

TOWN OF SAINT ANDREWS
Regular Council Meeting
Minutes
November 5, 2012

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, Councillors Edie Bishop, Alan Golding and Lee Sochasky. Also present were Staff Members: Tim Henderson, Clerk, Chris Spear, Deputy Clerk/Treasurer and Gail McLaughlin, Administrative Assistant.

Absent were: Deputy Mayor Catherine Akagi and Councillor Melanie Wood

DISCLOSURE OF CONFLICT OF INTEREST IF ANY— None

PRESENTATIONS

The Town Manager/Clerk administered the Oath of Office to Doug E. Naish who was declared elected by acclamation as Councillor for the Town of Saint Andrews in the October 29, 2012 Bi-election.

Mayor Choptiany appointed Councillor Naish as Co-Chair of the Finance and Administration Committee as well as Chair of the Safety Committee.

It was moved by Councillor Sochasky, seconded by Councillor Golding that Councillor Naish, as Councillor, be appointed to the Planning Advisory Committee.

Erika Trenholme, President of the New Brunswick Community College-St. Andrews Campus Student Council spoke briefly on what they have taken part in so far this year and what they anticipate doing in the next year. She told Council that they would like to work with the Town on various projects throughout the year.

Terrance Stewart of Addiction and Mental Health Services spoke of a program called “Link to Life” which is being promoted in partnership with the Charlotte County Branch of the Canadian Mental Health Services. This ribbon campaign raises awareness and encourages individuals in emotional distress to access informal and formal help. The Ribbon Campaign runs from November 18th to November 30th.

MINUTES

It was moved by Councillor Sochasky, seconded by Councillor Naish and carried to adopt the minutes of the Regular Meeting of Council held on October 1, 2012.

It was moved by Councillor Bishop, seconded by Councillor Golding and carried to adopt the minutes of a Special Meeting of Council held on October 22, 2012.

STAFF REPORTS

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

Town Managers Report

Following the first reading of By-Law No. 12-06, a By-Law of The Town of Saint Andrews to Impose a Special Business Improvement Levy, it was moved by Councillor Sochasky, seconded by Councillor Bishop and carried to set Monday, December 3, 2012 at 6:30 p.m. as the date to hear objections from property owners inside the BIA District to the proposed BIA Budget and Levy for 2013.

NOTICE

The Council of the Town of Saint Andrews hereby gives notice of its intent to approve the following budget for the Saint Andrews Business Improvement Corporation, Inc.

SAINT ANDREWS BUSINESS IMPROVEMENT CORPORATION, INC.
2013 BUDGET

REVENUE	
BIA Levy.....	\$17,745.00
Special Events.....	800.00
Total Revenue.....	\$18,545.00

EXPENDITURES	
Marketing and Promotion:	
Marketing.....	3,000.00
Downtown Music & Events.....	5,000.00

Special Events:

Spring.....	500.00
Summer.....	2,000.00
Fall.....	1,200.00
Winter.....	500.00

Administration:

Downtown Membership Dues.....	175.00
Supplies.....	170.00

Beautification.....	6,000.00
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Total Expenses..... \$18,545.00

ASSESSMENT..... \$8,872,800.00

BIA LEVY: \$0.20/\$100 assessed value within the Business Improvement Corporation Area. Written objections to the budget may be forwarded to the CAO of the Town of Saint Andrews by personal delivery not later than Friday November 30th, 2012 at 12:00 noon or by ordinary mail postmarked not later than that date.

Council will consider objections at a Town Hall Council Meeting scheduled for Monday, December 3rd, 2012 at 6:30 pm.

The Council of the Town of Saint Andrews
Per Tim Henderson, Town Clerk, November 5, 2012.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried that the Municipality of the Town of Saint Andrews submit to the Municipal Capital Borrowing Board an application for the authorization to borrow \$200,000 for capital expenses for the following amounts:

Purpose

Amount

Term

General Fund

Protective Services

New Building for RCMP	\$200,000	10 Years
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It was moved by Councillor Sochasky, seconded by Councillor Golding and carried to award Project No. 12-6365 Dredging Town Wharf to Consolidated Giroux Environmental Inc. for the low bid of \$235,200 HST included.

COMMUNICATIONS

Mayor Choptiany read a thank you letter from Dorothy McLaughlin who thanked staff and acknowledged appreciation for their work during the recent rain event.

Mayor Choptiany read a letter from Mothers Against Drunk Driving (M.A.D.D.) Charlotte County and stated that Council would support the Project Red Ribbon Campaign through to the New Year.

Mayor Choptiany read a Proclamation for Restorative Justice Week 2012. The Proclamation reads as follows:

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 “Diverse Needs; Unique Responses”, it is an opportunity to learn about restorative justice, educate and celebrate along with other communities across the country during the week.

THEREFORE, I, Stanley Choptiany, Mayor, do hereby proclaim November 19-November 25, 2012 as Restorative Justice Week in the Town of Saint Andrews.

COMMITTEE REPORTS & RESOLUTIONS

Business Recreation & Special Events

It was moved by Councillor Sochasky, seconded by Councillor Golding and carried that Council write the New Brunswick Minister of Justice, supporting her stated intention to keep the Charlotte County Court House open and to stress the importance of keeping this provincially historic building open to the public.

It was moved by Councillor Sochasky, seconded by Councillor Golding and carried that Council provide its support in principle for a Challenge St. Andrews triathlon, pending further details and discussions in November.

Finance & Administration

It was moved by Councillor Bishop, seconded by Councillor Golding and carried that a request for by Enterprise Charlotte to continue its usual funding based on \$1 per capita on a quarterly basis (approximately \$450) be moved to the 2013 Budget Process.

It was moved by Councillor Bishop, seconded by Councillor Naish and carried that an assistance grant request from the Board of Directors of the Ross Memorial Museum be moved to the 2013 Budget Process.

It was moved by Councillor Bishop, seconded by Councillor Golding and carried that the Town of Saint Andrews not pay for curbing in front of Mr. John L. Williamson's home.

It was moved by Councillor Bishop, seconded by Councillor Naish and carried that a request for funding support from the St. Andrews Arts Council be moved to the Budget Process.

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried that a request for funding support from the Vincent Massey Elementary School for recreation repairs be moved to the Budget Process.

It was moved by Councillor Bishop, seconded by Councillor Naish and carried that a funding request from Charlotte County Archives be moved to the Budget Process.

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried that the Town would not erect a "Support Our Troops" sign at the entrance of Saint Andrews as we are currently reviewing our signage By-laws.

It was moved by Councillor Bishop, seconded by Councillor Golding that Lucie Leduc be accepted as a member of the Planning Advisory Committee for a 3-year term.

It was moved by Councillor Bishop, seconded by Councillor Naish that Esma Taylor be accepted as a member of the Planning Advisory Committee for a 3-year term.

It was moved by Councillor Bishop, seconded by Councillor Golding and carried that Mr. Henry Hansen re-submit his proposal regarding Rose Lane and grant a twenty foot right-of-way to the Town of Saint Andrews for roadway purposes. At that point the Town of Saint Andrews will re-visit his proposal.

It was moved by Councillor Bishop, seconded by Councillor Naish and carried that the Town of Saint Andrews deny the request to re-open Brandy Cove Road and to ask Mr. Jason Porter to re-submit his request stating how he would plan to fund the cost to re-open this road.

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried that the Town of Saint Andrews grant the amount of \$500 from Civic Promotions to assist the members of the Wabanaki Scout Troop to defray their costs to attend Scout Camp in Alberta in July 2013.

Public Works Committee

It was moved by Councillor Golding, seconded by Councillor Bishop and carried to accept the Saint Andrews Civic Trust offer to assist the Town, at no cost, with the services of JohnLeroux to offer suggestions for the design of the new wharfinger and washroom facilities for St. Andrews Market Wharf.

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved by Councillor Golding, seconded by Councillor Bishop and carried that Bylaw No. 12-04, a Bylaw Respecting the Fire Department of The Town of Saint Andrews be read in its entirety a third and final time.

BY-LAW NO. 12-05

A BY-LAW RESPECTING THE FIRE DEPARTMENT

THE COUNCIL OF THE TOWN OF SAINT ANDREWS UNDER THE AUTHORITY VESTED IN IT BY SECTION 109 OF THE MUNICIPALITIES ACT RSNB 1973, CH. M-22, HEREBY ENACTS AS FOLLOWS:

1. In this By-law

"Chief" means the Fire Chief of the Town of Saint Andrews,

"Council" means the Mayor and Councilors of the Town of Saint Andrews,

"Department" means the Saint Andrews Fire Department

"Firefighter" means volunteer, temporary, and/or permanent firefighters of the Town of Saint Andrews,

"Fire Prevention Officer" means any person duly appointed as a fire prevention officer by resolution of Council, including the Fire Chief, to enforce provisions under the Saint Andrews Fire Department By-law, and its amendments, and to enforce the *Fire Prevention Act* and the regulations made there under,

“Member” means a member of the Saint Andrews Fire Department and includes an officer,

“Officer in Charge” means the senior member at an incident where no officer is present.

“Off Road Rescue” means a rescue taking place on water, un-surfaced roads, trails or tracks, made of such materials as sand, gravel, riverbeds, peat moss, mud, snow, rocks and such other natural terrain.

2. The Saint Andrews Fire Department is hereby established (and continued) and it shall consist of the Fire Chief and as many Assistant Fire Chief’s, Captains, Lieutenants, other Officers, Firefighters and Driver-Caretakers as the Council may from time to time determine by resolution.

3. FIRE CHIEF

3.1. The Fire Chief is responsible to Council through the Chief Administrative Officer for the proper administration and operation of the Fire Department. The Fire Chief shall:

- (a) supervise and take charge of the fire station and the firefighting equipment and ensure the same is in good order and repair,
- (b) be responsible for and certify the correctness of all accounts against the Fire Department of which he or she has personal knowledge and file the same with the Chief Administrative Officer,
- (c) make an annual report to Council of the activities of the Fire Department during the preceding year, including all calls answered by the Fire Department, all fires, an inventory of the firefighting apparatus, the names of all members of the Fire Department, and recommendations as he or she may deem desirable to promote the efficiency of the Fire Department,
- (d) attend all fires and supervise the firefighting thereof,
- (e) have full charge and sole command at fires over all persons whether members of the Fire Department or not, and take all proper measures for the extinguishment of fires and the protection of property, the preservation of order and the observance of the laws and regulations respecting fires within the Town,
- (f) assign to firefighters their regular duties and such other work as he or she may deem proper from time to time, and make or cause to be made a record of the attendance at each fire of all firefighters.

3.2 The Fire Chief may suspend any member of the Fire Department for neglect of duty, misconduct or breach of any by-law or regulation, and shall forthwith report such suspension to the Council through the Chief Administrative Officer.

4. ASSISTANT FIRE CHIEF

4.1 the Assistant Fire Chief shall, while on duty, respond to all fire incidents and shall obey all lawful orders of the Fire Chief,

4.2 in the absence of the Fire Chief, the Assistant Fire Chief shall have all the powers and perform all the duties of the Fire Chief at the fire scene, and may perform such other duties as assigned by the Fire Chief from time to time .

5. CAPTAIN

5.1 a Captain shall, while on duty, respond to all fire incidents and obey all lawful orders of the Fire Chief and the Assistant Fire Chief,

5.2. in the absence of the Fire Chief and the Assistant Fire Chief, a Captain shall have all the powers and perform all the duties of the Fire Chief at the fire scene, and may perform such other duties as assigned by the Fire Chief from time to time .

6. LIEUTENANT

6.1 a Lieutenant shall, while on duty, respond to all fire incidents and obey all lawful orders of the Fire Chief, the Assistant Fire Chief, and the Captain,

6.2 in the absence of any senior officer mentioned in this section, a Lieutenant shall assume command of the fire ground operations until such a time as a senior officer arrives to assume command.

7. VOLUNTEER FIREFIGHTERS

7.1 the Fire Chief shall appoint as many volunteer firefighters as may be determined by the Council by resolution and may dismiss a volunteer firefighter for just cause,

7.2. the Fire Chief may appoint as many senior officers from among the volunteer firefighters as he or she deems necessary.

10. DUTIES OF FIREFIGHTERS

10.1. every firefighter must make a reasonable effort to care for any electronic communications equipment or any other equipment entrusted to him or her and report any defects in such equipment to the officer on duty at the time a deficiency is noted,

10.2. when so ordered by the Fire Chief, Assistant Fire Chief, or department training officer, all firefighters shall assemble for drill and instruction in the use of fire fighting equipment at the time and place specified by the Fire Chief,

10.3. if a member is absent for one-third, or more, of the alarms or practice drills during the year, without just cause, such absence shall be considered good cause for the member’s dismissal.

10.4. members shall comply with this by-law and the rules and regulations of the Saint Andrews Fire Department.

11. EQUIPMENT USE REGULATIONS

11.1. no firefighting equipment shall be taken beyond the Town limits without permission of the Fire Chief, or if the Fire Chief is absent or otherwise unavailable, the officer in charge, as per mutual aid agreements,

11.2. when any firefighting equipment is taken beyond the limits of the Town to any fire, the Fire Chief, or the officer in charge, shall take charge of the firefighting equipment. The Fire Chief, or officer in charge, shall ensure that a sufficient number of firefighters remain in the Town for emergency protection,

11.3. the Council may authorize firefighting equipment to be taken beyond the limits of the Town for parades and other special functions provided sufficient notice is given to the Fire Chief and assurance is given by the Fire Chief that emergency protection for the Town is maintained,

11.4. no department vehicle shall be used for emergency transportation of a person or persons other than a member of the Fire Department,

11.5. no firefighting equipment shall be released or loaned to another fire department or agency without written authorization of the Fire Chief and in no circumstances shall property of the Town Fire Department be released or loaned to an individual or commercial body,

11.6. without written authorization of the Fire Chief, Fire Department vehicles and fire firefighting equipment shall not be used for any work other than work of the Saint Andrews Fire Department.

12. DEMOLITION OF BUILDINGS

The Fire Chief may, in order to prevent the spread of a fire, issue an order for the pulling down, demolition, or removal of any building or structure.

13. GENERAL PROVISIONS

13.1. no person shall disobey the orders and directions of the Fire Chief of Assistant Fire Chief, or other senior officer in charge, while in the performance of their duties at a fire, nor shall any person interfere with or obstruct any such officer or any firefighter while in the performance of any duty at a fire,

13.2. every person attending a fire shall, upon request of the Fire Chief of Assistant Fire Chief, or officer in charge, assist any firefighter engaged at such fire and shall obey all orders and directions given to him or her by the Fire Chief or Assistant Fire Chief or officer in charge in connection with such fire,

13.3. whenever the Fire Chief, or Assistant Fire Chief, or officer in charge of any fire deems it advisable to guard the locality of such fire from the crowding of persons or vehicles, they may place or cause to be placed a rope or other barrier across and street or public place to indicate the area from which persons or vehicles are prohibited,

13.4. no person except a member of the Fire Department, the Fire Marshal, the RCMP, or persons authorized by the Fire Department, shall enter or be within an area marked off by ropes or barriers to indicate an area from which persons and vehicles are prohibited,

13.5. no person shall remain in the fire station between 2330hrs and 0700hrs of the following day, except a member on duty, or as approved by the Fire Chief or Assistant Fire Chief,

13.6. no person shall be in the fire station or report to any alarms while under the influence of intoxicating liquor or a drug, nor shall a person bring or have intoxicating liquor or a drug in the fire station. Any firefighter in contravention of this subsection shall be immediately relieved of his or her duties according to section 3.2,

14. PENALTY PROVISION

A person who violates any provision of this by-law is guilty of an offence and is liable on conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

15. REPEAL PROVISION

15.1. By-law No. 92-5, A By-law Respecting the Town of Saint Andrews Fire Department, passed by Town Council on April 27, 1992, and amendments thereto, is hereby repealed,

15.2. By-law No. 92-5, a By-law Respecting the Town of Saint Andrews Fire Department, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read a first time this _____ day of _____ 2012
Read a second time this _____ day of _____ 2012
Read a third time and passed this _____ day of _____ 2012

MAYOR

TOWN CLERK

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried that leave be granted to introduce By-Law No. 12-06, A By-Law of the Town of Saint Andrews to Impose A Special Business Improvement Levy and be read in its entirety the first time.

TOWN OF SAINT ANDREWS

BY-LAW NO. 12-06

A BY-LAW OF THE TOWN OF SAINT ANDREWS TO IMPOSE A SPECIAL BUSINESS IMPROVEMENT LEVY

Pursuant to Section 3(1) of the Business Improvement Areas Act, be it enacted by the Council of the Town of Saint Andrews as follows:

- 1. That a special business improvement tax shall be levied for the calendar year 2013 on all non-residential property within the business improvement area of the Town, said area having been designated in Town of Saint Andrews By-Law No. 72 enacted on June 4, 1984.
- 2. That the special business improvement tax for calendar year 2013 shall be at the rate of twenty cents (\$0.20) on each one hundred dollars (\$100.00) assessment of real property being the non-residential property in the business improvement area.

Read the in its entirety in Council first time: November 5, 2012

Read the second time:

Read the third and final time this _____ day of _____ and enacted this _____ day of _____ .

MAYOR- STANLEY CHOPTIANY

CLERK- W. TIMOTHY (TIM) HENDERSON

NEW BUSINESS

J1. Mayor's Comments

J2. Councillor's Comments

ADJOURNMENT

At 9:00 p.m. Councillor Golding moved that the meeting be adjourned.

Mayor

Clerk