

TOWN OF SAINT ANDREWS
Regular Council Meeting
Minutes
September 6th, 2011

The regular meeting of Town Council was held in the Council Chambers beginning at 7:00 p.m. with the following members present: Mayor John Craig, Deputy Mayor Roger McNabb, Councillors, Kate Akagi, Edie Bishop, Stanley Choptiany, Michael Craig and Mary Myers. Also present were staff members Tim Henderson, Town Manager, Chris Spear, Treasurer, and Gail McLaughlin, Administrative Assistant.

DISCLOSURE OF CONFLICT OF INTEREST IF ANY— None

PRESENTATIONS

Mayor Craig noted that Cpl. Rene Tessier was present to give the Police Report but was also on duty. He asked Council's permission for Cpl. Tessier to give his report prior to the presentations. Council was in full agreement and Cpl Tessier presented his report.

Dale Hicks, Chairman of Atlanticade gave a brief synopsis of the 2011 Atlanticade event held in Saint Andrews and spoke on the cost involved with such an event. He indicated that the group would like to return to Saint Andrews for next year's event tentatively scheduled from July 4 to 8th. He said that he will be pursuing ACOA to secure some of the funding required to hold such an event.

Ernie Depatie, a Director of Spindrifters Inc. asked Council for support of their initiative to place exercise equipment in various spots throughout town for not only the 50 plus age group but for all ages. He said that at this point they are just asking Council to support the "concept" as they need Council support in concept in order to secure funding from New Horizons for Seniors Program for the project.

MINUTES

It was moved by Councillor Bishop, seconded by Councillor Myers and carried that Council adopt the minutes of the August 2, 2011 regular meeting.

STAFF REPORTS

Mayor Craig reported that he is changing the Committee Chairs and thanked those who had held the positions for awhile. He appointed the following chairs: Finance & Administration, Deputy Mayor McNabb; Safety, Councillor Akagi; Business, Recreation and Special Events, Councillor Craig and Public Works, Councillor Bishop.

It was moved by Deputy Mayor McNabb, seconded by Councillor Akagi and carried that Council accept the Staff Reports as presented.

At 7:50 p.m., Mayor Craig excused himself from the meeting and asked Deputy Mayor McNabb to continue with the meeting.

Town Manager's Report

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried that it be resolved that the Clerk or Treasurer and Mayor or Deputy Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of the Town of Saint Andrews debentures in the principal amount of \$504,000 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of the Town of St Andrews agrees to issue post dated cheques payable to the New Brunswick Municipal Finance Corporation as and when requested in payment of principal and interest charges on the debenture.

Ministerial Order No.	Date of M.O.	Date of Council's resolution authorizing application to the MCBB	Purpose by Function	Amount in Dollars	Term for each amount
<u>General Operating Fund</u>					
01-26	May 14/01	Apr 2/01	Transportation Services	96,000	5
10-0023	Apr 12/10	Mar 8/10	Transportation services	\$100,000	20
11-0061	Jun 13/11	May 9/11	Transportation Services	175,000	15
<u>Water & Sewer Operating Fund</u>					
<u>01-26</u>	May 14/01	Apr 2/01	Environmental Health Services	133,000	5

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried to grant tentative approval to Quoddy Shores Inc. for Subdivision Plan 2011-2 inclusive of the 9 conditions presented in May 2011 but to hold final approval until a decision is made regarding a walking trail access. Councillor Craig registered a Nay.

In conjunction with By-law 09-02 Dangerous & Unsightly Premises, it was moved by Deputy Mayor McNabb, seconded by Councillor Myers and carried to appoint the following persons to an Appeals Committee: Ted Hatt, Barry Murray and Chris Spear. Councillor Craig registered a Nay.

COMMUNICATIONS

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried to proclaim the week of November 13 to November 20, 2011, Restorative Justice Week.

WHEREAS, in the face of crime or conflict, restorative justice offers a philosophy and approach that views these matters principally as harm done to people and relationships; and

WHEREAS, restorative justice approaches strive to provide support and opportunities for the voluntary participation and communication between those affected by crime and conflict (victims, offenders, community) to encourage accountability, reparation, and a movement towards understanding, feelings of satisfaction, healing and a sense of closure; and

WHEREAS, this year's theme for Restorative Justice Week is "Re-visioning Justice", it is an opportunity to learn about restorative justice, educate and celebrate along with other communities across the country during the week.

THEREFORE, I, Deputy Mayor Roger McNabb, do hereby proclaim **November 13-November 20, 2011 as Restorative Justice Week** in the Town of Saint Andrews.

It was moved by Councillor Bishop, seconded by Councillor Choptiany and carried to proclaim the month of September 2011 Arthritis Awareness Month.

WHEREAS, September is known as Arthritis Awareness Month during which time The Arthritis Society promotes public awareness about this chronic disease that can affect children, adults and the elderly.

The Society educates people about this disease through the Arthritis Information Line, the Arthritis Society's website, the Arthritis Public Forum series, the Arthritis Self-Management Program, and Chronic Pain Management Workshops.

The Society strives to build positive relationships with elected officials in an effort to establish equitable access to care and treatment for arthritis.

Through education, support, understanding and awareness of arthritis, The Society helps nearly 4.5 million people and raises funds through door-to-door canvassing and initiatives such as Go Blue & Give Too and Bluebird sales.

Arthritis Awareness Month will focus on communities committing to a world without arthritis, providing help to those living with arthritis and supporting innovative research to ultimately find a cure for this debilitating disease.

NOW THEREFORE, I Deputy Mayor Roger McNabb hereby proclaim September 2011 as “Arthritis Awareness Month” in the town of Saint Andrews.

COMMITTEE REPORTS & RESOLUTIONS

Business, Recreation and Special Events:

It was moved by Councillor Craig seconded by Councillor Myers and carried that Council approve the Peddler’s Permit Application from Kurt Gumushel of Off-Kilter Bike Tours for the remainder of 2011, if the \$50 application fee is paid. A review will take place before a 2012 license is issued.

It was moved by Councillor Craig, seconded by Councillor Choptiany and carried to present the Anti-Bullying Proclamation in December.

It was moved by Councillor Craig, seconded by Councillor Myers and carried to refer a request for 160 town pins by the Royal Canadian Legion’s Ladies Auxiliary Milltown Branch #48 to the 2012 Budget review process.

Finance & Administration

It was moved by Deputy Mayor McNabb, seconded by Councillor Myers and carried to approve funding in the amount of \$550 to allow Councillor Kate Akagi to attend the Community Infrastructure Partnership Program (CIPP) Atlantic Workshop.

It was moved by Deputy Mayor McNabb, seconded by Councillor Akagi and carried to approve an assistance grant in the amount of \$250 for the Orientation Week Welcoming BBQ at the NBCC Saint Andrews Campus.

It was moved by Deputy Mayor McNabb, seconded by Councillor Myers and carried to approve, in principle, the Heather Curling Clubs request to have signs placed at the W.C. O’Neill Arena Complex. Designs of the signs are to be brought to the Chief Administrative Officer and Council for final approval.

It was moved by Deputy Mayor McNabb, seconded by Councillor Myers and carried to accept the bid in response to the RFP for Financial Audit Services issued by the Town of Saint Andrews submitted by Teed, Saunders Doyle.

Public Works Committee

It was moved by Councillor Bishop, seconded by Councillor Choptiany and carried to supply the Town’s stencil to the Baptist Church to paint the “handicap parking” sign on the church property but not to permit the sign to be painted on King Street.

Safety Committee

It was moved by Councillor Akagi, seconded by Councillor Myers and carried to have the CAO work with Rod Cumberland of DNR to arrange a date for a public meeting in early fall regarding the large number of deer in Town.

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried that leave be granted to introduce By-Law No. 11-03, a By-Law Of The Town of Saint Andrews Respecting Standards for Maintenance and Occupancy of Residential Buildings and Premises and that the same now be read by title a first time.

TOWN OF SAINT ANDREWS

BY-LAW NO. 11-03

A BY-LAW TO ADOPT A CODE RESPECTING STANDARDS FOR MAINTENANCE AND OCCUPANCY OF RESIDENTIAL BUILDINGS AND PREMISES IN THE TOWN OF SAINT ANDREWS.

Pursuant to the authority granted by Section 94(1) of the *Municipalities Act*, be it enacted by the Town Council of the Town of Saint Andrews as follows:

TITLE

1. This By-law may be cited as the Residential Properties Standards By-law.

INTERPRETATION

2. (1) In this By-law
“**building inspector**” means the officer appointed by the Town Council who shall exercise and perform such duties as are provided for in this By-Law and the Code.

“**code**” means the *Residential Properties Maintenance and Occupancy Code* approved by the Lieutenant Governor in Council pursuant to Section 93 of the *Municipalities Act*.

“**town**” means the Town of Saint Andrews
- (2) Words and phrases used in this by-law have the same meaning as in the Code.

SCOPE

3. The purpose of this by-law is
 - (a) to establish standards to govern the condition, occupancy and maintenance of residential properties, and
 - (b) to provide safeguards for the safety, health and welfare of occupants and users of residential properties by requiring owners thereof to repair and maintain such property in accordance with established standards.

ADOPTION OF CODE

4. The Residential Properties Maintenance and Occupancy Code approved by Order in Council 84-346 and found in Regulation No. 84-86 pursuant to Section 93 of the *Municipalities Act*, as amended from time to time, is adopted by reference and is hereinafter referred to as the Code.

DUTIES OF THE OWNER AND ENFORCEMENT

5. (1) The owner of residential property shall repair and maintain such property in accordance with the standards set out in the Code.

(2) Where the owner of residential property fails to repair or maintain such property in accordance with the requirements of subsection (1), the building inspector may notify the owner or occupier of the residential property and the notice shall
 - (a) be in writing
 - (b) be signed by the building inspector,
 - (c) state that the condition complained of in subsection(2) exists,
 - (d) state what must be done to correct the condition
 - (e) state the date before which the condition must be corrected, and
 - (f) be served either by personal delivery on the person to be notified or by posting in a conspicuous place on the premises, building or structure.
6. (1) Proof of the giving of notice in either manner provided for in subsection 5(2) may be by a certificate or an affidavit purporting to be signed by the building inspector, naming the person to whom notice was given and specifying the time, place and manner in which notice was given.

(2) A document purporting to be a certificate or affidavit under subsection (1) shall be
 - (a) admissible in evidence without proof of signature, and
 - (b) conclusive proof that the person named in the certificate or affidavit received notice of the matters referred to in the certificate or affidavit.
- (3) In any prosecution for a violation of this by-law where proof of the giving of notice is made as prescribed under subsection(1), the burden of proving that one is not the person named in the certificate or affidavit shall be upon the person charged.
- (4) A notice given under section 5(2) and purporting to be signed by the building inspector shall be
 - (a) received in evidence by any court in the Province without proof of the signature,
 - (b) proof in the absence of evidence to the contrary of the facts stated in the notice, and
 - (c) on the hearing of information for a violation of this by-law, proof in the absence of evidence to the contrary that the person named in the notice is the owner or occupier of the residential property in respect of which the notice was given.
7. (1) A person who fails to comply with the terms of a notice under subsection 5(2) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category “F” offence and notwithstanding the provisions of any Act to the contrary, no judge of the Provincial Court may suspend the imposition of any penalty under this section.

(2) A violation as provided for in subsection (1) is a continuing offence and separate information may be laid for each day such offence continues and the penalty provided for in subsection (1) shall be imposed for each conviction resulting from the laying of each information.

- (3) The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure to that person to comply with the provision of this by-law.
8. If a notice has been given under subsection 5(2) and the owner or occupier does not comply with the notice within the time allowed, the Town may, rather than commencing proceedings in respect of the violation, cause the premises of that owner or occupier to be repaired and maintained and the cost of carrying out such work, including any related charge or fee, is chargeable to the owner or occupier and becomes a debt due to the Town.
9. (1) Where the cost of carrying out work becomes a debt due to the Town under section 8, the building inspector, Town Treasurer or Town Clerk may issue a certificate stating the amount of the debt due and the name of the owner or occupier from whom the debt is due.
 - (2) A certificate issued under subsection (1) may be filed in the Court of Queen's Bench of New Brunswick and a certificate so filed shall be entered and recorded in the Court and when so entered and recorded may be enforced as a judgement obtained in the Court by the Town against the person named in the certificate for a debt of the amount specified in the certificate.
 - (3) All reasonable costs and charges attendant upon the filing, entering and recording of a certificate under subsection (2) may be recovered as if the amount had been included in the certificate.
10. (1) The cost of carrying out work under section 8 and all reasonable costs and charges attendant upon the filing, entering and recording of a certificate under section 9 shall, notwithstanding subsection 72(2) of the *Workers' Compensation Act* and until paid, form a lien upon the real property in respect of which the work is carried out in priority to every claim, privilege, lien or other encumbrance, whenever created, subject only to taxes levied under the *Real Property Tax Act* and a special lien under subsection 189(10) of the *Municipalities Act*.
 - (2) the lien in subsection (1)
 - (a) attaches when the work under section 8 is begun and does not require registration or filing of any documents or the giving of notice to any person to create or preserve it, and
 - (b) follows the real property to which it attaches into whosever hands the real property comes.
 - (3) Any mortgagee, judgement creditor or other person having any claim, privilege, lien or other encumbrance upon or against the real property to which is attached a lien under subsection (1):
 - (a) may pay the amount of the lien,
 - (b) may add the amount to the person's mortgage, judgement or other security, and
 - (c) has the same rights and remedies for the amount as are contained in the person's security.

DUTIES OF THE BUILDING INSPECTOR

11. The building inspector shall
 - (a) administer this by-law
 - (b) exercise such powers and perform such duties as are provided for the enforcement of this by-law, and
 - (c) recommend to Council, if, in his or her opinion, it would not be economical to repair a residential property, or fence forming part of such property, that action be taken to require demolition or removal of such residential property or fence.

VOLUNTARY PENALTY

12. (1) The building inspector or the Town Clerk may, either before or after the institution of proceedings against a person for any violation of this by-law or order of the building inspector, accept from the person alleged to have been guilty of such violation, the payment of a sum equal to the minimum penalty prescribed for such violation for a first offence and a person so accepting payment under this section shall forthwith forward to the Town Treasurer the amount so received and shall give a receipt to the said person for such sum.
- (2) A payment made under subsection (1) shall constitute a full satisfaction, release and discharge of all penalties and imprisonment incurred by such person for such violation.

IN WITNESS WHEREOF the TOWN OF SAINT ANDREWS has caused its corporate seal to be hereunto affixed this by-law the day of

First Reading: September 6, 2011

Second Reading:

Third Reading:

Mayor

Clerk

NEW BUSINESS –None

ADJOURNMENT

It was moved by Councillor Akagi that the meeting adjourn. The meeting adjourned at 9:18 p.m.

Deputy Mayor

Clerk