

TOWN OF SAINT ANDREWS
Regular Council Meeting
Minutes
May 7th, 2012

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

DISCLOSURE OF CONFLICT OF INTEREST IF ANY— None

PRESENTATIONS – Peter Logan, CA of Teed Saunders Doyle & Co made a brief presentation on the findings of the recent audit of the Town’s accounts which were found to be in compliance with the Provincial standards.

MINUTES

It was moved by Councillor Craig, seconded by Councillor Myers and carried to adopt the minutes of the Regular Meeting of Council April 2, 2012.

It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried to adopt the minutes of the Special Meeting of Council to hear objections 3 Patrick Street-April 10, 2012.

It was moved by Councillor Akagi, seconded by Councillor Myers and carried to adopt the minutes of the Special Meeting of Council to hear objections 44 Acadia Road-April 10, 2012.

It was moved by Deputy Mayor Bishop, seconded by Councillor Akagi and carried to adopt the minutes of the Special Meeting of Council of April 10, 2012.

STAFF REPORTS

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

Town Manager’s Report

It was moved by Councillor Myers, seconded by Councillor Choptiany and carried to approve the 2011 Audited Financial Statements for the Town of Saint Andrews, which reflects Revenues of \$3,501,381, Expenditures of \$3,505,651 with a Deficit of \$4,270 in the General Operating Fund and Revenues of \$884,785 Expenditures of \$875,182 with a Surplus of \$9,603 in the Utility Operating Fund.

It was moved by Councillor Craig, seconded by Councillor Myers and carried to rescind the following motion from March 5, 2012 regular session of Council:

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>Utility Operating Fund</u>					
10-0023	Apr 12/10	Mar 8/10	Environmental Health services	\$1,000,000	25
11-0103	Nov 14/10	Oct 3/11	Environmental Services	250,000	25

It was moved by Councillor Myers, seconded by Councillor Craig 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 debenture in the principal amount of \$1,250,000 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 Saint 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.

It was moved by Councillor Myers, seconded by Councillor Akagi and carried that it be resolved 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 debenture in the principal amount of \$961,000 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 Saint 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>Utility Operating Fund</u>					
10-0023	Apr 12/10	Mar 8/10	Environmental Health services	\$961,000	25

It was moved by Councillor Akagi, seconded by Councillor Myers 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 debenture in the principal amount of \$289,000 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 Saint 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>Utility Operating Fund</u>					
10-0023	Apr 12/10	Mar 8/10	Environmental Health services	\$39,000	25
11-0103	Nov 14/10	Oct 3/11	Environmental Services	250,000	25

It was moved by Councillor Akagi, seconded by Deputy Mayor Bishop and carried to award the Augustus Street/Mowat Drive to Charles Street infrastructure Project No. 12-6207 to Terraex Inc. for the bid of \$253,450. HST included.

COMMUNICATIONS

Mayor Craig read a thank you letter from By-the-Sea Gardeners Club for being able to use space at the Arena without charge for their Charlotte Blooms Seminar.

Mayor Craig read a thank you letter the Dragonfly Centre for Autism for the Town's contribution to the organization to buy much needed books for their library.

Mayor Craig read a letter from the Christofor Foundation which included a gift of \$4,000 in support of Katy's Cove.

Mayor Craig read a letter from The Health Centre-St. Andrews Inc. which included a gift of \$25,000 to assist with the costs of the health centre in the town.

Mayor Craig read a letter from the Sail St. Andrews, Inc. group thanking the Town for the contribution towards the summer sailing program for youth.

COMMITTEE REPORTS & RESOLUTIONS

Finance & Administration

It was moved by Councillor Myers, seconded by Councillor Akagi and carried to deny a request from Donna Holmes to write off part of the water bill she received after a major break in her water line but Council will request the bill be recalculated to the rate for the large users in this situation only.

It was moved by Councillor Myers, seconded by Councillor Akagi and carried to appoint Mrs. Ruth Kirk as a member of the Board of Trustees of the Charlotte County Hospital Foundation Inc. for a three year term.

It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried to grant an in-kind grant to Sail St. Andrews for the use of the wharf at no charge for their summer program.

It was moved by Councillor Myers, seconded by Councillor Akagi and carried to grant \$2,000 from an Assistance Grant to the St. Andrews Arts Council for costumes for a production of "1812-Hearts Awaiting".

It was moved by Councillor Myers, seconded by Councillor Akagi and carried to grant the use of Market Square on May 25 from 2 p.m. to 8 p.m. to the Rock N Ride fundraiser.

It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried to grant an in-kind grant to Sherry Hooper for a room at the Arena to hold a dance to benefit Charlotte County Cancer. All other costs associated with this activity will be the responsibility of Ms. Hooper.

It was moved by Councillor Myers, seconded by Councillor Choptiany and carried that the Town provide a plaque and a tree to be planted during the Town's events in October to commemorate the 200th Anniversary of the War of 1812. The cost of this should not exceed \$350 and a suggested location would be near the Blockhouse.

It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried to send a letter to the Minister of Health NB, CEO of Ambulance NB, Premier David Alward and Curtis Malloch, MLA, expressing the Town's concern and opposition to a policy that creates hardship and could cost lives in rural NB by only allowing patients to be taken to "designated hospitals" regardless of the circumstances.

I. INTRODUCTION, CONSIDERATION AND PASSING OF BYLAWS

It was moved by Deputy Mayor Bishop, seconded by Councillor Myers and carried that Bylaw No. 12-01 (3 Patrick Street), a Bylaw to Amend Bylaw No 10-03 Being the Municipal Plan Bylaw of the Town of Saint Andrews be read in its entirety a third and final time. As the Planning Advisory Committee's recommendation to Council was to not rezone the property at 3 Patrick Street, the entire Council must vote on this motion. Mayor Craig voted in favour of the motion. Councillor Craig and Councillor Akagi registered a Nay vote.

BYLAW NO. 12-01

A BY-LAW TO AMEND BY-LAW NO. 10-03, BEING THE MUNICIPAL PLAN BY-LAW FOR THE TOWN OF SAINT ANDREWS.

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By-Law No. 10-03, the Municipal Plan By-Law for the Town of Saint Andrews, is amended by revising the use designations delineated on the Land Use Classification Map constituting Appendix "B" thereof, a copy of a portion of which is attached thereto as Schedule "1" with a larger scale map of that portion attached hereto as Schedule "2" by changing the land use designation from Serviced Residential to Greenspace Use of the lands outlined in red on the said Schedules "1" and "2" of this by-law and which form part hereof.

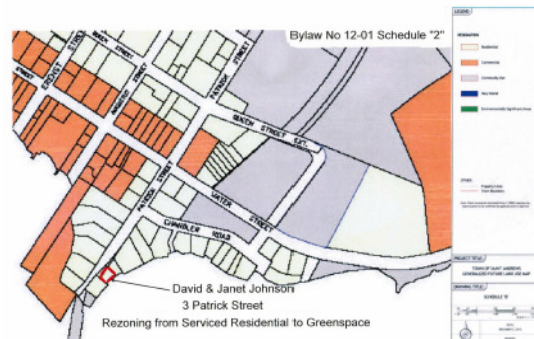
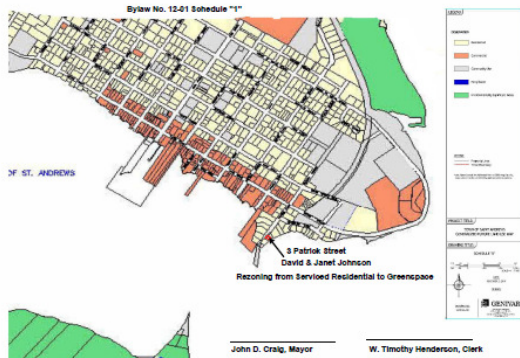
Read the first time this 10th day of April, A.D. 2012.

Read the second time this 10th day of April, A.D. 2012.

Read the third time this day of , A.D. 2012.

John D. Craig, Mayor

W. Timothy Henderson, Clerk



It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried that Bylaw No. 12-02 (3 Patrick Street), a Bylaw to Amend Bylaw No. 10-04 Being the Zoning Bylaw of the Town of Saint Andrews be read in its entirety a third and final time. As the Planning Advisory Committee's recommendation to Council was to not rezone the property at 3 Patrick Street, the entire Council must vote on this motion. Mayor Craig voted in favour of the motion. Councillor Craig and Councillor Akagi registered a Nay vote.

BYLAW NO. 12-02

A BY-LAW TO AMEND BY-LAW NO. 10-04, BEING THE ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS

WHEREAS the Council of the Town of Saint Andrews deems it desirable to amend By-Law No. 10-04 as hereinafter provided

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By-Law No. 10-04, the Zoning By-Law for the Town of Saint Andrews, is amended by changing the zone as shown on the Zoning Map attached to the said By-Law as Schedule "A" thereof for the lands shown on Schedule "1" attached hereto and forming part hereof from Serviced Residential to Greenspace Use.
2. Notwithstanding the provisions of the Greenspace Zone the use of the lands shown on "Schedule 1" attached hereto and forming part hereof shall be limited in its use by the terms and conditions set forth in Schedule "2" attached hereto.

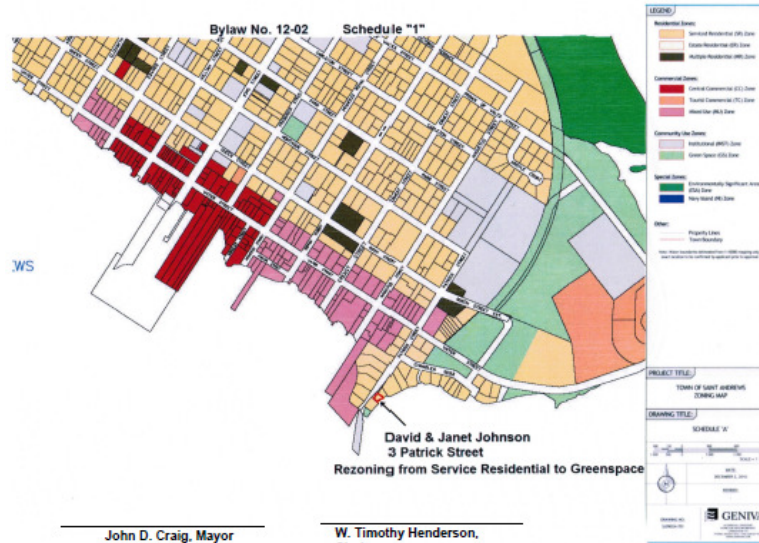
Read the first time this 10th day of April, A.D. 2012.

Read the second time this 10th day of April, A.D. 2012.

Read the third time this day of , A.D. 2012.

John D. Craig, Mayor

W. Timothy Henderson, Clerk



BY-LAW NO. 12-02

Schedule "2"

Be it resolved that pursuant to Section 39(1) of the *Community Planning Act*, the following terms and conditions apply to the re-zoning of that parcel of land known as "the David & Janet Johnson cottage", located at 3 Patrick Street, Saint Andrews, NB.

As it is the Johnsons intention to donate the property to the Town of Saint Andrews to be used and maintained as a public park and/or greenspace with accommodations for public parking, and be subject to the following conditions:

- a. An Agreement between the Town of Saint Andrews and the current property owners be signed and form part of the property transfer documents outlining the following:

The use of the property for parking and low-impact public access into perpetuity.

Use will include provision for public benches and a picnic table

- b. In the event that an Agreement is not signed or is violated at any time thereafter, the property will remain with or return to the ownership of the current property owner and the Zoning will revert back to its original residential and use designation.

John D. Craig, Mayor

W. Timothy Henderson, Clerk

It was moved Deputy Mayor Bishop, seconded by Councillor Akagi and carried that Bylaw No. 12-03 (44 Acadia Road), a Bylaw to Amend Bylaw No 10-03 Being the Municipal Plan Bylaw of the Town of Saint Andrews be read in its entirety a third and final time.

BY-LAW NO. 12-03

A BY-LAW TO AMEND BY-LAW NO. 10-03, BEING THE MUNICIPAL PLAN BY-LAW FOR THE TOWN OF SAINT ANDREWS.

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By-Law No. 10-03, the Municipal Plan By-Law for the Town of Saint Andrews, is amended by revising the use designations delineated on the Land Use Classification Map constituting Appendix "B" thereof, a copy of a portion of which is attached thereto as Schedule "1" with a larger scale map of that portion attached hereto as Schedule "2" by changing the land use designation from Serviced Residential to Institutional Use of the lands outlined in red on the said Schedules "1" and "2" of this by-law and which form part hereof.

Read the first time this 10th day of April, A.D. 2012.

Read the second time this 10th day of April, A.D. 2012.

Read the third time this day of , A.D. 2012.

 John D. Craig, Mayor

 W. Timothy Henderson, Clerk



John D. Craig, Mayor W. Timothy Henderson, Clerk

It was moved by Councillor Myers, seconded by Deputy Mayor Bishop and carried that Bylaw No. 12-04 (44 Acadia Road), a Bylaw to Amend Bylaw No. 10-04 Being the Zoning Bylaw of the Town of Saint Andrews be read in its entirety a third and final time.

BY-LAW NO. 12-04

A BY-LAW TO AMEND BY-LAW NO. 10-04, BEING THE ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS

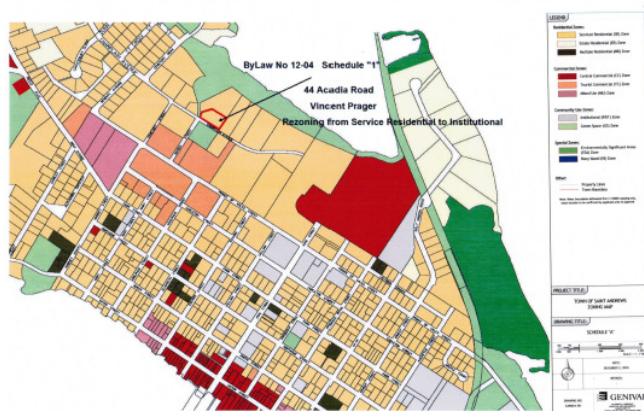
WHEREAS the Council of the Town of Saint Andrews deems it desirable to amend By-Law No. 10-04 as hereinafter provided

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By-Law No. 10-04, the Zoning By-Law for the Town of Saint Andrews, is amended by changing the zone as shown on the Zoning Map attached to the said By-Law as Schedule "A" thereof for the lands shown on Schedule "1" attached hereto and forming part hereof from Serviced Residential to Institutional Use.
2. Notwithstanding the provisions of the Institutional Zone the use of the lands shown on "Schedule 1" attached hereto and forming part hereof shall be limited in its use by the terms and conditions set forth in Schedule "2" attached hereto.

Read the first time this 10th day of April, A.D. 2012.
 Read the second time this 10th day of April, A.D. 2012.
 Read the third time this day of , A.D. 2012.

John D. Craig, Mayor W. Timothy Henderson, Clerk



John D. Craig, Mayor W. Timothy Henderson, Clerk

BY-LAW NO. 12-04

Schedule "2"

Be it resolved that pursuant to Section 39(1) of the *Community Planning Act*, the following terms and conditions apply the re-zoning of that parcel of land known as "Dayspring", located at 44 Acadia Road, Saint Andrews, NB.

As it is Vincent Prager's intention to donate the property to a charitable foundation to be used and maintained for the sole purpose as a public museum with accommodations for public parking, it therefore shall be subject to the following conditions:

- a) Property to be gifted to the Joseph & Fanny Oppenheimer Foundation.
- b) Site to be a "seasonal May - September" Museum with exhibits formerly owned by Sir James Dunn & Lady Beaverbrook as well as a collection of paintings by the late Joseph Oppenheimer and the late Eva Prager.
- c) To be open in off-season by appointment to visiting or local scholars

- d) Hours of operation to be 10:00 a.m. to 5:30 p.m. six days per week. Closed on Mondays.
- e) Other than Exit signs, no exterior modifications to architecture
- f) Property cannot be used for residential use at anytime
- g) Keep "Dayspring" as original as possible
- h) One to three (1-3) Staff in attendance when open for service and security
- i) Parking –to be located on garage lot and adhere to parking lot regulations as contained in the Town's Zoning Bylaw.

John D. Craig, Mayor

W. Timothy Henderson, Clerk

NEW BUSINESS

J1. Mayor's Comments

The Mayor chose this point in the meeting to read a letter from the Association of Municipal Administrators acknowledging Tim Henderson 19 years of service with the Municipality. A pin was presented representing 15 years of service as pins are awarded at 5 year intervals.

J2. Councillor's Comments/Concerns

It was moved by Deputy Mayor Bishop, seconded by Councillor Craig to rescind the following motion from the minutes of April 2, 2012:

"It was moved by Councillor Myers, seconded by Councillor Choptiany to instruct the CAO to begin the process where as all municipal owned property from Patrick Street on the Water Street side and all municipal owned property on the Prince of Wales Street side from and including the old railway bed to the end of Indian Point and all property joining the two streets be put into a Public Land Trust held in perpetuity for the enjoyment of the people of St. Andrews. All present leases should be honoured for the duration of the lease. The commons area may be developed as public gardens as in keeping with the intention of the old land maps. Consideration should be given to developing a heritage trail with heritage pocket parks but leaving the majority of the property in its natural state.

Deputy Mayor Bishop registered a Nay vote."

After a lengthy discussion the motion to rescind was carried with Councillor Myers registering a Nay vote.

ADJOURNMENT

At 8:55 p.m. Councillor Akagi moved that the meeting be adjourned.

Mayor

Clerk