. Dockage fee assessment to be paid prior to June 1<sup>st</sup>.

**ANNUAL DOCKAGE FEES - TOUR BOATS**

Overall length including appendages:	
30' and under	\$550.00
31' to 60'	\$990.00
61' and over	\$1320.00

**WHARFAGE FEES - TOUR BOATS**

Annual Tour Boats are subject to a per trip charge of \$0.50 per passenger based on Coast Guard Capacity Rating of the vessel. This charge will be invoiced monthly to the operator based on booked trips less canceled trips.

Passenger carrying vessels operating from a mooring, or transient vessels from another Port of Call or facility or occasional users who embark or disembark passengers for hire at the St. Andrews Market Wharf shall pay daily in the amount of \$2.00 per head. (Paid in one direction only).

3. **PLEASURE BOATS**

Fees to be paid prior to June 1<sup>st</sup>.

Annual fee	St. Andrews resident (tax payer)
Up to 16'	\$200.00
17' to 24'	\$165.00
25' to 36'	\$220.00
37' and over	\$275.00
Non-residents add-on to above rates	\$ 50.00

4. **GROUNDING (BEACH or CRIB)**

Daily fee	\$50.00
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5. **VISITOR WITH TOWN MOORING**

Daily fee	\$ 25.00 per Day
*covers length of vessel including all appendages	
All fees shall be paid on arrival for over-night stays	

6. **WHARF PARKING PERMITS**

<b>TENDERS</b> Daily fee	\$ 10.00
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7. **DAILY BERTHING**

Daily berthing subject to permission of Wharfinger based on available wharf space: calculated on overall length including appendages - \$2.00 per foot. Daily rate applies to 24 hour period 0800 hrs. - 0759 hrs. or part thereof.

**CONDITIONS**

- Fees for items A to D and G (if alongside wharf) include one (1) tender, use of water, power, pump out facility and grounding.
- Berthing up to three (3) hours may be provided free of charge with the permission of the Wharfinger.
- The maximum time allowed in the load/unload areas of the Wharf is thirty (30) minutes.
- Tenders less than twelve feet (12') are requested to use the finger piers if space is available.
- All fees must be paid by due dates or further use of the Wharf will be terminated until the fees are paid.
- Harmonized Sales Tax (H.S.T.) is applicable to all fees.

-In the event of special occasions (i.e. official ceremonies, July 01 celebrations, emergent or extra-ordinary circumstances), the St. Andrews Market Wharf Board (Wharfinger) reserves the right to limit and/or restrict access and certain operation as may be deemed necessary.

- Security to the Wharf will be provided as required, however, the St. Andrews Market Wharf Board assumes no liability for any items damaged, stolen or left unattended.

- In the event that a current St. Andrews Public Harbour mooring permit holder, whose fees have been paid, should lose the use of their own mooring through hardware failure or inability to locate the mooring tackle, they may receive use of a vacant municipally-owned mooring at the rate of ten dollars (\$10.00) per day for a maximum of three (3) days to allow them to locate or make repairs to their mooring hardware. If additional time is required, it shall be at the full rate.

- Grounding time limit to be allotted at the discretion of the Wharfinger.

**ALL ANNUAL FISHERY, AQUACULTURE, TOUR BOATS AND PLEASURE BOATS ARE REQUIRED TO COMPLETE AN APPLICATION FORM PRIOR TO APPROVAL OF WHARF USE.**

It was moved Councillor Golding, seconded by Deputy Mayor Akagi and carried Bylaw No. 13-03, a Bylaw to Amend Bylaw No 92-3, Being the Bylaw Related to the Operation and Management of the W.C. O'Neill Arena Complex of the Town of Saint be read by title a second time.

It was moved Councillor Golding, seconded by Councillor Naish and carried Bylaw No. 13-03, a Bylaw to Amend Bylaw No 92-3, Being the Bylaw Related to the Operation and Management of the W.C. O'Neill Arena Complex of the Town of Saint be read by title a third and final time.

**TOWN OF SAINT ANDREWS BY-LAW 13-03**

**A BY-LAW TO AMEND BY-LAW 92-3, BEING A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE W.C. O'NEILL ARENA COMPLEX**

The Council of the Town of Saint Andrews, under the authority vested in it by *Section 11* and the First Schedule of the *Municipalities Act*, Statutes of New Brunswick, enacts as follows:

**PART 1: ADMINISTRATION**

**1.0: Interpretation**

In this by-law

- 1.1 "Council" means the Town Council of the Town of Saint Andrews.
- 1.2 "Board" means the Board of Directors of the W.C. O'Neill Arena Complex
- 1.3 "Committee" means Arena Users Committee.
- 1.4 "Arena" means the W.C. O'Neill Arena Complex.

**2.0: Scope**

This By-law

- 2.1 applies to the operation of the W.C. O'Neill Arena Complex
- 2.2 establishes the Board to provide Council with advice regarding the operation of the Arena.
- 2.3 establishes the Committee to provide advice to the Board regarding the activities carried on in the Arena.

**3.0: Board of Directors**

3.1 The Board of Directors of the W.C. O'Neill Arena Complex, hereinafter referred to as the "Board", shall be established by Council to advise Council regarding the operation of the Arena in areas such as policy and operational matters, marketing and promotion, planning, effective and efficient use of the Arena, and personnel. The Board shall also provide guidance to the Arena Manager with respect to achieving the goals and objectives of the Arena as established by the Board of Directors and approved by Council.

3.2 The Board shall consist of eight(8) members of whom one shall be its Chairperson and another its Vice-Chairperson. All members of the Board and their respective successors shall be appointed by Council. All members shall serve without remuneration for their services but shall be paid travel expenses according to the Town's travel directive when authorized to travel outside the Town by the Board.

3.3 The Council shall appoint the following as members of the Board of Directors: two(2) nominees of the Arena Users Committee, one(1) Council member, and five(5) persons from the community at large. The Arena Manager shall be an ex officio, non-voting member of the Board and shall act as Executive Secretary to the Board.

3.4 The Board members shall be appointed as follows: two(2) members initially for one(1) year, after which these will become two(2) year terms, two members for two(2) years and a Council member at pleasure of Council. If a board member's term expires in a given year, that term shall expire on March 31<sup>st</sup> of that year.

No member other than a councillor shall serve for more than four(4) consecutive years but shall be eligible for re-appointment to the Board after a two(2) year absence.

3.5 If at any time a member of the Board is unable to fulfil his or her term, Council shall appoint a replacement. That person shall serve out the remainder of the term of the member he/she is replacing.

3.6 Every decision of the Board shall be made by or under authority of a resolution adopted by the majority of the votes cast at a duly convened meeting of the Board.

3.7 A majority of all board members shall constitute a quorum.

3.8 The Chairperson or, in the Chairperson's absence, the Vice-Chairperson shall preside at all Board meetings. Should the latter and former both be absent, the members in attendance shall, if a quorum exists, elect a Chairperson for that meeting only.

3.9 The Board shall meet at least six(6) times per year; one of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One of the meetings shall be in September to prepare its proposed budget for the next fiscal year.

3.10 Not later than October 1<sup>st</sup> of each year, the Board and the Finance and Administration Committee of Council shall prepare a budget for the operation of the Arena for the next fiscal year, in consultation with the Town's administration, for review, amendment, consideration and adoption by Council.

3.11 The Board shall provide Council with an annual report and a monthly report for those months during which the Board holds a meeting(s).

**4.0: Arena Users Committee**

4.1 The Board shall establish, yearly, an Arena Users Committee which shall report to the Board and shall consist of representative members of active area groups, organizations or associations, of whom one(1) shall be its Chairperson, another its Vice-Chairperson and another its Secretary. Such Chairperson, Vice-Chairperson and Secretary and all the other members of the Users Committee and their respective alternates shall be appointed annually by the organizations and associations which use the arena facilities and shall serve without remuneration for their services.

4.2 The Committee shall advise the Board regarding means to operate the Arena in an efficient and effective manner.

4.3 The Committee shall advise the Board regarding the coordination and facilitations of activities within the Arena.

**5.0: Repeal**

5.1 A By-Law Relating to the W.C. O'Neill Arena Complex of the Town of Saint Andrews adopted May 4<sup>th</sup>, 1992 and all amendments thereto are hereby repealed.

IN WITNESS THEREOF the Town of Saint Andrews has caused its corporate seal to be hereunto affixed to this by-law the 12<sup>th</sup> day of August , 2013

First Reading: July, 8, 2013  
Second Reading: August 12, 2013  
Third Reading: August 12, 2013

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**MAYOR**

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**TOWN CLERK**

It was moved Councillor Bishop, seconded by Councillor Sochasky and carried that Bylaw No. 13-04, a Bylaw to Amend *Section 8* Signage of Bylaw No 10-04, Being the Bylaw Zoning Bylaw of the Town of Saint Andrews be tabled for one month.

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried that leave be granted to introduce Bylaw No. 13-05, A Bylaw Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship between Council, The Chief Administrative Officer, and the Employees of the Town of Saint Andrews and the same now be read by title for the first time.

**Bylaw 13-05, A by-law respecting the duties and powers of the Chief Administrative Office and the and the relationship between Council, the Chief administrative Officer, and the Employees of the Town.**

Council of the Town of Saint Andrews, under the authority vested in it by the *Municipalities Act of New Brunswick*, Chapter M-22, R.S.N.B. (1973) hereby enacts as follows:

**Definitions**

- 1. "Act" means the *New Brunswick Municipalities Act*, R.S.N.B. 1973 and amendments.

**“Chief Administrative Officer (CAO)”** The Chief Administrative Officer of a city or town has such duties and powers as the council prescribes by by-law or resolution. *NB Municipalities Act* Section 75, 1966, c.20, s.76; 2003, c.27, s.28.

**“Clerk”** means the person holding the position and performing the duties of clerk as outline in the *NB Municipalities Act* Section 76 (1) (2) 1966, c.20, s.77; 2003, c.27, s.29.

76(1) The clerk of a municipality is the clerk of the council and shall

- (a) attend all meetings of council and record in a book
  - (i) the names of the members of council present at the meeting, and
  - (ii) all resolutions, decisions and proceedings of the council, without note or comment,
- (b) if required by any member of the council present, record the name and vote of every member voting on a question,
- (c) keep the books, documents and records of the council and the originals of all by-laws and resolutions,
  - (i) maintain an indexed register of certified copies of all by-laws of the municipality that shall be available for public inspection during regular office hours,
- (d) be the custodian of the corporate seal of the municipality,
  - (i) if the mayor and deputy mayor are absent or the office of mayor is vacant, call a meeting of council to select a councillor to act as presiding officer of the council,
  - (ii) sign, as required under paragraph 5(2)(b), all agreements, contracts, deeds and other documents to which the municipality is a party,
- (e) notify all members of the council of all meetings of the council, and
- (f) perform such other duties as the council assigns to him or her.

76(2) The Assistant Clerk is subject to the directions of the Clerk and, in the absence or disability of the Clerk or when there is no clerk, has all the powers and duties of the Clerk. 1966, c.20, s.77; 2003, c.27, s.29.

**“Council”** means the Mayor and Councillors of the municipality of Saint Andrews.

**“Development Officer”** means Planning Officer.

**“Directors”** means the department head of public works, the fire chief, the administrative assistant, the clerk, the treasurer, the planning officer, and any other employee deemed to hold a supervisory role.

**“Employee”** means any other person employed by the Town of Saint Andrews other than the CAO and the Directors.

**“Minister”** means the Minister of Environment and Local Government and includes anyone designated by the Minister to act on the Minister’s behalf

**“Municipality”** means a city, town or village;

**“Planning Officer”** means Development Officer;

**“Town”** means the Town of Saint Andrews, New Brunswick

**“Town Manager”** means Chief Administrative Officer. Where the term “Town Manager” exists in any By-Law, regulation or Policy of the Town of Saint Andrews, it shall be replaced with the term **“Chief Administrative officer”**.

#### **Appointment of the Chief Administrative Officer**

- 2(1) Council shall appoint a Chief Administrative Officer for the Town and the duties and powers of the Chief Administrative Officer are prescribed by the By-Law made pursuant to Section 75 of the *Act* with such additions or deletions as may be approved by a resolution of Council from time to time.
- 2(2) The Chief Administrative Officer is appointed under Subsection 74(1) of the *Act* and is employed on a full time basis.
- 2(3) Pursuant to Subsection 74(5) of the *Act*, the Chief Administrative Officer is entitled to hold office until retirement, death, resignation, or dismissal for cause by the affirmative vote of at least two thirds of the whole Council.
- 2(4) Notwithstanding Subsection (3) hereof, and Subsection 74(5) of the *Act*, the Chief Administrative Officer may be dismissed or otherwise disciplined in accordance with the terms of a written contract of employment in force between the Town and the Chief Administrative Officer.
- 2(5) Upon hiring, the Council and the Chief Administrative Officer may agree to a provision in the contract of employment to a limited duration of the term of the contract and to other provisions concerning the conditions of employment.

#### **Full Time Appointment**

- 3(1) Unless prevented by ill health or other sufficient cause, all of the Chief Administrator’s time and attention shall be devoted to the business of the Town as required by this By-Law and the Council.
- 3(2) Notwithstanding Subsection 3(1), the Chief Administrative Officer may engage in another business if the Chief Administrative Officer has;
  - (a) Complied with the *conflict of interest* requirements in Section 90.1 of the *Act*.
  - (b) Advised the Council in writing that a directorship, officer, agent or employee of any other company or that an interest in another business has been acquired, or is held, and outlines the nature of the directorship, officer, agent, employee, or business and its name and any property or business in which that business has a pecuniary interest,
  - (c) Established that any such business does not engage in the sale of, or otherwise deal in, any product or service to or with the Town, and
  - (d) Received authorization from Council.
- 3(3) Notwithstanding Subsection 3(1), the Chief Administrative Officer shall, to the extent that such activities do not materially interfere with the performance of the CAO duties and responsibilities, be allowed to manage his/her passive personal investments and to serve on civic, charitable or professional boards and committees.
- 3(4) The Chief Administrative Officer shall obtain permission from the mayor for absences from the Town in excess of three (3) days.

#### **Relationship between Council, the Chief Administrative Officer and the Employees of the Town**

- 4(1) The Chief Administrative Officer is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with applicable legislation, the By-Laws of the Town, and the procedures and resolutions adopted by Council.
- 4(2) The Chief Administrative Officer shall keep the Council informed concerning the affairs of the Town, and shall recommend to Council, such actions as may be necessary or expedient for the welfare of the Town, or as required by the *Municipalities Act* and other applicable legislation.
- 4(3) The Council shall provide direction on the administration, plans, policies and programs of the Town to the Chief Administrative Officer.

- 4(4) The Council shall communicate with the employees of the Town solely through the Chief Administrative Officer, except in circumstances where the CAO is unavailable or where the CAO provides permission, that the members of Council may communicate directly with employees of the Town to obtain or provide information.
- 4(5) No member of Council, or committee, or member of a committee established by Council shall instruct or give direction to, either publicly or privately, an employee of the Town.
- 4(6) The Chief Administrative Officer shall communicate to Council on behalf of Town staff.

#### Responsibilities of the Chief Administrative Officer

- 5(1) Duties of CAO as outline in Section 75 of the Act. *“The Chief Administrative Officer of a city or town has such duties and powers as the council prescribes by by-law or resolution”*.  
1966, c.20, s.76; 2003, c.27, s.28. *NB Municipalities Act*
- 5(2) Town Council
  - (a) The Chief Administrative Officer (CAO) is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with applicable legislation, the By-Laws of the Town and the policies and resolutions adopted by Council.
  - (b) The CAO shall keep Council informed concerning the affairs of the Town, and shall recommend to Council such actions as may be necessary or expedient for the welfare of the Town, or as required by the *Municipalities Act* and *the Community Planning Act*, and other applicable legislation.
  - (c) The CAO shall attend all meetings of Town Council and act as ex-officio member of all committees, boards, and authorities, as required by Council.
  - (d) The CAO shall prepare and submit such reports and recommendations as may be required by Town Council or its committees, boards or authorities.
  - (e) The CAO shall make recommendations to Council and to the Planning Advisory Committee of the Town of Saint Andrews, those actions as outlined in the *New Brunswick Community Planning Act*. (R.S.N.B. 1973, c. C-12), based on recommendations by the Saint Andrews Development Officer.
  - (f) The CAO shall regularly communicate to Town Council, the status of policy directives as initiated by Council and providing an interface between the Administration and Town Council for the flow of information and directives. This includes those objectives in the Municipal Plan and any projects, objectives or initiatives resolved by Council.
  - (g) The CAO shall recommend and/or provide such professional development, training and consultation for Council such that Council can function in an efficient and productive manner.
  - (h) The CAO shall discharge other duties as Council may, by resolution, direct.
- 5(3) Financial Responsibilities
  - (a) The CAO shall ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to Council.
  - (b) The CAO shall provide resources to Council such that the annual budget may be duly completed.
  - (c) The CAO shall be responsible for the administration of the budget and the monitoring of the work plan after adoption of the budget.
  - (d) The CAO shall, or cause to, regularly report to Council on the status of the budget and shall make recommendations to any needed alterations, motions, or actions as required by legislation or by emergency circumstances.
  - (e) The CAO shall make or authorize expenditures and subject to section 5(2) of the *Municipalities Act*, enter into contracts on behalf of the Town, for anything required for the Town where the amount of the expenditure is budgeted or is within the amount determined by Council resolution or policy and may delegate this authority to the Directors or employees of the Town.
  - (f) The CAO shall approve payment of all expenditures and invoices less than \$3000.00 for non-budgeted items and will submit to Council for payment all expenditures and invoices for payment for non-budgeted items \$3000.00 or more.
  - (g) The CAO shall be cognisant of all appropriate Municipal, Provincial and or Federal grant programs or opportunities.
- 5(4) Legal Responsibilities
  - (a) The CAO shall provide Council with legal advice and interpretation as attained through consultation with the Town’s designated legal counsel, of any and all matters pertaining to decisions of Council.
  - (b) The CAO shall authorize, in the name of the Town, and subject to applicable legislation and the common law, the commencement or defence of a legal action or proceedings before a court, board, or tribunal, including reporting the commencement of the legal action, defence or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the Town, but Council may by resolution, limit this authority to the extent deemed appropriate from time to time.
  - (c) The CAO shall, where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.
  - (d) The CAO shall ensure that sufficient liability insurance is provided to Council and to Town employees.
  - (e) The CAO shall ensure the legality of all contracts or agreements entered into by the Town.
- 5(5) Administrative Responsibilities
  - (a) The CAO shall supervise the performance of all contracts and agreements entered into by the Town and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements.
  - (b) The CAO shall oversee the publication of all notices, ordinances or other documents required by law to be published and prepare, or approve, all reports which the Town or any officers thereof are required by law to prepare.
  - (c) On the approval of Council, the CAO shall assume the duties of the Town Clerk as defined by the *NB Municipalities Act* section 76 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.
  - (d) Except as provided by the *Municipalities Act*, all Directors including the office of clerk of the Town are accountable to the CAO for the performance of their duties and shall submit the reports and recommendations of them to and through the CAO.
  - (e) The CAO shall coordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all Town property and facilities.
  - (f) The CAO shall be guided by the policies and objectives as outlined by the Town of Saint Andrews Municipal Plan.
  - (g) The CAO shall develop and recommend to Town Council, an Emergency Plan pertaining to the health, safety and welfare of the community and the civic employees.
  - (h) The CAO shall manage, in coordination with the Town Planner, the continuing growth of residential and commercial development involving both private and public developers while preserving and enhancing the historic character of the Town, mitigating environmental concerns, and enhancing the lifestyle and quality of the community.
  - (i) The CAO shall develop an organizational chart of departments, personnel, and duties and shall make recommendations to Council on the establishment or modification of the departments of the Town.
  - (j) The CAO shall recommend to Council the appointment, employment, promotion, suspension or dismissal of Directors.
  - (k) The CAO shall appoint, employ, promote and evaluate or suspend or dismiss for cause all other employees of the Town other than Directors.
  - (l) The CAO shall carry out annual performance appraisals of all Directors and the Town Clerk and ensure that annual performance appraisals of all other personnel are carried out by their supervisors.

5(6) Professional Responsibilities

- (a) The CAO shall, where appropriate, establish and maintain positive working relationships with all pertinent personnel in the relevant Provincial and Federal government departments.
- (b) The CAO shall liaise with the executive director the Southwest New Brunswick Service Commission (SNBSC) and understand all by-laws, regulations, budgets and operations as they affect the operations and budget of the Town of Saint Andrews.
- (c) The CAO is encouraged to be a member of the Association of New Brunswick Municipal Administrators and any other professional association which furthers his/her professional growth.
- (d) The CAO shall develop yearly work related objectives and personal goals which will form the basis for the CAO's evaluation. These objectives and goals may include opportunities for training and professional development and would include attendance and participation at appropriate workshops, seminars and conferences.

5(7) Knowledge

- (a) The CAO shall have qualifications and education which enables him/her to effectively implement current infrastructure priorities and those objectives stated in the Saint Andrews Municipal Plan.
- (b) The CAO shall be knowledgeable of the *Community Planning Act* (R.S.N.B. 1973, c. C-12), and is cognizant of those responsibilities and obligations outlined in the *Community Planning Act* (R.S.N.B. 1973, c. C-12). The CAO will liaise with the Saint Andrews Development Officer and will take appropriate action based on the Development Officer's recommendations.

5(8) Relationship with the Development Officer/ Building Inspector/ Compliance Officer

- (a) The Chief Administrative Officer shall maintain a working relationship with the Development Officer/ Building Inspector/ Compliance Officer and shall coordinate and present all planning information to Council and to the Planning Advisory Committee as outlined in applicable legislation.
- (b) The Chief Administrative Officer shall communicate to Council and to the Development Officer//Building Inspector/ Compliance Officer, all decisions of the Planning Advisory Committee.
- (c) The Chief Administrative Officer shall communicate all planning decisions, resolutions or other pertinent matters from Council to the Planning/ Building Inspector/ Compliance Officer.
- (d) The Chief Administration Officer shall provide oversight for planning decisions and shall recommend actions in contentious planning issues which may include using contractual planning consultants and/or legal consultation.
- (e) The Development Officer/ Building Inspector/ Compliance Officer is a Director of the Town and is responsible to the Chief Administrative Officer for the performance of duties related to planning.

**Other Positions held by the Chief Administrative Officer**

6 On the approval of Council, the CAO shall assume the duties of the Town Clerk as defined by the *NB Municipalities Act* Section 76 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.

**Evaluation of the Chief Administrative Officer**

7 The Chief Administrative Officer is to be evaluated annually on a date either established by Council policy or on a mutually agreed upon date which coincides with the date the CAO was hired as outlined in Council Policy.

8 The Council, by resolution may rescind, amend, or vary the appointments authorized in Sections 6 hereof.

**Repeal Provision**

9 By-Law #67, a By-Law Concerning the Authority and Responsibilities of the Town Manager, passed by Town Council on June 4, 1984, and its amendments thereto, is hereby repealed.

In Witness whereof the Town of Saint Andrews has caused its corporate seal to be hereunto affixed to this By-Law the \_\_\_day of \_\_\_\_\_, 2013.

FIRST READING: August 12, 2013

SECOND READING: September 9, 2013

THIRD READING: September 9, 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**NEW BUSINESS**

**J1. Mayor's Comments**

**J2. Councillor's Comments/Concerns**

**ADJOURNMENT**

At 8:53 p.m. Deputy Mayor Akagi moved that the meeting be adjourned.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk