



**TOWN OF SAINT ANDREWS  
W. C. O'NEILL ARENA COMPLEX VIC  
Regular Council Meeting  
April 1, 2019 at 7:00PM**

**MINUTES**

**RECORDING OF ATTENDANCE**

A Regular Meeting of the Town of Saint Andrews Council was held at the W. C. O'Neill Arena Complex Visitor Information Centre beginning at 7:03PM with the following members present: Mayor Doug Naish, Deputy Mayor Brad Henderson, Councillors Kate Akagi, Guy Groulx, Kurt Gumushel, and Andrew Harrison. Also, present Chris Spear, Acting Clerk/CAO, Treasurer, Terry Acton, Acting Deputy Clerk/CAO, Asset Manager, Xander Gopen, Planner SWNBSC

Absent: Councillor Edie Bishop

**APPROVAL OF AGENDA**

**Motion 73 - 04/19**

It was moved by Councillor Groulx, seconded by Deputy Mayor Henderson and carried that the Agenda be approved as presented. **Carried**

**DISCLOSURE OF CONFLICT OF INTEREST –  
NONE**

**APPROVAL OF THE MINUTES OF PREVIOUS MEETING**

**Motion 74 - 04/19 Minutes of Regular Meeting of March 4, 2019**

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that the Minutes of the Regular meeting of Council held on March 4, 2019 be adopted as amended. **Carried**

**Motion 75 - 04/19 Minutes of Special Meeting of March 11, 2019**

It was moved by Councillor Harrison, seconded by Councillor Gumushel and carried that the Minutes of the Special Meeting of Council held on March 11, 2019 be adopted as presented. **Carried**

**Motion 76 - 04/19 Minutes of Special Meeting of March 25, 2019**

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi and carried that the Minutes of the Special Meeting of Council held on March 25, 2019 adopted as presented. **Carried**

**PRESENTATIONS**

Gregor MacAskill, Garner Pinford and Steve Saunders, President of the Kiwanis Club of St. Andrews presented their Clubs Economic Impact Study- Oceanfront Camping in St. Andrews, NB.

**COMMUNICATIONS**

NONE

**STAFF REPORT**

Acting CAO, Chris Spear presented his report to Council related to the month of February Staff Reports.

**FINANCIAL REPORT – N/A**

**Motion 77 - 04/19**

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

## INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS

### Finance & Administration – Councillor Bishop

#### **Motion 78 - 04/19 FA190206 Federal Gas Tax Fund Agreement**

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx that it be moved that the document Town of Saint Andrews Five-Year Capital Investment Plan for the Gas Tax Fund Administrative Agreement 2019-2023 be adopted. **Tabled**

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that item FA190206 be tabled. **Carried to Table**

#### **Motion 79- 04/19 FA190208 – Building By-law 19-03**

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that leave be granted to introduce First Reading of By-law 19-03, Being the Building By-law for the Town of Saint Andrews. **Carried**

Mayor Naish read By-law 19-03, Being the Building By-law for the Town of Saint Andrews in its entirety for a First time.

#### **Motion 79a - 04/19**

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi and carried that Council set April 29, 2019 at 6:30PM at the W. C. O'Neill Arena for a public hearing of objections to By-law 19-03, Being the Building By-law for the Town of Saint Andrews. **Carried**

#### **Motion 79b – 04/19**

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that Council request the written views of the Planning Review and Adjustment Committee on proposed By-law 19-03, Being the Building By-law for the Town of Saint Andrews. **Carried**

#### **Motion 80 - 04/19 FA190303 – Fund for Professional Accountant Services**

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi that \$12,000 be allocated from administrative salaries to accounting services to allow for the services of an outside consultant.

#### **Motion 80a – 04/19**

It was moved by Councillor Groulx, seconded by Deputy Mayor Henderson to amend the motion to add that the Chief Administrative Officer has the authority to spend \$12,000. **Carried**

#### **Motion 80b- 04/19**

Returning to the original motion to read as follows:

It was moved by Councillor Groulx, seconded by Councillor Akagi and carried that the Chief Administrative Officer has the authority to spend \$12,000, allocated from administrative salaries to accounting services to allow for the services of an outside consultant. **Carried**

#### **Motion 81 – 04/19 FA190304 Application-NB Municipal Finance Corp.**

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi and carried **Be it resolved** that the Acting 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 sum of \$166,000 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 postdated 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 MCBB	Purpose by Function	Amount in Dollars	Term
<b>GENERAL</b>					
18-0030	Jun 6/2018	Mar 26/ 2018	Protective Services	\$ 34,000	15 Years
18-0030	Jun 6/2018	Mar 26/ 2018	Transportation	115,000	15 Years
18-0030	Jun 6/2018	Mar 26/ 2018	Recreation	17,000	15 Years

**Carried**

**Public Works - Councillor Akagi**  
NONE

**Public Safety — Councillor Groulx**

**Motion 82 -04/19 Policing Priorities**

It was moved by Councillor Groulx, seconded by Councillor Akagi and carried Move that the following be forwarded to the Saint Andrews detachment of the Royal Canadian Mounted Police as a list of policing priorities for 2019.

1. Increasing police presence in Saint Andrews,
2. Stronger community policing initiatives,
3. Addressing traffic control concerns and
4. Increased Public Awareness and Education.

**Carried**

**Business, Tourism, Heritage and Culture- Deputy Mayor Henderson**  
NONE

**Recreation and Community Services — Councillor Gumushel –**

**Motion 83 - 04/19 RCS190302 St. Andrews Community Tennis Association - Fees**  
It was moved by Councillor Gumushel, seconded by Councillor Harrison and carried that Council agrees to waive user fees for use of the public tennis courts by the St. Andrews Community Tennis Association for 5 years, up to and including 2023, to acknowledge appreciation for their commitment of \$20,000 toward the refurbishment of the tennis courts.

**Carried**

Councillor Harrison declared a Conflict of Interest on the following item as the individual being considered in the discussion is his Father.

**Motion 84 – 04/19 RCS190304 Add Member to Wharf Advisory Committee**

It was moved by Councillor Gumushel, seconded by Councillor Akagi and carried that Joe Harrison be added to the Wharf Advisory Committee for a one-year term effective April 1, 2019.

**Carried**

Following the vote, Councillor Harrison was notified that he could return to the Council Chambers.

**Planning & Economic Development — Councillor Harrison**

**Motion 85 - 04/19 PED190303 Town of Saint Andrews Municipal Plan Background Report**

It was moved by Councillor Harrison, seconded by Deputy Mayor Henderson that Council adopts the Saint Andrews Municipal Background Report dated March 26, 2019.

**Motion 85a – 04/19**

Following discussion, it was moved by Councillor Groulx, seconded by Deputy Mayor Henderson to table the motion for further review.

**Carried**

**NEW BUSINESS - NONE**

**QUESTION PERIOD – NO QUESTIONS**

**COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

**Motion 86- 04/19**

At 8:25 PM, it was moved Deputy Mayor Henderson, seconded by Councillor Akagi and carried that the meeting be adjourned.

  
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Doug Naish, Mayor

  
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Chris Spear, Acting Clerk



## Schedule "A"

### BY-LAW 19-03

BY-LAW 19-03 being the Building By-law for the Town of Saint Andrews

The Council of the Town of Saint Andrews, under authority vested in it by the Community Planning Act, R.S.N.B. (2017), and amendments thereto, hereby makes the following by-law:

#### **Definitions**

**1** In this By-law

"accessory structure" means a structure located on the same lot as the main building, structure or main use to which it is accessory, the use of which is naturally or customarily incidental or complementary to the main use of the land, building or structure but does not include a structure designed for public congregation;

"Act" means the *Community Planning Act*;

"National Building Code of Canada" means version of the National Building Code of Canada referenced in the *National Building Code Designation Regulation – Metric Conversion Act*, reg. 90-128.

#### **Purpose**

**2** The purpose of this By-law is

(a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure, in the Town of Saint Andrews

(b) to prohibit the undertaking or continuing of work mentioned in paragraph (a) in violation of standards prescribed under paragraph (a),

(c) to prescribe a system of development and building permits for work mentioned in paragraph (a), the terms and conditions under which development and building permits may be issued, suspended, reinstated and revoked, and

(d) to prescribe fees for development and building permits.

#### **Adoption of Code**

**3** With the exception of section 8, the remainder of *National Building Code of Canada 2010* sections are adopted by reference for the purposes of prescribing standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing of a building or structure.

#### **Exemption from Code**

4 The following accessory buildings and structures are exempt from the application of the Code:

- (a) accessory structures not designed for overnight accommodation with a total floor area of less than 56 square metres (600 square feet).

### **Prohibition**

5 A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless

- (a) subject to section 4, the building, locating or relocating, demolishing, altering or replacing of the building or structure conforms with the Code as adopted under section 3, and
- (b) a development and building permit has been issued under this By-law.

### **Application for a development and building permit**

6(1) A person seeking to obtain a development and building permit shall make application in writing to the development officer or building inspector, as the case may be, having jurisdiction in the area where the land involved is located and such application shall:

- (a) be made on a form provided by the Town of Saint Andrews or the regional service commission, as the case may be;
- (b) be signed by the applicant;
- (c) describe the development or state the intended use of the building or structure, as the case may be;
- (d) unless waived by the development officer or building inspector, include copies in duplicate of the specifications and scale drawings of the development or the building or structure with respect to which the work is to be carried out, showing
  - (i) the dimensions of the development or building or structure,
  - (ii) the proposed use of each room or floor area of the building or structure,
  - (iii) the dimensions of the property on which the development or building or structure is, or is to be, situated,

- (iv) the grades of the streets and sewers abutting the land mentioned in subparagraph (iii), and
- (v) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
- (vi) set out a reasonable total estimated cost of the proposed work; and
- (vii) contain such other information as the development officer or building inspector may require for the purpose of determining compliance with this By-law.

6(2) Subject to subsection 14(3), a development and building permit shall be issued where

- (a) an application referred to in subsection (1) has been received, and
- (b) the proposed work conforms with this By-law.

6(3) A development and building permit shall be issued by either a development officer or a building inspector.

### **Conditions**

7 A development and building permit shall be subject to the following terms and conditions:

- (a) the work mentioned in the development and building permit shall be commenced within six months from the date of issue of the development and building permit;
- (b) the work mentioned in the development and building permit shall not be discontinued or suspended for a period in excess of one year; and
- (c) the work mentioned in the development and building permit shall be carried out, unless otherwise approved by the development officer or building inspector, as the case may be, in compliance with the specifications contained in the application for the development and building permit.

### **Responsibility of permit holder**

8(1) Where a development and building permit is issued, the person named in the development and building permit shall give to the building inspector

- (a) at least forty-eight hours notice of his or her intention to start the work authorized by the development and building permit,

(b) notice of the placement of a foundation wall below the land surface at least twenty-four hours prior to any backfilling of the excavation,

(c) notice of the completion of the structural work at least twenty-four hours prior to the covering of any framing,

(d) notice of the completion of the work described in the development and building permit within ten days of such completion, and

(e) such other information as may be required under this By-law.

8(2) Where tests of any materials are made to ensure conformity with the requirements of this By-law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.

8(3) The approval of plans or specifications, the issuing of a development and building permit or any inspections under this By-law do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-law.

### **Inspections**

9 Where a permit has been issued the building inspector shall inspect the building, locating or relocating, demolishing, altering, or replacing of a building or structure.

### **Documents on the site**

10 During the carrying out of the work authorized by a development and building permit, the person named in the development and building permit shall keep posted in a conspicuous place on the property in respect of which the development and building permit was issued

(a) a copy of the development and building permit building permit or a poster or placard in lieu of the development and building permit, and

(b) a copy of any plans and specifications approved by the development officer or building inspector, as the case may be.

### **Tests**

11(1) The building inspector may

(a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is



necessary to determine if materials, devices, construction methods, cost estimates, structural assemblies or foundation conditions meet the requirements of this By-law, and

(b) revoke, suspend or refuse to issue a development and building permit where, in opinion of the building inspector, the results of the tests referred to in paragraph (a) do not meet the requirements of this By-law.

11(2) The building inspector shall reinstate the development and building permit when the materials, devices, construction methods, cost estimates, structural assemblies or foundation conditions meet the requirements of this By-law.

12 The building inspector shall keep proper records of all applications received, development and building permits issued and inspections and tests made and shall retain copies of all papers and documents connected with the administration of the duties of a building inspector.

### **Copy of Code**

13 The building inspector shall keep one copy of the Code available for public use, inspection and examination.

### **Fees**

14(1) The fee for a development and building permit for a building or structure to which the Code applies is \$25.00 plus \$5.00 for each one thousand dollars of the estimated construction cost of the building or structure.

14(2) The fee for a development and building permit for a building or structure which is exempted from the application of the Code under section 4 is \$50.00.

14(3) Where the development officer or the building inspector, as the case may be, is of the opinion that the estimated cost of construction of the building or accessory structure provided by an applicant is unreasonable, the development officer or building inspector may refuse to issue the development and building permit.

### **Repeal**

15 The Town of Saint Andrews Building By-law 99-2, and any amendments thereto, are hereby repealed.

Read the first time this 1<sup>st</sup> day of April, A.D. 2019.

Read the second time this 29<sup>th</sup> day of April, A.D. 2019.

Read the third time this XX<sup>th</sup> day of XXXX, A.D. 2019.

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Doug Naish, Mayor

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Chris Spear, Clerk (Acting)

I, **Chris Spear**, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Acting Town Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Acting Town Clerk of the Town of Saint Andrews, a municipal corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Section 62 of the *Community Planning Act* have been complied with in respect to By-law 19-03, being the Building By-law for the Town of Saint Andrews.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, this XX day of XXXX A.D. 2019.

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COMMISSIONER OF OATHS

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Chris Spear, Clerk (Acting)

Read first time:                      April 1<sup>st</sup>, 2019  
Read second time:                    April 29<sup>th</sup>, 2019  
Read third time:                      XXXX XX, 2019

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Mayor

\_\_\_\_\_  
Clerk (Acting)