

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
MONDAY, JANUARY 28, 2013 @ 7:00 P.M.

1. PRAYER
2. RECORDING OF ATTENDANCE

PRESENT: Mayor John Quartermain; Deputy Mayor John Ames; Councillors Allan MacEachern, Marg Harding, Mike Booth, Debbie MacDonald and Jim Maxwell; Chief Administrative Officer/Development Officer John Ferguson; and, Town Clerk Joan Flewelling.

3. APPROVAL OF AGENDA

AGENDA

Moved by Councillor Harding
Seconded by Deputy Mayor Ames

07/13 **THAT** the Agenda be approved as circulated. **CARRIED**

4. CONFLICT OF INTEREST

Councillor Booth declared a conflict of interest on paid bills to Canada Post and left Council Chambers at 7:08 p.m. and returned at 7:09 p.m.

5. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

- (a) February – Heart Month – Proclamation

Mayor Quartermain proclaimed the month of February 2013 as Heart Month:

Whereas the effects of heart disease and stroke are responsible for widespread suffering and create serious hardship in our community; and

Whereas the Heart and Stroke Foundation of New Brunswick is taking positive action to reduce disability and death from heart and stroke disease through:

- (1) a planned, priority research program
- (2) an accelerated public and professional heart health promotion program; and

**MINUTES
REGULAR COUNCIL
JANUARY 28, 2013**

Whereas the Heart and Stroke Foundation of New Brunswick's Annual Person-to-Person Campaign is being conducted during the Month of February.

Now Therefore, I, John Quartermain, Mayor of the Town of St. Stephen, hereby proclaim the month of February 2013 as Heart Month in St. Stephen and urge all citizens to cooperate in the Heart Fund Drive and all civic, social and fraternal organizations and business establishments to give this campaign the greatest possible support.

(b) Heritage Week – Proclamation

Mayor Quartermain proclaimed the week of February 11 – 18, 2013 as Heritage Week and February 18, 2013 as Heritage Day:

WHEREAS the second week in February is provincially recognized as the time to celebrate our heritage; and

WHEREAS the third Monday in February is National Heritage Day in Canada; and

WHEREAS the significant heritage which we have inherited from our ancestors plays a vital role in providing a unique identity to our Town; and

WHEREAS our built heritage provides us with a legacy to be handed down for the benefit and enjoyment of future generations; and

WHEREAS our natural heritage has played a vital role in developing the rich social fabric of our Town, and will continue to provide a framework for "*Water for Life*";

NOW THEREFORE, I, John Quartermain, Mayor of the Town of St. Stephen, do hereby proclaim the week of February 11 – 18, 2013 as **HERITAGE WEEK** in the Town of St. Stephen and Monday, February 18, 2013 as **HERITAGE DAY** in the Town of St. Stephen and urge all citizens to support and participate in heritage activities occurring throughout the Town.

6. NOTICES OF MOTIONS

No notices of motions.

7. APPROVAL OF COUNCIL MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor Maxwell

Seconded by Councillor Booth

08/13 **THAT** the Minutes of the Regular Council meeting held on December 17, 2012 be approved as circulated. **CARRIED**

SPECIAL COUNCIL MEETING

Moved by Councillor Harding

Seconded by Councillor MacEachern

09/13 **THAT** the Minutes of the Special Council meeting held on December 27, 2012 be approved as circulated. **CARRIED**

SPECIAL COUNCIL MEETING

Moved by Councillor MacEachern

Seconded by Deputy Mayor Ames

10/13 **THAT** the Minutes of the Special Council meeting held on January 3, 2013 be approved as circulated. **CARRIED**

8. ACCOUNTS

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor Harding

Seconded by Councillor MacEachern

11/13 **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to November 30, 2012 be received. **CARRIED**

PAID BILLS

Moved by Councillor Maxwell

Seconded by Councillor Harding

12/13 **THAT** the paid bills in the amount of \$3,744,534.88 (three million, seven hundred and forty-four thousand, five hundred and thirty-four dollars and eighty-eight cents) be ratified. **CARRIED**

PAID BILLS: CONFLICT OF INTEREST – CANADA POST

Moved by Councillor MacEachern

Seconded by Deputy Mayor Ames

13/13 **THAT** the paid Petty Cash bills (Cheque #011495) with the amounts of \$10.01 (ten dollars and one cent) and \$12.68 (twelve dollars and sixty-eight cents) included for Canada Post, be ratified. **CARRIED**

9. COMMUNICATIONS

COMMUNICATION FOR INFORMATION FILE

Moved by Councillor MacEachern
Seconded by Deputy Mayor Ames

14/13 **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

10. APPROVAL OF COMMITTEE MINUTES

COMMITTEE OF COUNCIL MEETING

Moved by Councillor Booth
Seconded by Councillor Harding

15/13 **THAT** the Minutes of the Committee of Council meeting held on January 3, 2013 be approved as circulated. **CARRIED**

COMMITTEES MEETING

Moved by Councillor Maxwell
Seconded by Councillor Booth

16/13 **THAT** the Minutes of the Committees meeting – Public Works; Police and Fire; Property, By-Laws and Environment; Parks and Recreation; Planning, Promotion and Tourism; and Finance and Administration held on January 16, 2013 be approved as circulated. **CARRIED**

COMMITTEE OF COUNCIL MEETING

Moved by Councillor Harding
Seconded by Councillor MacDonald

17/13 **THAT** the Minutes of the Committee of Council meeting held on January 21, 2013 be approved as circulated. **CARRIED**

11. STAFF REPORTS

STAFF REPORTS

Moved by Deputy Mayor Ames
Seconded by Councillor MacEachern

18/13 **THAT** the following staff reports for the month of December 2012 be adopted: Finance Department; Public Works Department; Department of Parks, Recreation and Property Management; Fire Department; Department of By-Laws and Building Inspection; and Development Office. **CARRIED**

12. UNFINISHED BUSINESS

No unfinished business.

13. CONSIDERATION OF BY-LAWS

BY-LAW NO. L-9 – A BY-LAW RESPECTING A SIDEWALK CAFÉ – THIRD AND FINAL READING – SHORT TITLE ONLY

Moved by Councillor Harding

Seconded by Deputy Mayor Ames

19/13 **THAT** By-Law No. L-9, being “A By-Law Respecting a Sidewalk Café – be given Third and Final Reading – Short Title Only. **CARRIED**

BY-LAW NO. A-9 – A BY-LAW RESPECTING THE ADVISING COMMISSION OF THE TOWN OF ST. STEPHEN’S GARCELON CIVIC CENTER – SECOND READING – SECTION NUMBERS ONLY

Moved by Councillor MacDonald

Seconded by Councillor Harding

20/13 **THAT** By-Law No. A-9, being “A By-Law Respecting the Advising Commission of the Town of St. Stephen’s Garcelon Civic Center” – be given Second Reading – Section Numbers Only. **CARRIED**

14. NEW BUSINESS

ROYAL CANADIAN MOUNTED POLICE – MONTHLY REPORT

Moved by Deputy Mayor Ames

Seconded by Councillor Booth

21/13 **THAT** the Royal Canadian Mounted Police (RCMP) December 2012 report for the St. Stephen Municipal Post, District # 1, be received for information and filed. **CARRIED**

AMENDMENTS – SCHEDULE “A” – BUILDING BY-LAW

Moved by Councillor Harding

Seconded by Councillor Maxwell

22/13 **THAT** the Council of the Town of St. Stephen approves the amendments to Schedule “A” (copy attached) of the Town’s By-Law No. L-6, “Building By-Law”, by deleting the requirement of a permit for residential roofing and non-combustible siding for residential or commercial use. **CARRIED**

REAPPOINTMENTS – PLANNING ADVISORY COMMITTEE

Moved by Deputy Mayor Ames

Seconded by Councillor Booth

- 23/13** **THAT** Ted Moore and Ed Zammit be reappointed to the Planning Advisory Committee for a two (2) year term retroactive to January 1, 2013 and expiring December 31, 2014; and that Garth Orchard and Geoff Knight be reappointed to the Planning Advisory Committee for a one (1) year term retroactive to January 1, 2013 and expiring December 31, 2013. **CARRIED**

REAPPOINTMENTS – ST. CROIX PUBLIC LIBRARY BOARD

Moved by Deputy Mayor Ames

Seconded by Councillor MacEachern

- 24/13** **THAT** Roderick Roy and Yvette Sawyer both be reappointed to the Board of Trustees of the St. Croix Public Library for a three (3) year term effective February 1, 2013 and expiring January 31, 2016; and that Jane Lindsay be reappointed to the Board of Trustees of the St. Croix Public Library for a one (1) year term effective February 1, 2013 and expiring January 31, 2014. **CARRIED**

NBCC ST. ANDREWS CAMPUS – WINTER CARNIVAL

Moved by Deputy Mayor Ames

Seconded by Councillor Maxwell

- 25/13** **THAT** the Council of the Town of St. Stephen authorizes an unbudgeted expenditure in the amount of \$200.00 (two hundred dollars) payable to the New Brunswick Community College (NBCC) St. Andrews Campus, as a donation to its Annual Community Winter Carnival to be held on February 9, 2013. **CARRIED**

Deputy Mayor Ames voting in favour of the motion.

Councillor MacEachern voting in favour of the motion.

Councillor Booth voting in favour of the motion.

Councillor Maxwell voting in favour of the motion.

Councillor Harding voting against the motion.

Councillor MacDonald voting against the motion.

RESCINDING OF RESOLUTION (TERMS OF REFERENCE: PROVISIONS GOVERNING THE PROCEDURE AND OPERATION OF THE ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Councillor Booth

Seconded by Councillor Harding

26/13 **THAT** Resolution # 106/09 as stated in the Minutes of April 20, 2009, which reads

THAT the Council of the Town of St. Stephen approves the terms of reference as outlined in the "Provisions Governing the Procedure and Operation of the St. Stephen Substandard Properties Appeal Committee dated February 23, 2009. **CARRIED**

be rescinded immediately. **CARRIED**

TERMS OF REFERENCE: PROVISIONS GOVERNING THE PROCEDURE AND OPERATION OF THE ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Councillor MacEachern

Seconded by Deputy Mayor Ames

27/13 **THAT** the Council of the Town of St. Stephen approves the terms of reference as outlined in the attached "Provisions Governing the Procedure and Operation of the St. Stephen Substandard Properties Appeal Committee dated January 28, 2013. **CARRIED**

RESCINDING OF RESOLUTION (ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE)

Moved by Councillor Maxwell

Seconded by Councillor Booth

28/13 **THAT** Resolution # 208/12 as stated in the Minutes of October 22, 2012, which reads

THAT the Council of the Town of St. Stephen appoints the following five members of Council to form the Town's Substandard Properties Appeal Committee:

- 1) Councillor Mike Booth (Chair)
- 2) Councillor Jim Maxwell (Co-Chair)
- 3) Deputy Mayor John Ames
- 4) Councillor Debbie MacDonald
- 5) Councillor Marg Harding

CARRIED

be rescinded immediately. **CARRIED**

ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Councillor Booth

Seconded by Councillor Harding

29/13 **THAT** the Council of the Town of St. Stephen appoints the following five (5) members to form the Town's Substandard Properties Appeal Committee for a term of three (3) years commencing February 1, 2013 and expiring January 31, 2016:

- 1) David R. Ames, Q.C. (Chairperson)
- 2) Councillor Mike Booth
- 3) Councillor Jim Maxwell
- 4) Councillor Debbie MacDonald
- 5) Councillor Marg Harding

AND FURTHER THAT the Council of the Town of St. Stephen appoints David A. Bartlett, Solicitor, to be the alternative member who shall act as Chairperson in the absence of the Chairperson for the same term as noted above. **CARRIED**

AGREEMENT AMENDING LEASE – THE TOWN AND THE PROVINCE OF NEW BRUNSWICK

Moved by Councillor MacEachern

Seconded by Councillor MacDonald

30/13 **THAT** the Council of the Town of St. Stephen authorizes the Mayor and Town Clerk to execute an Agreement Amending Lease between the Town and the Province of New Brunswick for one (1) year commencing April 1, 2013 and expiring March 31, 2014 for the lease of the Visitor Information Center at 5 King Street. **CARRIED**

BUILDING INSPECTION SERVICES – CONTRACT RENEWAL

Moved by Councillor Harding

Seconded by Councillor Maxwell

31/13 **THAT** the Council of the Town of St. Stephen renews the contract for building inspection services with Fundy Building Inspection & Drafting Services Ltd. (Fundy) for one year retroactive to January 1, 2013 to December 31, 2013 on the terms and conditions contained in the attached draft letter dated December 3, 2012 to be signed and sealed by Manzer H. Young, President of Fundy, and the Council authorizes the Mayor and Town Clerk to execute the letter and affix the Town Seal. **CARRIED**

SALE OF VEHICLE

Moved by Deputy Mayor Ames
Seconded by Councillor Harding

- 32/13 **THAT** the Council of the Town of St. Stephen authorizes the sale of the 1998 GMC ½ ton pickup, Serial # 1GTEC14M6WZ537833 in the amount of \$500.00, plus HST, based on the appraisal received from Downey Ford Sales Ltd. to David Richardson. **AND FURTHER THAT** the Council approves the payout of 2013 vacation days for payment in part or in whole.

AMENDED

SALE OF VEHICLE

Moved by Councillor Harding
Seconded by Councillor MacEachern

THAT the Council of the Town of St. Stephen authorizes the sale of the 1998 GMC ½ ton pickup, Serial # 1GTEC14M6WZ537833 to David Richardson in the amount of \$500.00, plus HST, based on the appraisal the Town received from Downey Ford Sales Ltd.

Mayor Quartermain asked that the above-noted motion be tabled after the CAO stated he was unsure whether or not Mr. Richardson would still be interested in purchasing the vehicle without the use of vacation days.

THE TRANSFER OF MUNICIPAL PROPERTY TO THE ROYAL CANADIAN LEGION, MILLTOWN BRANCH #48, 444 MILLTOWN BLVD., ST. STEPHEN, NB (PID #'S 01311901 and 01310101)

Moved by Councillor Harding
Seconded by Councillor MacDonald

- 33/13 **WHEREAS:**

1. By deed dated the 14th day of March, 1946 the property currently known as 444 Milltown Blvd., St. Stephen, NB having PID #01311901 ("**Property 1**") was conveyed by Victoria Lodge No. 26, Free and Accepted Masons to The Town of Milltown (now The Town of St. Stephen) (the "**Free Mason Deed**");
2. The Free Mason Deed contained restrictions which provided that the building was to be used for both the Grantor and the Armed Forces of Canada, as lessees, for so long as desired by such members upon such terms and conditions as may be determined by and under the general direction of the "War Memorial Committee" of the municipality;
3. By lease agreement dated the 15th day of July, 1966 The Town of Milltown (now The Town of St. Stephen), Milltown Branch No. 48 of The Royal Canadian Legion and Victoria Lodge No. 26, Free and Accepted Masons entered into a 99 year lease agreement with respect to Property 1 wherein The Town of Milltown acknowledged that the building located on Property 1 had been destroyed by fire and rebuilt with substantial funds of Milltown Branch No. 48 of The Royal Canadian Legion and that

**MINUTES
REGULAR COUNCIL
JANUARY 28, 2013**

10

Victoria Lodge No. 26, Free and Accepted Masons released any interest it had in Property 1;

4. By deed dated the 24th day of December, 1980 the property currently known as 12 Green Street, St. Stephen, NB having PID #01310101 ("**Property 2**") was conveyed by the Milltown Branch Number 48 of The Royal Canadian Legion conveyed to The Town of St. Stephen (the "**Legion Deed**")
5. In recognition of the substantial contributions to Property 1 and Property 2 the council for The Town of St. Stephen wishes to make a grant of such properties to The Royal Canadian Legion, Branch No. 48 pursuant to section 90.01 of the *Municipalities Act* (New Brunswick);

NOW THEREFORE BE IT RESOLVED THAT:

1. 444 Milltown Blvd. and 12 Green Street, having PID numbers 01311901 and 01310101, respectively, are hereby determined by the council for The Town of St. Stephen to be no longer required for the purposes of The Town of St. Stephen;
2. 444 Milltown Blvd. and 12 Green Street, having PID numbers 01311901 and 01310101, respectively, are hereby granted by The Town of St. Stephen to The Royal Canadian Legion, Milltown Branch #48, a non-profit corporation under and by virtue of Section 6 of "An Act to incorporate 'The New Brunswick Command Canadian Legion of The British Empire Service League'" pursuant to section 90.01 of the *Municipalities Act* (New Brunswick) with the stipulation that the grantee shall hold such property, or the proceeds thereof, for the benefit of Milltown Branch No. 48 of The Royal Canadian Legion and for no other purpose. **CARRIED**

PROVINCIAL/MUNICIPAL POLICING AGREEMENT - THE TOWN AND THE PROVINCE OF NEW BRUNSWICK

Moved by Councillor Harding

Seconded by Councillor MacEachern

34/13

THAT the Council of the Town of St. Stephen authorizes the Mayor and Town Clerk to execute a Provincial/Municipal Policing Agreement between the Town and the Province of New Brunswick in the form presented to Council for policing services within the Municipality by the Royal Canadian Mounted Police retroactive to January 1, 2013 and until either party gives notice of termination or upon termination of the Provincial Police Service Agreement. **CARRIED**

THE TOWN OF ST. STEPHEN'S GARCELON CIVIC CENTER - BUILDING CANADA FUND – MAJOR INFRASTRUCTURE COMPONENT (CONTRIBUTION) AGREEMENT – AGREEMENT MANAGEMENT COMMITTEE MEMBERS

Moved by Councillor Harding

Seconded by Deputy Mayor Ames

35/13

THAT the Council of the Town of St. Stephen appoints John Ferguson, the Town's Chief Administrative Officer, and Ed Farren, Garcelon Civic Center Project Manager, as the two (2) management committee members on the

**MINUTES
REGULAR COUNCIL
JANUARY 28, 2013**

11

Agreement Management Committee of the Building Canada Fund – Major Infrastructure Component (Contribution) Agreement with Infrastructure and Communities Canada signed and sealed on November 26, 2012, by the Mayor and Town Clerk for The Town of St. Stephen's Garcelon Civic Center. **CARRIED**

Deputy Mayor Ames voting in favour of the motion.

Councillor Harding voting in favour of the motion.

Councillor Booth voting in favour of the motion.

Councillor MacDonald voting in favour of the motion.

Councillor Maxwell voting in favour of the motion.

Councillor MacEachern voting against the motion.

15. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Ames

- Attended various meetings.
- Attended the recent hotel announcement at the VIC and have heard many positive comments on the future project.
- Due to a prior commitment was unable to attend a recent St. Stephen-Milltown Rotary Club dinner where several people were presented with Paul Harris recognitions, along with Rotary making its final installment of its \$100,000 pledge to the Garcelon Civic Center, and provided Rotary with a congratulatory note to the recipients and to the Club for full-filling its commitment, which was read at the dinner.

Councillor MacEachern

- Attended the recent hotel announcement at the VIC which was great news for the Town.
- Attended many various meetings.

Councillor Booth

- Attended many various meetings.
- Attended the recent hotel announcement at the VIC which was great news for the Town.

Councillor MacDonald

- Attended Garcelon Civic Center meetings.
- Attended a meeting in Moncton on the Garcelon Civic Center.
- Attended the recent hotel announcement at the VIC which was great news for the Town and looks forward to more excitement.

Councillor Maxwell

- Attended six Town meetings.
- Attended the annual St. Croix Vocational Centre Christmas party.
- The Chocolate Museum Operating Committee's annual fundraiser on a gift basket raised \$1,100 for the Museum and \$1,100 for the Food Bank.
- Participated in a pool tournament which raised over \$500.00 for Fundy Region Transition House.
- Attended the St. Stephen-Milltown Rotary Club's dinner where eight people received Paul Harris recognitions, along with the Club making its final installment of its \$100,000 pledge to the Garcelon Civic Center.

Mayor Quartermain

- Spoke recently in the Legislature on sustainable forestry which affects both the Flakeboard and Lake Utopia mills.
- Participated in a Telegraph-Journal photo op with the Mayor of Calais and Chair of the Baileyville Council in support of the four lane toll highway that will connect Eastern Canada and the Eastern United States.
- Attended a meeting in Moncton on the Garcelon Civic Center and also met with staff from the Progress Magazine of Halifax who are very interested in St. Stephen, and plan to meet here in the near future.

16. QUESTION PERIOD

There were no questions.

17. ADJOURNMENT

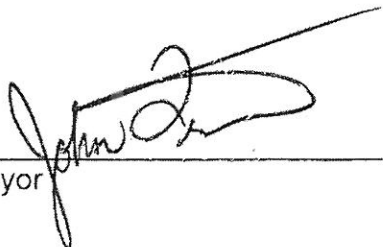
ADJOURNMENT

Moved by Councillor Harding
Seconded by Councillor MacEachern

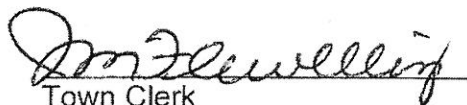
36/13

THAT the meeting adjourn at 8:05 p.m. CARRIED

Mayor



Town Clerk



BYLAW NO. L-6
A BUILDING BYLAW

SCHEDULE 'A'

<u>Description of Work</u>	<u>Single Family/ Duplex/Row Houses</u>	<u>Other Buildings</u>
	<u>Permit Required</u>	<u>Permit Required</u>
1. Roofing	No	Yes
2. Combustible Siding	Yes	Yes
3. Non-Combustible Siding, Aluminum, Brick, Stucco	No	No
4. Painting	No	No
5. Ceramic Tile	No	No
6. Plaster, drywall repairs (except fire separations)	No	No
7. Window Replacements	Yes	Yes
8. Structural Repairs, sagging Floor or roof, wall bulge	Yes	Yes
9. Insulating, except foamed plastic for interior walls, Styrofoam, etc	No	No
10. Replacement of floor covering	No	No
11. Fencing	Yes	Yes

Revised: January 28, 2013

**Provisions Governing the
Procedure and Operation
Of the St. Stephen Substandard
Properties Appeal Committee**

Approved: January 28, 2013

WHEREAS subsection 190.01(3) of the *Municipalities Act* provides that an officer appointed by Council may notify the owner or occupier of a premises, building or structure when such premises is in an unsightly condition because of specified items being upon it, and when the building or structure presents a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

AND WHEREAS a Notice to Comply may also be sent by an officer appointed by Council with respect to a dwelling or dwelling unit which is being leased to another person and does not comply with the minimum property standards set out in the *St. Stephen Minimum Property Standards By-Law* or in the *Residential Properties Maintenance and Occupancy Code Approval Regulation - Municipalities Act* or in both. The appointed officer may, in his Notice to Comply, require that the unsightly and/or hazardous condition be remedied, or may require that the dwelling or dwelling units be brought into compliance with minimum property standards.

AND WHEREAS subsection 190.021(1) of the *Municipalities Act* provides that an owner or occupier of a premises, building or structure who has been given a Notice to Comply and who is not satisfied with the terms or conditions set out therein and may appeal to the appropriate committee of council by filing a Notice of Appeal by registered mail to the clerk of the municipality within fourteen (14) days after having been given the Notice to Comply. The *St. Stephen Minimum Property Standards By-law* also provides a similar right of appeal from a Notice to Comply issued under said By-law.

NOW THEREFORE BE IT RESOLVED that the *St. Stephen Substandard Properties Appeal Committee* is hereby created.

AND FURTHER BE IT RESOLVED that the provisions herein shall apply to the order and dispatch of business of the *St. Stephen Substandard Properties Appeal Committee*.

A. Definitions

1. Wherever a word is used in these Provisions with a first letter capitalized, the term is being used as defined in this Section A. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (a) “*Appeal Committee*” means the St. Stephen Substandard Properties Appeal Committee.
- (b) “*Architect*” means a professional architect registered in the Province of New Brunswick.
- (c) “*Building Inspector*” means a person appointed pursuant to subsection 74(3) of the *Municipalities Act*.
- (d) “*Business Day*” means a day other than a Saturday, Sunday or statutory holiday in the Province of New Brunswick.

- (e) “*Business Hours*” means 9:00 AM to 5:00 PM of any Business Day
- (f) “*By-Law Enforcement Officer*” means the By-Law Enforcement Officer appointed by the Council under the authority of Section 14 of the *Police Act*, S.N.B. 1977, Chapter 9.2
- (g) “*Chairperson*” means the Chairperson of the Appeal Committee.
- (h) “*Clerk*” means the Clerk of The Town of St. Stephen or a person designated by the Clerk.
- (i) “*Council*” means the Council of The Town of St. Stephen.
- (j) “*Engineer*” means a professional engineer or a consulting engineering firm who is currently licensed to practice within the Province of New Brunswick to carry out engineering services.
- (i) “*Municipalities Act*” means the *Municipalities Act*, R.S.N.B. 1973, c. M-22, and amendments thereto, including any Regulations hereunder.
- (j) “*Notice*” means a Notice to Comply prescribed by *New Brunswick Regulation 2007-22* under the *Municipalities Act*, issued under subsection 190.01(3) of the *Municipalities Act* or under the *St. Stephen Minimum Property Standards By-law*.
- (k) “*Officer*” appointed by Council means the By-Law Enforcement Officer.
- (l) “*Subject Property*” means the property for which a Notice of Appeal has been sent to and received by the Clerk pursuant to the *Municipalities Act*.

B Interpretation

1. Headings: the captions, article and section names and numbers appearing in these Provisions are for convenience of reference only and have no effect on its interpretation
2. Gender, Number: These Provisions are to be read with all changes of gender or number required by the context.
3. Legislation References: Each reference to legislation in these Provisions is printed in Italic font. Where the name of the statute does not include a year, the reference is to the Revised Statutes of New Brunswick, 1973 edition. Where the name of the statute does include a year, the reference is to the Statutes of New Brunswick for that year. In every case, the reference is intended to include all applicable amendments to the legislation, including successor legislation and regulations. Where these Provisions reference other by-laws of the Town of St. Stephen, the term is intended to include all applicable amendments to that by-law, including successor by-laws.

4. Severability: If any section, clause or provision of these Provisions, is for any reason declared by a court or tribunal of a competent jurisdiction to be invalid, the ruling shall not affect the validity of the Provisions as a whole, nor any part of it.

C. Composition of the St. Stephen Substandard Properties Appeal Committee and Appointments

2(1) There shall be an Appeal Committee composed of the following persons:

- (a) The Appeal Committee shall consist of five (5) members all appointed by Council.
- (b) One member of the Appeal Committee shall be a solicitor who is a member of the Law Society of New Brunswick, who shall be the Chairperson of the Appeal Committee.
- (c) Council shall appoint a solicitor who is a member of the Law Society of New Brunswick to be an alternative member of the Appeal Committee to temporarily serve in the place of the solicitor appointed under subsection 2(1)(b) in such cases as the solicitor appointed under subsection 2(1)(b) is unavailable to serve.
- (d) Council shall appoint all members who serve on the Appeal Committee.

2(2) Should a member of the Appeal Committee die, resign, become ineligible to be a member or be removed from office, Council shall, as soon as reasonably possible, appoint another person to replace such member, and such newly appointed member shall hold office for the remainder of the term of the member he replaces.

D. Terms of Office:

- 3(1) Council shall determine the length of time that a member will be appointed to the Appeal Committee.
- 3(2) The Chairperson shall be appointed by Council for a period determined by Council, or until he ceases to be a member of the Appeal Committee, whichever comes first.

E. Duties of Chairperson

- 4(1) The Chairperson shall determine the time, date and place of hearings of the Appeal Committee.
- 4(2) The alternative member appointed by council under section 2(1)(c) is authorized to act as Chairperson in the event of the Chairperson's absence or his inability to act, or in the case of a vacancy in the chairmanship and, when so authorized, such member shall have all the powers and duties of the Chairperson.

F. Revocation of Appointment

- 5(1) Any appointment to the Appeal Committee may be revoked by Council at any time.
- 5(2) A member may resign at any time by submitting his resignation in writing to Council.
- 5(3) In the event that the membership of the Appeal Committee is increased, Council shall appoint such additional member(s) and amend the Provisions Governing the Procedure and Operation of the Appeal Committee accordingly.
- 5(4) In the event that the membership of the Appeal Committee is decreased, Council shall remove the necessary number of member(s) and amend the Provisions Governing the Procedure and Operation of the Appeal Committee accordingly.

G. Rules of Procedures

- 6(1) When he receives a Notice of Appeal that has been issued in accordance with subsection 190.021(1) of the *Municipalities Act*, the Clerk shall:
- (a) Obtain from the By-Law Enforcement Officer a copy of the Notice to which the Notice of Appeal relates;
 - (b) Promptly notify the Chairperson of the Appeal Committee;
 - (c) Enface the original copy of the Notice of Appeal and all documents submitted by the Appellant with the date upon which it was received;
 - (d) Assign and enface the Notice of Appeal and all documents submitted by the Appellant with a file number;
 - (e) Retain and file the original Notice of Appeal and all documents submitted by the Appellant;
 - (f) Forward a copy of the Notice of Appeal and all documents submitted by the Appellant, including the Notice, to the Appeal Committee;
 - (g) Forward a copy of the Notice of Appeal and all documents submitted by the Appellant to the By-Law Enforcement Officer;
- 6(2) The Appeal Committee shall hold a hearing during normal business hours within sixty (60) calendar days after being advised by the Clerk that a Notice of Appeal has been sent to, and received by the Clerk in accordance with subsection 190.021(1) of the *Municipalities Act*, with respect to:

- (a) Premises which are allegedly unsightly;
- (b) Buildings or structures which are allegedly a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength; or
- (c) Buildings that allegedly do not meet the minimum property standards set out in the *St. Stephen Minimum Property Standards By-law* or *Residential Properties Maintenance and Occupancy Code Approval Regulation – Municipalities Act* or in both of them.

6(3) The Appeal Committee shall, at least ten (10) days before the hearing:

- (a) Cause the original copy of the Notice of Hearing, to either be personally served on the Appellant or posted in a conspicuous place on the premises, building or structure;
- (b) In the event that the Appellant is represented by counsel and his counsel is authorized to accept service, serve a copy of the Notice of Hearing with his counsel; and
- (c) Advise the By-Law Enforcement Officer of the date, time and place of the hearing.

6(4) Prior to hearing the submissions of the parties, the Chairperson shall ask the appellant:

- (a) To review the Notice received from the Clerk; and
- (b) Confirm that the Notice received from the Clerk is the Notice that the Appellant is appealing.

6(5) The following order shall be followed by the Appeal Committee when hearing any representations and evidence:

- (a) Firstly, hear the representations and evidence presented by the Appellant in support of his Notice of Appeal;
- (b) Secondly, hear the representations and evidence from the Building Inspector in support of the Notice to Comply; and
- (c) Offer the Appellant a chance to rebut the representations of and evidence from the Building Inspector.

6(6) Should the Appellant wish to abandon his appeal; he shall file with the Clerk a Notice of Abandonment or provide written confirmation to the Clerk stating that he abandons his appeal.

- 6(7) A Notice of Appeal is deemed to have been abandoned when the Appellant or his counsel does not appear at the time, place and date set out in the Notice of Hearing.

H. Duties and Powers

- 7(1) The hearing of an appeal shall be heard by three (3) members of the Appeal Committee, one of whom shall be the Chairperson.
- 7(2) A quorum of the Appeal Committee shall consist of three (3) members.
- 7(3) The Appeal Committee shall, when making its decision in an appeal involving an allegedly hazardous building or structure, give due consideration to the following:
- (a) section 190.07 of the *Municipalities Act*, which provides that a report from an Architect, an Engineer, a Building Inspector, or the Fire Marshall stating that a building or structure is dilapidated or structurally unsound is proof in the absence of evidence to the contrary that a building or structure is dilapidated or structurally unsound;
 - (b) Other representations and evidence presented in support of the Notice that is being appealed; and
 - (c) Other representations and evidence presented by the Appellant or his counsel.
- 7(4) The Appeal Committee shall, when making its decision in an appeal involving allegedly unsightly premises, give due consideration to the following:
- (a) Whether the items involved are enumerated in subsection 190.01(1) of the *Municipalities Act*;
 - (b) The location from which the items involved are clearly visible;
 - (c) The location and use of the property;
 - (d) Any representations and evidence presented in support of the Notice that is being appealed; and
 - (e) Any representations and evidence presented by the Appellant or his counsel.
- 7(5) The Appeal Committee shall, when making its decision in an appeal involving a building or structure which allegedly does not meet the minimum property standards, give due consideration to the following:

- (a) The provisions of the *St. Stephen Minimum Property Standards By-law* and the *Residential Properties Maintenance and Occupancy Code Approval Regulation – Municipalities Act*;
 - (b) Any representations and evidence presented in support of the Notice that is being appealed; and
 - (c) Any representations and evidence presented by the Appellant or his counsel.
- 7(6) If the Appellant abandons his appeal or if neither the Appellant nor his counsel appears at the date, time and place fixed for hearing of the appeal or at a rescheduled date, the Appeal Committee shall:
- (a) Upon proof of service of the Notice of Hearing on the appellant or his counsel, or upon proof that the Notice of Hearing was posted in a conspicuous place on the premises, building or structure in relation to the proceedings, carry out the following:
 - (i) Hear representation and evidence presented by the Building Inspector in support of the Notice that is being abandoned;
 - (ii) Return the Notice of Appeal and all documents submitted by the Appellant to the address shown on Notice of Appeal; and
 - (iii) Notify the Appellant in writing at the address shown on his Notice of Appeal of the decision of the Appeal Committee of the decision of the Appeal Committee.

I. Hearings to be Public

- 8(1) All hearings before the Appeal Committee shall be open to the public.

J. Right to Counsel

- 9(1) A person who brings an appeal shall be heard by the Appeal Committee and may be represented by counsel.

K. Records of the Proceedings

- 10(1) The Appeal Committee shall keep records of its proceedings and shall use audio recording technology to record its appeal hearings.

- 10(2) The audio recording of a hearing may be destroyed one (1) year after the hearing of the appeal if the appellant has not exercised his right under the *Municipalities Act* to appeal the Appeal Committee's decision to The Court of Queen's Bench of New Brunswick.

L. Decisions

- 11(1) The Appeal Committee shall provide a copy of its decision to the Appellant within fourteen (14) days after making its decision. The decision may confirm, modify or rescind the Notice or extend the time for complying with the Notice.
- 11(2) The Appeal Committee's decision shall be dated and such date shall be the date of the decision.
- 11(3) All decisions of the Appeal Committee shall be written by the person who acted as the Chairperson.
- 11(4) Each member of the Appeal Committee who participates in a hearing shall indicate in writing his concurrence with or dissent from the decision of the Appeal Committee.
- 11(5) Should a decision of the Appeal Committee not be unanimous, the dissenting reasons of the member that disagrees with the decision of the majority of members shall be expressed in writing in the decision of the Appeal Committee.

M. Conflict of Interest

- 12(1) Any member must excuse himself from participating in a hearing in circumstances where he has a conflict of interest.

N. Remuneration and Expenses

- 13(1) Members of the Appeal Committee will be remunerated as follows:
- (a) Chairperson - \$600 per day; and
 - (b) Member of council – No remuneration
- 13(2) Members of the Appeal Committee will be reimbursed for necessary expenses, reasonably and actually incurred by virtue of their participation in Appeal Committee hearing.

O. Funding

- 14(1) The Town of St. Stephen shall provide funding for the Appeal Committee's activities through its normal budgeting procedure.
- 14(2) The Town of St. Stephen shall provide the following to the Appeal Committee:

- (a) A venue where the hearings shall take place;
- (b) Audio recording equipment which is sufficient to record the hearing;
- (c) Secretarial services, as required;
- (d) Official stationary, as required; and
- (e) Such other incidental services or resources that are necessary for the proper functioning of the Appeal Committee.

P. Office of the Appeal Committee

13(1) The address of the Appeal Committee shall be as follows:

St. Stephen Substandard Properties Appeal Committee
C/o Town Clerk, Town of St. Stephen
73 Milltown Blvd., Suite 112
St. Stephen, NB
E3L 1G5

Q. Matters Not Provided For

14(1) Any matter of procedure or practice not expressly provided for in the Provisions Governing the Procedure and Operation of the Appeal Committee shall be left to the members of the Appeal Committee to decide.



TOWN OF ST. STEPHEN

Incorporated 1871

"Canada's Chocolate Town"

December 3, 2012

Mr. Manzer H. Young, President
Fundy Building Inspection & Drafting Services Ltd.
129 Back Bay Loop Road
Back Bay, NB
E5C 2V5

Dear Manzer:

Re: *Contract for Building Inspection Services – January 1st. 2013- December 31, 2013*

Thank you for continuing to have your company provide building inspection services for the Town of St. Stephen. This arrangement was originally approved by Council at its meeting of 21 April 2008. This arrangement remains conditional upon proof of insurability for liability approved in writing by the Town's insurance broker.

Building inspection is responsible for:

- Enforcement of all building and sub-division by-laws;
- L-5 A by-Law to Adopt a Code Respecting Standards for Maintenance And Occupancy Of Residential Buildings and Premises in the Town of St. Stephen
- S-12 A By-law Respecting Dangerous and Unsightly Premises
- The National Building Code;
- Ensuring compliance with the codes, regulations, and resolutions of Council; and,
- Inspection of buildings and premises.

This contract has the following characteristics:

- A continuing term of 12 months, beginning January 1, 2013 and concluding December 31, 2013, extendable thereafter, and terminable unilaterally on one month's written notice;
- Modifications to the terms may be made by mutual agreement;
- The contractor is responsible to the Manager, By-Laws and Building Inspection Services;
- All work is to be assigned and scheduled *in advance* and after completion *approved* by Manager, By-Laws and Building Inspection Services, Mark Fleming;
- Straight hourly fee of \$35.00 for all and any services, for which an itemized invoice, bi-weekly, is to be submitted to the Manager, By-Laws and Building Inspection Services;

September 20, 2011


- Travel time is not billable, but a \$200.00 travel allowance will be paid monthly, for which a monthly invoice is to be submitted to the Manager, By-Laws and Building Inspection Services;
- Hours of service for the 12 months of this contract are an average of 20 hours per week.

The Town pays invoices within thirty days or fewer.

If these conditions are agreeable, please indicate your acceptance of this contract by signature of the original letter.

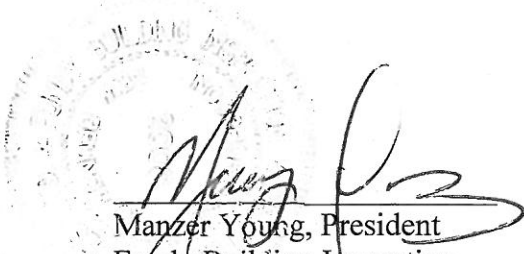
I look forward to our continuing to work together.

Yours truly,

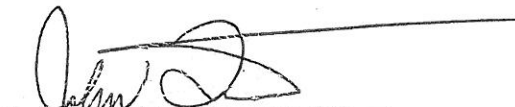


Mark Fleming, Manager
By-Laws and Building Inspection Services

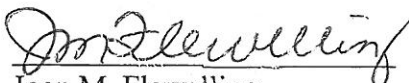
cc: John Ferguson, CAO/Development Officer
Tim Tozer, Treasurer



Manzer Young, President
Fundy Building Inspection
& Drafting Services Ltd.



John Quartermain
Mayor, Town of St. Stephen



Joan M. Flewelling
Clerk, Town of St. Stephen