

TOWN OF SHEDIAC

REGULAR COUNCIL MEETING

DATE: APRIL 26, 2011
LOCATION: COUNCIL CHAMBERS
TIME: 7:00 P.M.

PRESENT: Raymond Cormier, 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 Municipal Operations
Paul Boudreau, Director of Community Services
Paul Lang, Director of Economic Development
Donald R. Cormier, Fire Chief
Sgt. Paul Ouellette, Acting Commanding Officer, District 4
Marc Fougère, municipal representative on the BPC
Auditors - Grant Thornton
About fifteen residents
One (1) journalist

ABSENT: Peter Breau, Deputy Mayor

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

C11-083 Moved by: Ernie O'Brien
Seconded by: Normand Belliveau

That the agenda be accepted as presented.

MOTION CARRIED

3. ADOPTION OF MINUTES

C11-084 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That the minutes of the Regular Council Meeting of March 28, 2011 and those of the Special Meeting of April 4, 2011 be accepted as presented.

MOTION CARRIED

4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS

Presentation of cheque

The Chair presented a cheque for \$200.00 to representatives of Tri-County Ground Search and Rescue Group Inc.

5. READING OF CORRESPONDENCE

a) Stella Walker, Treasurer, Tri-County Ground Search and Rescue Group Inc. - SUBJECT: Letter of thanks. The group thanks the municipality for its \$200 donation to their organization.

b) Robert Pert, resident of Weldon Street, Shediac - SUBJECT: Treck for Tourette. Mr. Pert expresses his appreciation of the municipality's support of the Treck for Tourette walk organized on March 27 on the Millennium Trail. He highlighted the assistance of Paul Boudreau and Fire Chief Donald Cormier.

c) Sharon Wood, President and Director of Kids Help Phone - SUBJECT: Letter of thanks. The President expresses her sincere thanks for the \$250.00 donation.

d) Christyne Allain, Co-president of Premier's Council on the Status of Disabled Persons - SUBJECT: Proclamation. The week of May 29 to June 4, 2011 is proclaimed *Disability Awareness Week*. The Chair reads the proclamation.

C11-085 Moved by: Jacques LeBlanc
Seconded by: Charles LeBlanc

That we accept the proclamation as read and that the week of May 29 to June 4, 2011 be proclaimed *Disability Awareness Week*.

MOTION CARRIED

e) Gerald Melanson, President of the Shediac Rotary Club - SUBJECT: Rotary Week in Shediac. The President asks Municipal Council to proclaim the week of May 8 to 14, 2011 *Rotary Week in Shediac*.

C11-086 Moved by: Laura Gallant
Seconded by: Ernie O'Brien

That we proclaim the week of May 8 to 14, 2011
Rotary Week in Shediac.

MOTION CARRIED

f) Yvon Cormier, owner of Oceanside Fitness & Tanning Ltd. - SUBJECT: Traffic problems in front of Sobeys, Canadian Tire and Oceanside Fitness businesses. Mr. Cormier claims that pedestrians have a very hard time crossing the street in front of his business. He asks that the municipality take action to remedy the situation.

The Chair reported that the Director of Public Works is currently handling the matter.

g) E-mail from Claude LeBlanc, Shediac resident - SUBJECT: Peddlers and itinerant businesses. Mr. LeBlanc takes issue with vendors setting up within the municipality on weekends to sell their wares. He specifically mentioned the site of the former dairy on Main Street, which seems to be a very popular spot for peddlers.

Mention was made that the municipality has a by-law regulating itinerant businesses and that no formal complaint has been lodged to date in this regard. A discussion ensued concerning itinerant businesses, unsightly premises and other issues. Some Councillors are of the view that it is time to take action because the situation has become problematic. The hiring of a by-law enforcement officer is discussed again. It is highlighted that funds had been included in the budget for this type of initiative. Further to discussions, it is agreed to refer the matter to the administration for a follow-up and recommendations to Council.

6. REPORTS FROM STANDING AND SPECIAL COMMITTEES

Financial reports

The municipality's financial report ending March 31, 2011 is circulated to council members. A report of council members' expenses ending March 31, 2011 is also circulated.

Protection services

Fire department - The monthly statistical report for March 2011 is circulated to council members.

Police service - The monthly statistical report for March 2011 is presented.

Report from the BPC – The monthly report of construction permits for April 2011 is presented.

7. REPORT FROM TOWN MANAGER

The Acting Town Manager advised at the meeting that his focus in the past few weeks has been on the preparation of the year-end financial statements. Mr. Godin reported that the process to hire a new Town Manager has begun, and the selection committee would like to make a recommendation to Council by the end of May.

8. RECOMMENDATIONS FROM THE PLANNING COMMISSION - Case for information only.

9. UNFINISHED BUSINESS

Request for services – Shediac Lobster Festival

The Shediac Lobster Festival's Organizing Committee has prepared a list of services and materials it is requesting to ensure that the event runs smoothly this summer. Among requested services are the rental of facilities (tent, stage, centre, etc.) for a value of \$18,740; \$13,770 in labour; and \$100 in publicity. The total municipal contribution towards this event would therefore amount to \$32,601.

C11-087 Moved by: Jacques LeBlanc
Seconded by: Ernie O'Brien

That we accept the proposal relative to the 2011 Shediac Lobster Festival as presented.

MOTION CARRIED

Request for services – Shediac Motorcycle Rally

The Organizing Committee of the Shediac Motorcycle Rally has prepared a list of services and materials it is requesting to ensure that the 2011 event runs smoothly. Among requested services are the rental of facilities (tents, stage, centre, arena, toilets and other equipment) for a value of \$10,815; \$7,610 in labour and security; a grant of \$15,000; \$600 in entertainment; and

\$290 in publicity. The total municipal contribution towards this event would therefore amount to \$34,315.

C11-088 Moved by: Laura Gallant
Seconded by: André Caissie

That we accept the proposal relative to the 2011 Shediac Motorcycle Rally as presented, except the amount of the requested grant. It is agreed that this grant be reduced from \$15,000 to \$10,000, for a total municipal contribution of \$29,315 towards this event.

MOTION CARRIED

Proposals for the rental of space at Rotary Park

The administration launched a request for proposals for the rental of space at Rotary Park. Two proposals were submitted: one for the rental of a location by the Scoudouc River next to the giant lobster, and the other for the rental of a building (i.e. baby barn) on site. The Director of Economic Development and Tourism recommended that Council accept both proposals.

C11-089 Moved by: Normand Belliveau
Seconded by: Ernie O'Brien

That we accept the proposal of Mélanie Martin (Shediac Kayak) for the rental of a location by the Scoudouc River near the giant lobster for an annual fee of \$250 and over a term of three (3) years.

MOTION CARRIED

C11-090 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept the proposal of Michel Ross (Création M.R.) for the rental of a building (i.e. baby barn) in Rotary Park for \$3,000 and over a term of one (1) year only.

MOTION CARRIED

Proposal for development of playgrounds

The municipal administration has prepared a proposal for the development of three playgrounds within municipal boundaries. Phase I of the project for the development of Ourson Park comprises the installation of playground equipment, an asphalt slab, picnic tables, benches, garbage bins and other work, which represents an expenditure of \$41,425.19. The 2012 budget should include \$25,300 to complete Phase II of the project. With respect to the development of Rotary Park, Phase I (site preparation, equipment, benches, garbage bins, etc.) represents an expenditure of \$29,588 in 2011; therefore, the completion of Phase II would require \$18,000 in 2012. To develop a park at the marina, \$63,506.09 would be allocated in 2011 to the completion of Phase I (site preparation, parking lot, trails, playground equipment, picnic tables, benches, garbage bins, etc.), with \$15,000 being allocated to Phase II in 2012.

C11-091 Moved by: Jacques LeBlanc
Seconded by: Charles LeBlanc

Whereas funds of \$126,000 were budgeted in 2011 to develop parks within municipal boundaries;

Whereas the administration has prepared a proposal for the development of three playgrounds in 2011: Ourson Park, Rotary Park and a park at the marina, for a total expenditure of \$134,519.74.

Be it resolved that the proposal be accepted as presented; that the administration be authorized to undertake the development of the contemplated parks; and that the missing \$8,519.74 be taken from Council's Special Projects account.

MOTION CARRIED

Repairs in the downtown area

A proposal for the development of downtown infrastructures is submitted to Council. The contemplated work consists in repairing and repainting decorative fences and some landscaping. It is also proposed to enter into an agreement with a contractor for the annual maintenance of decorative fences to ensure that these infrastructures remain in good condition.

C11-092 Moved by: Laura Gallant
Seconded by: Charles LeBlanc

Be it resolved that we accept the proposal for repair work in the amount of \$21,197.00 (tax included) to the decorative fences downtown and that we accept the bid from Paysagiste Beauséjour Landscaping to repair the Pascal-Poirier Park entrance for a cost of \$13,528.84 (tax included), and that the funds for both projects be taken from Council's Special Projects account.

MOTION CARRIED

10. INTRODUCTION OF NEW BUSINESS

Presentation and adoption of audited financial statements for 2010

Mr. John Stanford and Mr. Kent Ostridge, partners at the firm Grant Thornton, and Ms. Lisa Robichaud-McGrath, an employee of the firm, were in attendance to present the audited financial statements for the year ending December 31, 2010. Mr. Stanford spoke to present his report further to an audit of the 2010 financial records. The report shows a 27% increase in the tax base over three years and a 26.3% increase in the valuation of property taxes. In addition, the debt ratio has decreased from 15.77% to 13.70% since 2007. The reserve fund contains \$1,269,000 in available funds for various projects without the need to borrow. Mr. Sanford took the opportunity to congratulate Municipal Council, claiming that the Town of Shediac is in a very sound financial position. Ms. Robichaud-McGrath presented annual report highlights. The municipality registered a \$12,989 surplus for the fiscal year ending December 31, 2010.

C11-093 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept the audited financial statements ending December 31, 2010 as presented.

MOTION CARRIED

C11-094 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That the firm Grant Thornton be retained to audit Town of Shediac financial records for the year 2011.

MOTION CARRIED

Councillor Charles LeBlanc left the meeting at this time to attend to another commitment.

Councillor Normand Belliveau inquired about a part-time employee who was apparently not rehired for the summer. The Director of Municipal Operations clarified the situation at the meeting. Mr. Boudreau explained that keeping the same number of part-time employees is no longer needed as a result of a decision to restructure operations by combining the Departments of Public Works and Recreation, in addition to a decision to close the arena during the summer. The decision to let go of the tent also affected the number of employees needed to ensure service delivery. A question was raised as to whether the employee in question would be considered for a position should the need arise. The response was that this individual would certainly be considered if a part-time position becomes available.

11. INQUIRIES BY MEMBERS OF COUNCIL

Councillor Michel Thibodeau asked for an update on the building of a sidewalk in front of the property located at 424 Main Street (formerly Tobias House). The Director of Municipal Operations advised that the owner must complete landscaping before the sidewalk can be built. He indicated that the owner gave him confirmation that this work should begin soon. Mr. Boudreau confirmed that despite the guarantee provided to the municipality concerning this work, the funds are no longer available.

The Councillor asked for an update on the Webster Street entrance. He said that he was under the impression that the entrance would be blocked for security reasons, but he noticed that this has not been done. The Director of Municipal Operations advised that he will take the necessary steps to remedy the situation.

The Councillor also asked for an update on the crosswalk in front of Tim Horton's. The Director of Municipal Operations announced that a report on the issue will be submitted in May.

Finally, Councillor Thibodeau inquired whether the plaque for library had been ordered. He was informed that an order had been placed. He asked questions about the pipe in a ditch at the intersection of Main and Bellevue Streets. It seems that water is backed up, which causes bad odours. Director Claude Boudreau indicated that he would look into the issue.

Councillor André Caissie raised questions about the construction project for the new multipurpose centre. He asked why the centre had been built below street level. The response was that, according to the engineers, this was necessary because of the elevation of the existing parking lot. Several additional questions were addressed about the construction project. An

agreement was reached to invite the engineer to attend the next Committee of the Whole meeting in order to respond to questions.

Councillor Gallant also asked about the study on Maison Pascal-Poirier and the former train station. Director Claude Boudreau replied that a report will be submitted in this regard in the coming weeks.

Councillor Jacques LeBlanc asked when repair work would begin on lawns damaged by the snow plow this winter. The Director of Municipal Operations replied that the work would begin as soon as the ground is a bit dryer.

12. INTRODUCTION AND READING OF BY-LAWS

3rd reading of By-law No. B-11-11

C11-095 Moved by: Laura Gallant
Seconded by: Jacques LeBlanc

That By-law No. B-11-11, a by-law amending the by-law relating to the establishment of a Business Improvement Area in the Town of Shediac, be subject to third reading by title.

MOTION CARRIED

The Town Clerk undertook third reading by title of By-law No. B-11-11.

C11-096 Moved by: Laura Gallant
Seconded by: Jacques LeBlanc

That we accept third reading by title and the adoption of By-law No. B-11-11.

MOTION CARRIED

13. MOTIONS AND RESOLUTIONS

Awarding of contract – 2011 asphalt and patching program

C11-097 Moved by: André Caissie
Seconded by: Michel Thibodeau

Whereas the municipality launched a call for tenders for the pavement of streets (Louisbourg Street and Julia Court) and asphalt patching;

Whereas four companies have submitted tenders for the said contract: MacDonald Paving and Construction Limited, for the amount of \$263,727.88 (HST included); MacArthur's Paving & Construction Co. Inc., for the amount of \$255,363.05 (HST included); Ste Anne Paving & Construction Ltd., for the amount of \$245,368.20 (HST included) and Modern Construction (1983) Limited, for the amount \$238,752.05 (HST included);

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

Be it therefore resolved that contract No. 11-103 be awarded to Modern Construction (1983) Limited for the amount of \$238,752.05 (HST included).

MOTION CARRIED

Awarding of contract – Site development – Multipurpose centre

C11-098 Moved by: Michel Thibodeau
Seconded by: Normand Belliveau

Whereas the municipality launched a call for tenders for repair work to streets and for the building of a parking lot at the new multipurpose centre;

Whereas six companies have submitted tenders for the said contract: A. A. Albert and Sons Ltd., for the amount of \$1,164,962.20 (HST included); MacArthur's Paving & Construction Co. Inc., for the amount of \$1,112,557.66 (HST included); Birch Hill Construction Ltd., for the amount of \$1,101,932.64 (HST included); Entreprise Bastech Inc., for the amount of \$1,058,741.07 (HST included) and Modern Construction (1983) Limited, for the amount \$946,725.86 (HST included). The tender submitted by Monarch Construction Ltd. was disqualified for non-compliance with the procedures established by the *Crown Construction Contracts Act*;

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

Be it therefore resolved that contract No. 11-102 be awarded to Modern Construction (1983) Limited for the amount of \$946,725.86 (HST included).

MOTION CARRIED

At this point, Councillor Laura Gallant declared a conflict of interests and left the meeting.

Request for reimbursement - Extension of services to property line – 89 Caissie Avenue

C11-099 Moved by: Ernie O'Brien
Seconded by: Normand Belliveau

Whereas a developer (514866 NB Inc.) submitted a request for reimbursement in the amount of \$11,335.16 for the cost of installing a water and sewer lateral up to the property line at 89 Caissie Avenue;

Whereas the apartment building under construction will accommodate 23 dwelling units;

Whereas the municipality wants to promote high density development;

Whereas the municipality reimbursed the cost of installing service laterals on Pascal Poirier Street, specifically to Moncton East Holdings (341-343 Pascal Poirier Street) and to Francis Plumbing and Heating Ltd. (333 Pascal Poirier Street).

Be it therefore resolved that the municipality reimburse the applicant for the cost of installing service laterals along Caissie Avenue in the amount of \$11,335.16.

MOTION CARRIED

At this stage, Councillor Laura Gallant returned to the chambers and joined the meeting.

Revision of General Policy No. 07-02

C11-100 Moved by: Jacques LeBlanc
Seconded by: Ernie O'Brien

Whereas the administration was mandated to take steps for the addition of a clause to General Policy No. 07-02 respecting the purchase of tickets by council members.

Be it resolved that General Policy No. 07-02 titled Expenses – Functions – Council Members, be amended by the addition of paragraph (a) in subsection 3(14) as presented.

MOTION CARRIED

Gerald Boucher Matter – Centennial Drive

In 1991, Mr. Alcide Maillet owned land on Apothecary Street. He transferred a parcel of land (approximately 50 feet wide) to the municipality for the purpose of a future street. At the time, this land was used to access Centennial Street. The municipality subsequently created the street known as Dupré Court. This lane goes across to Centennial Drive. In 1992, Mr. Léonard Boucher, owner of the property located on Centennial Drive behind Mr. Maillet's property, advised that the municipality had developed a street on his property. He asks that the municipality remove the roadway and restore his land to its original state. The matter was referred to the municipal solicitor to look into the right-of-way and the municipality's rights.

In 1993, Mr. Maillet decided to sell his property and asked the municipality to transfer the parcel of land on Apothecary Street back to him. The municipality accepted the proposal subject to the owner granting the municipality access to the property to let the snow plow take care of snow removal. Mr. Maillet accepted this proposal. Work was completed to remove the roadway, and the property was transferred back to Mr. Maillet.

Mr. Gerald Boucher now owns the property formerly owned by Mr. Leonard Boucher. The owner intends to sell his property. To this end, he asks that the municipality relinquish any rights to his property.

C11-101 Moved by: Normand Belliveau
Seconded by: Michel Thibodeau

Be it therefore resolved that the Town of Shediac relinquish any rights to the property identified by PID 00974329 and that the Mayor and Town Clerk be authorized to sign the necessary documents.

MOTION CARRIED

14. NOMINATIONS TO COMMITTEES - None

15. ADJOURNMENT

Moved by Councillor Normand Belliveau and seconded by Councillor Laura Gallant that the meeting be adjourned at 9:20 p.m.

Raymond Cormier, Mayor

Jeannette Bourque, Town Clerk