

## **Town of Amherst Planning Advisory Committee Minutes**

**Date of Meeting:** Friday, January 18, 2019  
**Location:** Council Chambers, Town Hall

**Members Present:** Deputy Mayor Sheila Christie  
Councillor Terry Rhindress (Vice Chair)  
Councillor Jason Blanch  
Citizen Appointee Gordon Goodwin  
Citizen Appointee Ronald Wilson  
Citizen Appointee Larry Pardy

**Staff Present:** Deputy CAO, Jason MacDonald  
Unsightly Premises Administrator, Marc Buske  
Municipal Clerk Kimberlee Jones  
Admin Assistant Emily Wainwright

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### **1. Call to Order**

Vice-Chair called the meeting to order at 12:15 p.m.

#### **1.1. Approval of Agenda**

**Moved By:** Deputy Mayor Christie  
**Seconded By:** Citizen Appointee Wilson  
That the agenda be approved.

**Motion Carried**

#### **1.2. Approval of Minutes**

**Moved By:** Citizen Appointee Wilson  
**Seconded By:** Deputy Mayor Christie  
That the minutes of the January 14, 2019 PAC meeting be approved.

**Motion Carried**

**2. 59 Church Street**

**2.1. Staff Report**

Mr. MacDonald reviewed his report as included as part of the agenda package.

**2.2 Engineering Report**

Mr. MacDonald reviewed the engineering report provided by the property owner, as included as part of the agenda package.

**2.3 Committee Questions/Comments**

Vice Chair Rhindress asked if the property owner does not demolish the building within 45 days, does he have time to appeal within those 45 days. Mr. MacDonald replied that the process is that the property owner will be notified today of the order to demolish the building, and from that time he will have 7 days to appeal in writing to the Town CAO. If that were to occur, then the CAO, the Clerk, and the Deputy CAO would schedule a special meeting of Town Council in order to hear that appeal. If he does not appeal, he will have 45 days to demolish the building. If approximately 30 days goes by and it seems that the owner has no intention of demolishing the building, we will start up the procurement processes in order to have the work done shortly after the 45 day requirement.

Deputy Mayor Christie asked what are the procedures for notifying the adjacent property owner. Mr. MacDonald replied that the adjacent property owner is aware of the current situation and has been in contact with us numerous times regarding the property. Should an order to demolish be given and there is no appeal, or if there is an appeal and Council makes the decision to order demolition, then we would be in contact with the adjacent property owner in order to develop a plan for the demolition in relation to the connected roof lines of the buildings. The adjacent property owner would have to carry out necessary repairs to the side of their building to make sure it is waterproof and not open to weather.

Vice Chair Rhindress asked if we have to tear it down and we do any damage to the other building, who pays, us or them. Mr. MacDonald replied that we would not undertake the work, we would contract the work out. The contractor would have to have the proper liability insurance to cover any damages to the adjacent building.

Citizen Appointee Goodwin stated that if the work is contracted to an independent contractor, the proper thing to do is to write in their contract 'if you damage the adjacent building, it is to your account.'

## **2.4 Recommendation**

**Moved By: Citizen Appointee Goodwin**

**Seconded By: Citizen Appointee Wilson**

**That the Planning Advisory Committee order the property owner of 59 Church Street to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.**

**Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to the land fill, with all demolition and landfill costs charged to the property owner's tax account.**

**Motion Carried**

## **3. 2 Industrial Park Drive**

### **3.1 Staff Report**

Mr. Macdonald reviewed his report as included as part of the agenda package.

### **3.2 Committee Questions/Comments**

Citizen Appointee Wilson asked if the 45 day window a statutory requirement or could that be adjusted as he does not want to delay the demolition. Mr. MacDonald replied that the 45 days is not in legislation, the committee could order a different timeline. However, the timeline would have to provide enough time to properly procure the services of a contractor.

Citizen appointee Pardy asked if the property owner will have the opportunity to remove the contents of the building. Mr. MacDonald replied that yes, should the committee order demolition, the property owner will have ample opportunity to remove the items from the property.

Deputy Mayor Christie asked that given the current situation with the property owner, what steps will we take to ensure he is properly notified of the outcome of the meeting. Mr. MacDonald replied that in addition to the minimum requirement for notice that we will also contact the property owners solicitor in order to ensure that he is aware of any order placed on the property.

Councillor Blanch stated that he understands the question to shorten the timeframe, but I would be inclined to stick with the 45 days, so it does not appear that we are treating this property differently than the previous one.

### **3.3 Recommendation**

**Moved By: Councillor Blanch**

**Seconded By: Deputy Mayor Christie**

**That the Planning Advisory Committee order the property owner of 2 Industrial Park Drive to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.**

**Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to the land fill, with costs charged to the property owner's tax account.**

**Motion Carried**

**5. Adjournment**

**Councillor Blanch motioned to adjourn the meeting at 12:39p.m.**

**Motion Carried**

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Kimberlee Jones, Municipal Clerk

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Vice Chairman Terry Rhindress