

TOWN OF SHEDIAC

REGULAR COUNCIL MEETING

DATE: JUNE 27, 2011
LOCATION: COUNCIL CHAMBERS
TIME: 7 P.M.

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

AND: 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
About thirty residents
Three (3) journalists

ABSENT: Ernie O'Brien, Councillor

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

C11-118 Moved by: Normand Belliveau
Seconded by: Jacques LeBlanc

That the agenda be accepted with the addition of item 4: **“Public presentations/petitions/delegations”**.

MOTION CARRIED

3. ADOPTION OF MINUTES

C11-119 Moved by: Charles LeBlanc
Seconded by: Laura Gallant

That the minutes of the Regular Council Meeting of May 30, 2011 be accepted as presented.

MOTION CARRIED

4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS

Presentation of cheque - The Mayor presented a cheque for \$1,500.00 to Ms. Linda Bowden, representative of the George Gallant Road Race.

Presentation of plaque – The Mayor received a plaque from Luc Leger, President of the Maurice Leger Foundation, in recognition of the municipality's support of the annual kickball tournament. Mr. Leger announced that \$36,000 were raised in 2010 and that these funds are used to help the area's less fortunate kids to practice sports. The Mayor took the opportunity to congratulate Mr. Leger and his team for their great work in organizing this annual activity.

Presentation by Dorice Vautour and Steven Smith – Ms. Vautour is the co-owner of Wishing Star Camping. Mr. Smith rents a campsite at her campground. They appeared before Council to express their concerns about the new campground in operation near the Wishing Star site. Ms. Vautour claimed that the new campground has failed to comply with rezoning conditions, namely connecting to the water and sewer systems, submitting drainage and site plans, obtaining a permit from the Department of the Environment for the landfill, and providing for an entrance that meets the requirements of the Fire Department and the Director of Public Works. The residents also complained about the excessive noise and disorder coming from the campground, which disrupts the tranquility in the neighbourhood. They asked that the municipality take immediate action.

Further to a site visit and a meeting with the various agencies involved, a legal opinion was sought from the municipal solicitor on how to proceed in this matter. Ms. Hébert recommended that a notice be issued to the owner demanding compliance with rezoning conditions within a specified time limit (i.e. 14 to 60 days pursuant to the *Community Planning Act*), failing with the municipality may apply to the courts for an injunction order forcing the non-compliant business to interrupt its operations.

It is agreed that such notice should impose a 14-day deadline to resolve the problem.

Shediac Lobster Festival – A few members of the Shediac Lobster Festival attended at the meeting to ask for the municipality's assistance. Deputy Mayor Peter Breau, as a municipal representative on the Shediac Lobster Festival Organizing Committee, outlined the situation. Firstly, he mentioned that the Festival was supposed to have access to space inside the multipurpose centre to hold its event. Unfortunately, this space is unavailable, and the Organizing Committee must now take appropriate steps to ensure that the fast-approaching Festival runs smoothly. This will result in unexpected expenses. For this reason, the Committee asks that the

municipality cover the cost of renting the required equipment: a tent for concerts that had been planned inside the centre, two refrigerators to hold lobster dinners, and a trailer from Kent Homes to use as the Festival office.

C11-120 Moved by: Peter Breau
Seconded by: Charles LeBlanc

That we accept to cover \$6,688 in expenses to rent a tent, two refrigerators and a trailer in order to ensure that the 2011 Festival runs smoothly.

Deputy Mayor Peter Breau, as the Shediac Lobster Festival municipal representative, discloses a conflict of interests and abstains from voting. Councillors Jacques LeBlanc, Charles LeBlanc, Laura Gallant, André Caissie, Michel Thibodeau and Normand Belliveau vote in favour of the motion. The motion is duly carried.

It is also mentioned that the Festival's Organizing Committee would like to receive an advance from the municipality to take advantage of current discounts on alcoholic beverages.

C11-121 Moved by: Peter Breau
Seconded by: Normand Belliveau

That we accept to advance \$28,000 to Festival du Homard de Shediac Inc. so it may take advantage of discounted prices offered by NB Liquor on the purchase of alcoholic beverages. The advance will be refunded to the municipality following the event.

Deputy Mayor Peter Breau, as a municipal representative of the Shediac Lobster Festival, discloses a conflict of interests and abstains from voting. Councillors Jacques LeBlanc, Charles LeBlanc, Laura Gallant, André Caissie, Michel Thibodeau and Normand Belliveau vote in favour of the motion. The motion is duly carried.

5. READING OF CORRESPONDENCE

a) Albert E. LeBlanc, President, Southeast Tourism Association -
SUBJECT: The President solicits the appointment of Mr. Paul Lang, Executive Director of Economic Development and Tourism, as a member of the Association.

C11-122 Moved by: Jacques LeBlanc
Seconded by: Michel Thibodeau

That we accept the appointment of Director Paul Lang as a member of the Southeast Tourism Association.

MOTION CARRIED

b) Paul Poirier, President of the Shediac Tennis Club - SUBJECT: Quality of tennis court surfaces. The group asks the municipality to take steps to have tennis court surfaces redone this fall. To help pay for the cost of this project, the Tennis Club suggests making its own contribution of \$2,500.

Redoing tennis court surfaces is said to cost around \$30,000.

C11-123 Moved by: Normand Belliveau
Seconded by: André Caissie

That we authorize the Director of Municipal Operations to take steps to have the work done this fall, that the municipality cover the total cost of the project, and that the Finance Director be mandated to find the requisite funds in the budget.

MOTION CARRIED

c) Jacqueline LeBlanc, Femmes acadiennes et francophones de Shediac inc. - SUBJECT: Fundraising campaign for Vestiaire Saint-Joseph. For several years now, Vestiaire Saint-Joseph has had enormous difficulty meeting the needs of young families, particularly with respect to diapers and milk formula. Femmes acadiennes et francophones de Shediac inc. organizes a fundraising campaign to help Vestiaire Saint-Joseph.

C11-124 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we donate \$500.00 to the said fundraising campaign.

MOTION CARRIED

d) Mrs. Nadine Jacob, residing at 99 Aurèle-Cormier Street, Shediac, NB - SUBJECT: Development of field behind her house. The resident expresses concerns in response to a proposal to develop public land behind the houses on Aurèle-Cormier Street. Ms. Jacob objects to the municipality's plan to develop this land because any development will undoubtedly destroy the area's wildlife. It is mentioned that a number of area residents would like the municipality to develop this land into a park as a playground for neighbourhood children.

A discussion ensued concerning the proposed use of this land. Director Claude Boudreau offered clarifications at the meeting. He indicated that there was a plan to create a passive park around the pond and to develop the rest of the parcel of land into a playground. He indicated that he intended to prepare a proposal for the Council's consideration during budget deliberations. He added that area residents should be invited to participate in these discussions.

unfortunately be only one cadet working in Shediac this summer, and patrols will be more limited.

Reports from the BPC – The Beaubassin Planning Commission presented a report comparing construction permits issued from January 2010 to May 2010 and those issued in the same period in 2011. A report is also presented comparing construction permits issued from May 2010 to May 2011.

Report from Visitors Information Centre

A report is presented showing visitor statistics at the V.I.C. in May 2011.

7. REPORT FROM TOWN MANAGER - No report.

8. RECOMMENDATIONS FROM THE PLANNING COMMISSION

HarbourView Estates (Doug MacDonald) Subdivision – Homard St.

The developer wants to subdivide the properties identified by PIDs 70287669 and 70119557 into three lots for residential use. A portion of property bearing PID 70287669 is located within Town of Shediac boundaries, and the rest is within the Local Services District (LSD) of Scoudouc. The property bearing PID 70119557 is wholly located within the LSD of Scoudouc.

Under the Subdivision By-law of the Town of Shediac, as a condition of approval of a subdivision plan, ten per cent (10%) of the subdivision area must be vested to the municipality as land for public purposes, or Council may demand that the municipality receive payment of an amount representing eight per cent (8%) of the market value of the land to be subdivided.

The matter was brought forward at the monthly meeting of the BPC on June 15, 2011, and the Commission recommended that the municipality enter into agreement for payment of an amount equal to 8% of the market value of the lot proposed in lieu of land for public purposes.

Under a policy adopted by Municipal Council in 2008, for any subdivision plan submitted to Council, an automatic formula applies to calculate the monetary payment owed to the municipality in lieu of land for public purposes. Since a portion of the proposed subdivision lies in a new section of town, the average market value of the land to be subdivided is \$29,500, 8% of which amounts to \$2,360. As only half the lot to be subdivided is located within municipal boundaries, it would be appropriate to divide \$2,360 in half, resulting in a required payment of \$1,180 in lieu of land for public purposes.

C11-126 Moved by: Laura Gallant
Seconded by: Michel Thibodeau

That we accept payment of \$1,180 in lieu of land for public purposes.

MOTION CARRIED

9. UNFINISHED BUSINESS

Multipurpose centre – Report from tectura inc.

At the request of Municipal Council, Mr. Tony Staples, tectura inc. architect and project manager, submitted a report containing details about the decisions to change the elevation of the slab floor at the new multipurpose centre. According to this document, the main reason for the change in the building's elevation pertained to additional costs of around \$260,000 involved in the landfill. In addition to these unforeseen costs, there was also an issue with the elevation of Brown, Belliveau and Festival Streets, which would have hindered building accessibility for the handicapped. According to the architect, the decision to build the centre below street level was based on additional costs and the elevation of Brown, Belliveau and Festival Streets and further to discussions with a senior municipal manager. The project manager claimed that he received verbal approval from a municipal agent to change the elevation of the slab floor.

Several questions were addressed to Mr. Staples and to Mr. Rocca relative to the building of the new multipurpose centre. Some Councillors seemed unsatisfied with the answers they received in this regard.

Director Paul Boudreau received an e-mail from Julien Gallant of DORA Construction Limited regarding humidity tests performed on the slab floor and the floor installation. According to the information received, conditions would be favourable to install the flooring, but the manufacturer cannot offer any guarantee against potential problems caused by humidity in the subfloor. Council must decide whether to authorize the flooring installation this week or to wait later.

C11-127 Moved by: Normand Belliveau
Seconded by: Jacques LeBlanc

That we authorize the flooring installation at the new multipurpose centre.

MOTION CARRIED

Signage

Director Paul Lang has made observations concerning the signage situation in the Town of Shediac. Further to an inventory completed by the Beaubassin Planning Commission in 2010, 73 non-compliant signs were found. Among those, there were 21 mobile signs, 9 sandwich signs, 14 off-site temporary signs, 4 signs from non-existing businesses and 21 signs posted on NB Energy or DOT poles or on municipal signs. The report

concludes that Shediac does not have a major signage issue. The biggest issue is the presence of signs on NB Energy poles and others. A collaboration among the BPC, the Department of Public Works and the Department of Economic Development is needed to remedy the situation.

C11-128 Moved by: Jacques LeBlanc
Seconded by: Normand Belliveau

That we accept the report and its recommendations.

MOTION CARRIED

10. INTRODUCTION OF NEW BUSINESS

Permit application for street vendor or peddler

Ms. Noëlla Bursey applied for a permit as street vendor or peddler in order to set up two tables on the property located at 480 Main Street (former dairy) and sell jewelry. Under section 3 of By-law No. 03-14, no license shall be issued to any peddler or transient trader unless authorized by Council.

C11-129 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we approve the permit application as presented.

The vote is recorded as three (3) ayes and four (4) nays. Councillors Jacques LeBlanc, Charles LeBlanc and Laura Gallant vote in favour of the motion. Deputy Mayor Peter Breau and Councillors André Caissie, Michel Thibodeau and Normand Belliveau vote against it. The motion is lost.

Councillor Normand Belliveau inquired about the CanSkate program. He claimed he was approached by a resident who wanted to know why Shediac does not have a CanSkate program. The Councillor asked whether the issue may be e-examined to be able to offer a CanSkate program at the arena this winter. Councillor Belliveau also indicated that he would like to see discussions being initiated with the people in charge of the canteen to explore the possibility of profit sharing with figure skating. He believed that the profits generated by the canteen could fund a figure skating program this winter.

11. INQUIRIES BY MEMBERS OF COUNCIL

Councillor André Caissie requested a detailed report of amounts paid out to date to the firm tectura inc. He also asked for a status report on the multipurpose centre building project.

Councillor Michel Thibodeau raised the issue of signs along paths. He noticed that we have insufficient signs to guide pathway users. He asked that the administration remedy the situation.

Councillor Thibodeau also mentioned an incident on Hamilton Street involving a dog that may be considered vicious. The Chair indicated that the agent in charge of animal control will be instructed to follow up on the incident.

Councillor Normand Belliveau asked why there is no hockey school at the Festival arena. The Director of Municipal Operations explained at the meeting that an engineering report on the state of the arena clearly advises against maintaining the ice during summer months. He added that this report will be submitted to Council this fall.

Councillor Jacques LeBlanc asked about the development of a path along Breaux Bridge Street between Smith and Alphonse Streets. He mentioned that a few years ago, there was talk of developing a path in that area. He would like to see the possibility being explored of completing the work as planned.

12. INTRODUCTION AND READING OF BY-LAWS - None

13. MOTIONS AND RESOLUTIONS

Multipurpose centre project – Audio-visual equipment

C11-130 Moved by: Jacques LeBlanc
Seconded by: Michel Thibodeau

Whereas the municipality launched a call for tenders for the purpose of audio-visual equipment for the multipurpose centre;

Whereas the company Stage Crew submitted a tender in the amount of \$46,707.69 plus HST and the company Ivan's Camera in the amount of \$41,583.95 plus HST.

Be it resolved that we accept the tender submitted by Ivan's Camera in the amount of \$41,583.95 plus tax.

MOTION CARRIED

Hiring of staff

C11-131 Moved by: Peter Breau
Seconded by: Jacques LeBlanc

Whereas an employment offer for the position as Town Manager / Town Clerk has been advertized in various media;

Whereas a selection committee has been established and this committee has been retained to begin the hiring process;

Whereas the selection committee has formulated a recommendation to Council on the hiring of a Town Manager.

Be it therefore resolved that we accept the recommendation of the selection committee as set out in the hiring report.

That Mr. Gilles Belleau be hired on a permanent basis as Town Manager for an annual salary of \$95,000 in addition to benefits (health and dental insurance, pension fund, etc.) and that July 11, 2011 be established as his start date.

Be it resolved that Mr. Belleau, in addition to fulfilling the functions of the Town Manager position, will assume the responsibilities of the Town Clerk following the retirement of Ms. Bourque.

That Mr. Belleau benefit from four (4) weeks of annual leave from the commencement of his employment and that the waiting period to qualify for benefits be waived.

MOTION CARRIED

Pascal-Poirier Park project

C11-132 Moved by: Laura Gallant
Seconded by: Charles LeBlanc

Whereas the Town of Shediac has always worked in close collaboration with community groups in order to offer its residents a better of quality of life;

Whereas the Shediac Rotary Club approached the Town of Shediac with a major project centered on the Pascal-Poirier Park;

Whereas cost estimates for the completion of such a project are in the vicinity of 2.1 million dollars;

Whereas the Shediac Rotary Club contemplates a partnership agreement with the municipality with a to completing this project;

Whereas steps will be taken to approach federal and provincial governments for financial commitments from them.

Be it resolved that the Town of Shediac commit to providing \$400,000 in financing towards the Pascal-Poirier Park project as presented by the Shediac Rotary Club and subject to the other levels of government contributing to this project.

Be it further resolved that a committee be designated to act a liaison between the Shediac Rotary Club and the municipality and to coordinate the various aspects of this project.

Deputy Mayor Peter Breau, as a member of the Shediac Rotary Club, declares a conflict of interests and abstains from voting. Councillors Jacques LeBlanc, Charles LeBlanc, Laura Gallant, André Caissie, Michel Thibodeau and Normand Belliveau vote in favour of the motion. The motion was duly carried.

Signage

C11-133 Moved by: Charles LeBlanc
Seconded by: Laura Gallant

Be it resolved that a committee composed of one council member, municipality staff, BPC staff and vendors be established to study the whole signage issue.

Be it further resolved that Public Works continue its efforts for the removal of signs placed on poles owned by NB Power or the Department of Transportation, or on other poles, and that hinder visibility and vehicle or pedestrian traffic.

Be it further resolved that we accept sandwich signs provided they do not hinder pedestrian traffic and that a request for approval of their use be made in writing to Council.

Be it also resolved that a letter be sent to the owner of the property on which signs for a non-existing business were found to demand compliance with by-laws or the removal of these signs.

With respect to mobile signs, be it resolved that the established committee closely examine the provisions of the future zoning by-law with a view to addressing the concerns of both business people and residents and to find an arrangement that satisfies both parties.

MOTION CARRIED

Cancellation of meeting

C11-134 Moved by: André Caissie
Seconded by: Michel Thibodeau

Be it resolved that the Regular Meeting scheduled for July 25, 2011 be cancelled due to the summer holidays of elected officials and staff. A special meeting may be called should the need arise.

MOTION CARRIED

Incentives program for residential development

The Director of Economic Development and Tourism received a request for reimbursement from the developer Saillofts & Developments Ltd. The developer submitted the necessary documents to qualify for receipt of the first 50% of the incentive. This incentives program enables a developer to recover \$500 plus tax for each dwelling unit. The promoter has submitted the first documents and is therefore entitled to the first 50% of the \$500 refund. The developer having built 16 condos on Pleasant Street, he is entitled to a refund of \$4,000 plus tax.

C11-135 Moved by: Normand Belliveau
Seconded by: Michel Thibodeau

That we pay the first 50% of the incentive relative to residential development in the amount of \$4,000 plus tax to developer Saillofts & Developments Ltd. for his building at the intersection of Pleasant and Robidoux Streets.

MOTION CARRIED

14. NOMINATIONS TO COMMITTEES

The Chair appointed Councillor Michel Thibodeau to the committee in charge of examining the whole issue of signage.

15. ADJOURNMENT

Moved by Councillor Laura Gallant and seconded by Councillor Charles LeBlanc that the meeting be adjourned at 9:18 p.m.

Raymond Cormier, Mayor

Jeannette Bourque, Town Clerk