

## TOWN OF SHEDIAC

### REGULAR COUNCIL MEETING

DATE: MARCH 1, 2011  
LOCATION: COUNCIL CHAMBERS  
TIME: 7:00 P.M.

**PRESENT:** Raymond Cormier, Mayor  
Peter Breau, Deputy Mayor  
Jacques LeBlanc, Councillor  
Charles LeBlanc, Councillor  
Laura Gallant, Councillor  
Ernie O'Brien, Councillor  
André Caissie, Councillor  
Michel Thibodeau, Councillor  
Normand Belliveau, Councillor

**AND:** Réjean Godin, Acting Town Manager/Finance Director  
Jeannette Bourque, Town Clerk  
Claude Boudreau, Director of Public Works  
Paul Boudreau, Director of Community Services  
Donald R. Cormier, Fire Chief  
Cpl. Claude Coulombe, RCMP District 4  
Marc Fougère, municipal representative on the BPC  
Two (2) journalists  
About forty residents

### 1. CALL TO ORDER

Mayor Raymond Cormier declared the meeting open at 7:00 p.m. The meeting opens with the singing of the National Anthem followed by the special prayer of council.

### 2. ADOPTION OF AGENDA

**C11-022** Moved by: Normand Belliveau  
Seconded by: Jacques LeBlanc

That the agenda be accepted as presented.

Question: Councillor Ernie O'Brien asked why two items raised with council members during the last in camera meeting were not on the current agenda. The first item flowed from an invoice sent to the municipality that was supposedly never approved by Council. The other item pertained to the possible acquisition of the town hall building. The Councillor stated that he was under the impression that these two items would be back on the agenda for discussion at the regular meeting. He received confirmation that this

invoice was, in fact, paid in the absence of any apparent objection to its payment. Mention was made that the issue could be put to a vote at the next regular meeting to ratify the decision. The town hall issue will also be on the agenda for consideration at the next regular meeting.

MOTION CARRIED

**3. ADOPTION OF MINUTES**

**C11-023** Moved by: Charles LeBlanc  
Seconded by: Laura Gallant

That the minutes of the Regular Meeting of January 31, 2011 and those of the Extraordinary Meeting of February 15, 2011 be accepted as presented.

MOTION CARRIED

**4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS**

Gift presentation

A gift is presented to Mr. Emery Bourque, the former Director of Municipal Facilities for the Town of Shediac, in recognition of his years of service with the municipality.

Presentation by a representative of East Coast Precast Ltd.

Mr. Michel C. Leger, Esq., spoke to outline a rezoning request from East Coast Precast Ltd. in relation to the property identified by PID 70470786 near Miquelon Street. The developers would like to have this parcel of land rezoned as an integrated development zone to enable the construction of two apartment buildings (one building comprised of eight units and another of twelve units). Mr. Leger suggested that this large parcel of land had been set aside for this type of project. He stated that the developers plan on building two buildings in the same style as the one built on Main and Pascal Poirier Streets. He stated that the land in question is near the downtown area and the municipal path, which would encourage tenants to walk. Mr. Leger claimed that the proposed housing would be destined for fixed-income seniors and not for persons on social assistance.

Presentation by Mr. Edouard Gallant

Mr. Gallant, a resident of LeBlanc Avenue, spoke at the meeting to complain about snow removal, vehicles parked along streets overnight, mobile and

non-compliant signs, etc. The Chair assured the resident that his comments were well noted.

## **5. READING OF CORRESPONDENCE**

a) Mr. Guy Oddo, Director of Eastern Region, Statistics Canada - SUBJECT: 2011 Census. The Director advises that the census and the new National Household Survey (NHS) will begin in May 2011.

b) Joseph-Lionel Gaudet, President of Go Seniors Ahead - SUBJECT: Thank-you note. The President expresses his sincere thanks for the donation to the Healthy Active Living program.

c) Anne Melanson, "Chanter la Vie" team, Village des Sources in Acadia - SUBJECT: Request for financial assistance. The singers are getting together in preparation for the upcoming concert in Rimouski in June 2011.

**C11-024** Moved by: Normand Belliveau  
Seconded by: Michel Thibodeau

That the amount of \$250.00 be granted to the Chanter la Vie group for 2011.

MOTION CARRIED

d) Julie Bilodeau, Special Events Coordinator, Big Brothers Big Sisters - SUBJECT: Bowl for Kids Sake Campaign. The group asks the municipality to sponsor a bowling alley for \$300.00 at the Seaside Bowling Centre in Shediac. The group also asks the municipality to participate in the event in support of our youth by forming a team.

**C11-025** Moved by: Laura Gallant  
Seconded by: Normand Belliveau

That the amount of \$300.00 be granted to the Bowl for Kids Sake campaign in sponsorship.

MOTION CARRIED

## **6. REPORTS FROM STANDING AND SPECIAL COMMITTEES**

### **Financial reports**

A financial report ending February 15, 2011 is circulated to council members. A report of council members' expenses ending December 31, 2010 is also circulated.

## **Protection services**

The Fire Department's monthly statistical report for January 2011 is circulated to council members. The Fire Chief's report recommends the hiring of four new junior firefighters to replace the firefighters who were promoted as senior firefighters.

The Police Service's monthly statistical report for January 2011 is circulated to council members.

## **7. REPORT FROM TOWN MANAGER**

Mr. Godin reported on the snow removal situation. He highlighted that related expenses are still on budget. The Acting Town Manager also took the opportunity to congratulate staff for a job well done in removing the snow from streets and trails. He mentioned that the process aimed at adopting a new municipal plan ongoing. He added that construction of the new multipurpose centre is coming along and is on budget.

## **8. RECOMMENDATIONS FROM THE PLANNING COMMISSION - No recommendation**

## **9. UNFINISHED BUSINESS**

### **Proposal from the Royal Canadian Legion of Shediac**

**C11-026** Moved by: André Caissie  
Seconded by: Normand Belliveau

Whereas the Town of Shediac owns two parcels of land measuring 23,368 square feet and identified by PIDs 977983 and 972679, respectively, at the intersection of Main and Victoria Streets;

Whereas the board of the Royal Canadian Legion Shediac Branch No. 33 has approached the municipality with a proposal to convey land in its favour for the construction of a new building which would house the Shediac Legion;

Whereas the municipality sought an opinion from the municipal solicitor concerning the different possible scenarios in response to this request;

Whereas further to analysis of the possible scenarios, the Municipal Council has considered

the option of a lease instead of transferring the property title.

Be it resolved that Municipal Council accept to lease the aforementioned parcels of land to the Royal Canadian Legion Shediac Branch No. 33, subject to the following conditions and to any other conditions that Council may apply to the transaction:

(1) that the Legion secure the necessary financing before proceeding with the project;

(2) that the lease be for a term of 25 years with the option to renew for an additional 25-year period;

(3) that a nominal sum of one dollar (\$1.00) be paid annually to the municipality as a lease for the aforementioned parcels of land;

(4) that the proposed architectural plans for the building, exterior materials and choice of location on site be submitted to Council for approval. The Legion undertakes to maintain the property in proper order after construction is completed;

(5) that the choice of location for the parking lot be submitted to Council for approval and that this parking lot be available to the public during the day;

(6) that the municipality shall have the first option to purchase the building if the lessee (the Legion) violates its mortgage obligation or is unable to pay its debts;

(7) that the lessee (the Legion) undertake to subscribe to, and to maintain throughout the term of the lease and of any extension of the term, a policy of insurance providing protection against the destruction of the building in case of fire or other disasters. In addition, the lessee (the Legion) is required to maintain at all times one or several policies of insurance for civil or public liability;

(8) that the lessee (the Legion) obtain approval from the municipality to alter the premises or their use in any way;

(9) that the lessee (the Legion) be responsible for the payment of business and property taxes; and

(10) that the lessee (the Legion) be responsible for the payment of water and sewer bills and any other related costs.

**C11-027** Moved by: Peter Breau  
Seconded by: Jacques LeBlanc

That item (2) of the motion be amended to read as follows:

(2) that the term of the lease on the property identified by PID 972679 be 25 years with the option to renew for an additional 25-year period and that the building be built on that property; and that the term of the lease pertaining to the property identified by PID 977983 be five years with the option to renew annually.

**MOTION CARRIED  
THE MAIN MOTION WAS DULY CARRIED.**

Proposal from East Coast Precast Ltd.

The developers submitted a request to the municipality for the transfer in their favour of a portion of the property (PID 70289616) along the creek and abutting their property on Webster Street (PID NID 70491501). They propose to build a daycare centre on the property identified by NID 70491501 which would accommodate more than 100 children. They would like to annex the portion of public land to their property to accommodate a playground for the daycare.

A discussion ensued about the transfer of public property to the private sector for construction purposes and the precedent this may create. It is suggested to elected officials to explore the possibility of leasing land subject to certain conditions as is contemplated for the Legion.

**C11-028** Moved by: Peter Breau  
Seconded by: Jacques LeBlanc

That the municipality would agree to explore the possibility of leasing a portion of the property identified by PID 70289616 to the owners of East Coast Precast Ltd. for as long as the property identified as PID 70491501 is used exclusively for the construction of a daycare and that the two

parties negotiate an agreement relative to the conditions that may apply to the lease.

## MOTION CARRIED

### Complaints about door-to-door delivery of Publisac flyers

The Municipal Council had advised the administration that residents are complaining about the delivery of Publisac flyers to their home. The administration's proposed solution was that residents who do not wish to receive Publisac flyers at home contact town hall to obtain the contact information to cancel delivery of these flyers, or we can do it for them. It was suggested to post the contact information on the municipality's Web site.

Councillor Michel Thibodeau raised concerns about the new proposed municipal development plan. He claimed that the Light Industry Zone has been eliminated in favour of accommodating a manufacturing zone, which limits certain uses in this zone. He advised that he would have difficulty approving the new municipal plan for this reason.

Councillor Thibodeau agreed with the comments made by Mr. Gallant regarding mobile signs used throughout town and parking on the street in violation of by-laws.

Councillor Jacques LeBlanc reiterated the suggestion of exploring the possibility of hiring a by-law enforcement agent to handle such matters. He confirmed that there are funds for this in the 2011 budget.

## **10. INTRODUCTION OF NEW BUSINESS**

### Request from Shediac Minor Hockey

The group wants to negotiate an agreement with the Moncton Wildcats to have the team hold its skills competition at the Shediac Festival Arena during March break, specifically on March 8, 2011, from 6:15 p.m. to 8:25 p.m. Organizers would like to offer free admission to kids and to the public. For this reason, the group asks the municipality to cover the cost of ice rental for the duration of the event, being two (2) hours.

**C11-029**      Moved by:                      Jacques LeBlanc  
                  Seconded by:                    Laura Gallant

That we accept to grant two hours of free ice time to Shediac Minor Hockey in order to accommodate an activity featuring the Moncton Wildcats.

## MOTION CARRIED

### 11. INQUIRIES BY MEMBERS OF COUNCIL

Councillor Normand Belliveau inquired about the snow removal situation. He was asked why paths are cleared before streets. Director Claude Boudreau responded that students use these paths to walk to school. Given the abundance of snow, he believed that they were safer walking on these paths than in the streets.

The Councillor mentioned a complaint from a Gallagher Street resident that his neighbour dumps snow on his property. The Director replied that this is a civil matter and not the municipality's responsibility.

Councillor Michel Thibodeau inquired about the opening date for the new multipurpose centre. He was informed that the new centre should open by the end of March according to the project manager's calculations.

### 12. INTRODUCTION AND READING OF BY-LAWS

#### 1<sup>st</sup> reading of By-law No. 11-8

**C11-030** Moved by: Peter Breau  
Seconded by: Jacques LeBlanc

That By-law No. 11-8, a by-law establishing the remuneration of the mayor and councillors, be introduced and be subject to first reading by title.

## MOTION CARRIED

The Town Clerk undertook first reading by title of By-law No. 11-8.

**C11-031** Moved by: Peter Breau  
Seconded by: Laura Gallant

That we accept first reading by title of By-law No. 11-8.

## MOTION CARRIED

#### 2<sup>nd</sup> reading of By-law No. 11-8

**C11-032** Moved by: Peter Breau  
Seconded by: Charles LeBlanc

That By-law No. 11-8 be subject to second reading by title and in its entirety.

**MOTION CARRIED**

The Town Clerk undertook second reading by title of By-law No. 11-8 and in its entirety.

**C11-033** Moved by: Peter Breau  
Seconded by: Laura Gallant

That we accept second reading of By-law No. 11-8 by title and in its entirety.

**MOTION CARRIED**

Councillor Ernie O'Brien would like to see the addition of a clause to the document clarifying the question as to who decides to impose a penalty for absences from meetings. The Chair indicated that the final decision should rest with Municipal Council.

**13. MOTIONS AND RESOLUTIONS**

FCM Annual Conference

**C11-034** Moved by: Ernie O'Brien  
Seconded by: Normand Belliveau

Whereas when 2011 budgets were approved, the budgeted amount for conferences and delegations was increased by \$10,000 to enable all council members to participate in the Annual Conference held by the Federation of Canadian Municipalities in Halifax this year;

Whereas the General Policy No. 07-02 titled Expenses – Municipal Council Functions, at subsection 3(15), limits participation to a maximum of two (2) councillors in addition to the mayor, unless the event is held in South-East New Brunswick.

Be it resolved that all councillors in addition to the mayor be authorized to attend the FCM Annual Conference, for 2011 only, on the basis of the conference's proximity.

## MOTION CARRIED

### Rezoning request - East Coast Precast Ltd.

**C11-035** Moved by: André Caissie  
Seconded by: Michel Thibodeau

Whereas Municipal Council received a request from Jacques Laforest of the company East Coast Precast Ltd. to begin the rezoning process relative to the property identified by PID 70470786 and located near Miquelon Street, from a Residential Zone (R1) to an Integrated Development Zone (AI), to enable the construction of two apartment buildings comprised of 8 and 12 units respectively.

Accordingly, be it resolved that Council proceed to examine the matters and to determine whether amending the municipal development plan and the zoning by-law is in the public's interest.

Be it also resolved that the Town Clerk on behalf of Council publish within the times required by section 25 of the *Community Planning Act* the public notice of the adoption of such amending by-laws; that we request the views of the Beaubassin Planning Commission in accordance with section 66 of the *Act*; and that the public presentation be held on Monday, March 21, 2011 at 6:00 p.m. in Council Chambers at the Town Hall.

Question: Councillor Ernie O'Brien raised questions concerning the rezoning request presently before Council. Firstly, he inquired whether the Commission recommends to deny the request according to its e-mail, a copy of which was circulated to council members at the meeting. The Acting Town Manager read the correspondence received to date from the Director of the BPC. In essence, the e-mail in question is to the effect that, since there have been no major changes to this request, the BPC's staff supports the decision reached by Council on November 24, 2008 to deny the rezoning request. The Councillor also inquired about the proposed zoning in the new municipal development plan for the property at issue in this rezoning request. The Acting Town Manger replied that the neighbourhood in which the property is located will still be a Residential Zone (R1), as it is now, in the new municipal plan.

The vote is recoded as three (3) in favour and five (5) against. Councillors Charles LeBlanc, André Caissie and Michel Thibodeau vote in favour of the motion. Deputy Mayor Peter Breau and Councillors Jacques LeBlanc, Laura Gallant, Ernie O'Brien and Normand Belliveau vote against it. The motion is dismissed.

Multipurpose centre construction project

**C11-036** Moved by: Laura Gallant  
Seconded by: Jacques LeBlanc

Whereas the municipality launched a call for tenders for the acquisition of furniture for the multipurpose centre;

Whereas four tenders were submitted: Office Experts, for a total amount of \$96,704.33; Atlantic Business Interiors, for a total amount of \$93,032.67; Ergoworks, for a total amount of \$92,069.07; and Grand & Toy, for a total amount of \$85,642.15. The tender submitted by Atlantic Business Interiors was rejected because it omitted three items contained in the specification;

Whereas following analysis of submitted tenders, it is recommended that the contract be awarded to the supplier having submitted the tender with the lowest bid.

Be it therefore resolved that the contract for the acquisition of furniture for the multipurpose centre be awarded to the company Grand & Toy in the amount of \$85,642.15.

**MOTION CARRIED**

Transfer of funds

**C11-037** Moved by: Normand Belliveau  
Seconded by: Jacques LeBlanc

Whereas a \$350,000 surplus is anticipated for the year 2010 in the General Operating Fund because certain expenses expected to be made towards the end of the year were not made;

Whereas the adopted strategic plan establishes as one of its objectives the payment of a maximum of capital expenditures out of the Operating Fund, that is without resorting to borrowing.

Be it resolved that the following capital expenditures made in 2010 come out of the General Operating Fund for the year 2010 without resorting to borrowing:

|                                      |                  |
|--------------------------------------|------------------|
| Construction of multipurpose centre  |                  |
| Construction permit                  | \$13,525         |
| Insurance                            | \$11,025         |
| Connection to water and sewer system | \$32,289         |
| Repair work on Lino Road             | <u>\$250,000</u> |
| Total                                | \$306,839        |

#### MOTION CARRIED

#### Hiring of employee in the Department of Public Works

**C11-038** Moved by: Jacques LeBlanc  
Seconded by: Laura Gallant

Whereas a vacant position within the Department of Public Works should be filled;

Whereas this position was first posted internally and no employee has applied for the position;

Whereas the position was subsequently advertised to the public in local newspapers;

Whereas about twenty applications for the vacant position were received;

Whereas six applications were selected and the six applicants were interviewed;

Whereas further to an evaluation of the applications and interviews, the selection committee, composed of the Acting Town Manager, the Director of Public Works and the foreman, recommend that applicant Robert Richard be hired with the Department of Public Works.

Be it resolved that Mr. Robert Richard be hired as garbage person/garbage truck driver with the Department of Public Works, effective March 2, 2011, and that his salary be established in accordance with the applicable rates under the existing collective agreement.

MOTION CARRIED

Sale of tent

Whereas the municipality has decided to sell the big tent;

Whereas a call for proposals for the purchase of this structure has been published in local newspapers;

Whereas eight (8) proposals were submitted:

|   |             |
|---|-------------|
| Acadia Toyota   | \$29,990.00 |
| CC Marketing Inc.   | \$15,000.00 |
| Denise Walsh  | \$15,000.00 |
| Integrity Trading   | \$11,500.00 |
| Commission Consultative de la Culture de Tracadie/Sheila Inc.   | \$30,100.00 |
| a) Commercial Tent Rentals & Sales Limited  | \$25,159.99 |
| b) Commercial Tent Rentals & Sales Limited  | \$20,150.00 |
| In addition to three (3) free tent rentals (80' x 180') by the municipality in 2011 for a maximum period of ten (10) days per rental based on a value of \$12,500 per installation. | \$37,500.00 |
| Total value to the municipality   | \$57,650.00 |
|   | =====       |
| <u>Actual rental value for the municipality</u>   |             |
| Monetary  | \$20,150.00 |
| <b>Tent rental</b>  |             |
| Lobster Festival - tent (80'x180')  | \$12,500.00 |
| Relay for Life - tent (80' x 100')  | \$7,180.00  |
| Kickball/soccer tournament - tent (80'x100')  | \$7,180.00  |
|   | \$26,860.00 |
| Total value to the municipality   | \$47,010.00 |
|   | =====       |
| FR Tent   | 20 000,00\$ |
| In addition to a 50% discount on the rental of any of my products + transportation valid for three years.<br>(The municipality must supply employees to assist with                 |             |

assembly and dismantling of the tent.)

Actual rental value for the municipality

|  |            |                    |
|--|------------|--------------------|
| Lobster Festival - tent (60' x 200')               |            | \$7,000.00         |
| Relay for Life - tent (60' x 120')                 |            | \$4,320.00         |
| Kickball/soccer tournament – tent (60' x 100')     |            | \$5,400.00         |
| Motorcycle rally - tent (60' x 100')               | \$5,400.00 | <u>\$22,120.00</u> |
| Total value to the municipality over 3-year period |            | <u>\$42,120.00</u> |

The administration recommends that Council accept the proposal from the company Commercial Tent Rentals & Sales Limited for the cash amount of \$20,150, plus a rental value of \$26,860, for a total amount of \$47,010.

**C11-039** Moved by: Normand Belliveau  
Seconded by: Ernie O'Brien

Be it resolved that we accept the proposal from Commercial Tent Rentals & Sales Limited for the cash amount of \$20,150, plus a rental value of \$26,860, for a total amount of \$47,010.

MOTION CARRIED

**14. NOMINATIONS TO COMMITTEES**

The Chair reported that he had discussions with the Fire Chief and Councillor Ernie O'Brien concerning the Town of Shediac Emergency Measures Plan Committee. Councillor O'Brien expressed an interest in sitting on this committee.

**C11-040** Moved by: Normand Belliveau  
Seconded by: Laura Gallant

Be it resolved that Councillor Ernie O'Brien be appointed as a member of the Emergency Measures Plan Committee.

MOTION CARRIED

**15. ADJOURNMENT**

Moved by Councillor Ernie O'Brien and seconded by Councillor Normand Belliveau that the meeting be adjourned at 8:52 p.m.

\_\_\_\_\_  
Raymond Cormier, Mayor

\_\_\_\_\_  
Jeannette Bourque, Town Clerk