

March 26, 2017

Mayor Al Strathdee
Town of St. Marys
175 Queen Street East,
Mail: P.O Box 998,
St. Marys, ON N4X 1B6

Dear Mayor Strathdee & Councillors,

RE: Bylaw 59 -2008

I am writing you in my capacity as the proprietor of the Westover Inn here in St. Marys.

I am writing requesting that Council consider the following requests:

- i) That By-Law 59-2008 (the “By-law”) be declared of no force and effect;
- ii) In the alternative, that the By-Law be amended to have an annual “re-set” clause with respect to “False Alarms” as they apply to the fees levied thereunder;
- iii) That the Westover receive a full fee-waiver and credit for all fees (together with interest and penalties) levied against our business under this By-law since January 1, 2010;
- iv) In the alternative, that the Westover receive a partial fee-waiver equal to the fees (together with interest and penalties) that have been levied since January 1, 2010, less what would have been levied under the By-law had an annual “re-set” clause been in place during that same time.

Background

The By-law purports to attempt to recover from local residents and businesses certain costs incurred by the municipality relating to police services for what are deemed to be false alarms.

As I recall, I first learned of this By-Law when I received a large invoice from the Town in what I believe was early 2010, for charges levied since its enactment for police visits to the Inn.

Upon receipt I arranged a discussion with then Mayor Hahn and CAO Brindley. I expressed my concern that I was not aware that our business would be charged if the police were called to the Inn, that I had no opportunity to discuss with the police representative the nature of the alarm calls, and most importantly, that in my view, the By-law was flawed, in that it contained no annual re-set clause nor appeal process for the determination of a “False Alarm”.

More specifically, that once a business reached its fourth alarm (as deemed by the officer), it would then be charged \$350 per alarm on a permanent and ongoing basis.

As a result of our conversation, it was agreed that our fees levied would be waived, which they were, and that it would be brought to the then Council to amend the By-Law to provide that the fees would be re-set on an annual basis.

Subsequently, as you are likely aware, I sat on Council for a period of four years. While I had assumed, mistakenly, that this By-Law flaw had been remedied, I learned while sitting on Council that it had in fact not been fixed. I learned this through the receipt of large invoices to the Inn under the By-law.

At the time, given my seat on Council, I chose not to bring the matter forward to my colleagues on Council, but rather to wait until my term had finished. When my schedule permitted, and after a new CAO had been hired, I reached out to the CAO Brent Kittmer on the issue, and we agreed it best to bring this matter formally to Council.

Alarm System

The Westover brings to Town thousands of visitors in any calendar year. Their safety while here is our top priority. Furthermore, their safety, I would argue, should be a top priority for the Town. One preventable negative tourist incident could cause our Town's tourism business to suffer greatly. Fortunately this has to date not happened.

Prior to the enactment of the By-Law we made the decision, based on a rash of youth mischief/criminal activity on our property (e.g. attempting to access the Inn when closed, vandalism, theft, etc) and our desire to keep our guests safe (and at the suggestion of our insurance company) to install security alarms at the Inn.

As part of that system if an intruder pulls on a locked door, while the door MAY not come open, the alarm will sound and (hopefully) scare away the individual. In addition the police are notified. These are examples of instances under which we were fined.

Rationale

While I appreciate the importance of using our limited police resources in the most efficient manner possible, I feel this By-law, while well-intentioned, is misguided, poorly drafted, and could lead to problems for the Town in the future.

For example, if in the future a business were to decide to remove their alarm system after reaching the fourth alarm threshold, for fear of the harsh penal consequences under the By-Law, and an incident were then to occur at that business that would have been prevented had the business kept the alarm system, the Town could possibly be seen to have contributed to any loss or damage occasioned on account of such an incident.

I feel that an annual re-set clause in this By-Law, as was suggested in 2010, would make the fines fair and reasonable, the By-Law as a whole justifiable, and would likely greatly limit the Town's risk exposure under the By-Law in the event a contributory negligence claim were ever brought by any business against the Town.

It is my understanding that while other municipalities have similar By-Laws, they have annual re-set clauses in the fine schedules.

If the request can be quantified, I would expect that our request for financial relief would be in the range of \$3,500.

To give sense to my frustration with these additonal costs in addition to the portion of our property taxes that are directed to police services, I am attaching a photo of some of the vandalism experienced at the Inn, from August of 2014, when our on-site chapel (which has no alarm) was broken in to, and the marble altar was completely destroyed. No charges were ever laid in relation to this incident.

I thank you in advance for your time in discussing how best to handle my requests, and look forward to answering any questions any of you may have.

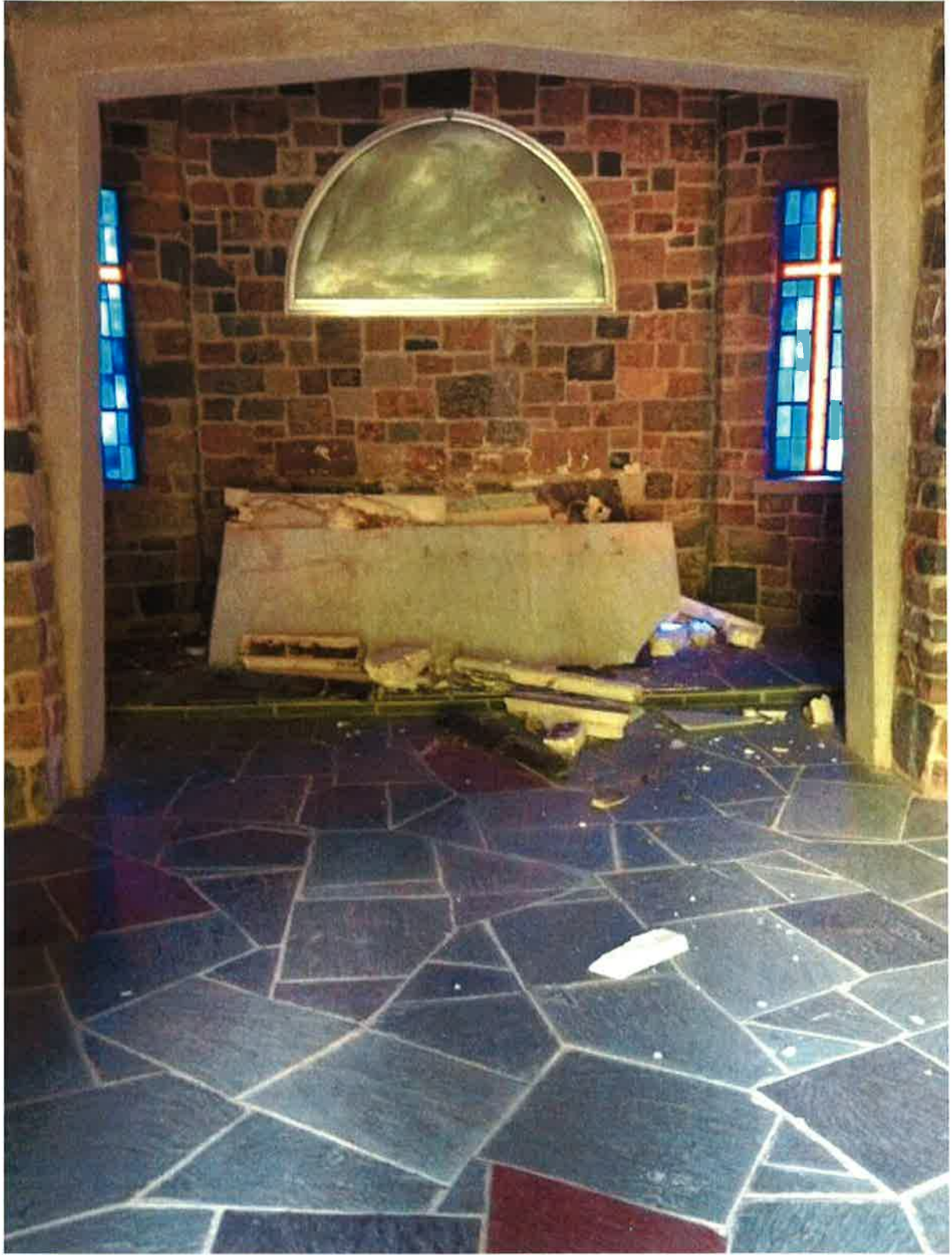
Yours sincerely,



Stephen McCotter
Owner/Operator
300 Thomas Street
P.O. Box #280
The Westover Inn
St. Marys, ON N4X 1B1

cc.

Councillor Carey Pope
Councillor Tony Winter
Councillor Bill Osborne
Councillor Lynn Hainer
Councillor Don Van Galen
Councillor Jim Craigmile
CAO Brent Kittmer



Town Of St. Marys
175 Queen St. East
P.O. Box 998
St. Marys, ON N4X 1B6

STATEMENT OF ACCOUNT

Account Number

003000066

GENERAL RECEIVABLES

Service Address: 300 THOMAS ST

Statement Date: 03/20/2017

Current Balance: 0.00

Account activity as of 03/20/2017

WESTOVER INN
PO BOX 280
ST. MARYS, ON N4X 1B1



Posted Date	Invoice Date	Due Date	Invoice	Description	Transaction Amount	Balance
					Balance Forward:	398.18
03/03/2017	03/03/2017	03/03/2017	336843	Penalty on Amount Over 30 Days	4.38	402.56
03/20/2017	03/20/2017	03/20/2017	336930	Administrative Charge - Transfer To Taxes	35.00	437.56
03/20/2017	03/20/2017	03/20/2017	336931	Transfer to roll: 000-080-03100	-437.56	0.00
					Balance	0.00

WESTOVER INN
PO BOX 280
ST. MARYS, ON N4X 1B1

Account Number

003000066

GENERAL RECEIVABLES

Current	31 - 60	61 - 90	Over 90
0.00	0.00	0.00	0.00

A finance charge of 1.25% is added to all overdue accounts.

Town Of St. Marys
Telephone - (519) 284-2340