

TOWN OF SHEDIAC

REGULAR COUNCIL MEETING

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

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

AND: Gilles Belleau, Town Manager
Jeannette Bourque, Town Clerk
Réjean Godin, Finance Director
Paul Boudreau, Director of Community Services
Paul Lang, Director of Economic Development
Donald R. Cormier, Fire Chief
Insp. Thomas Critchlow, District 4 - RCMP Commander
Sgt. Paul Ouellette, District 4 - RCMP Officer
André Frenette, Director of the BPC
Marc Fougère, municipal representative on the BPC
About ten citizens
Three (3) journalists

ABSENT: Raymond Cormier, Mayor
Ernie O'Brien, Councillor

1. CALL TO ORDER

In the Mayor's absence, Deputy Mayor Peter Breau presided the meeting and declared it open at 7:00 p.m. The meeting opens with the singing of the National Anthem followed by the special prayer of council.

The Deputy Mayor took the opportunity to introduce Inspector Thomas Critchlow, the new RCMP Commanding Officer for District 4.

2. ADOPTION OF AGENDA

C11-151 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That the agenda be accepted as presented.

MOTION CARRIED

3. ADOPTION OF MINUTES

C11-152 Moved by: André Caissie
Seconded by: Michel Thibodeau

That the minutes of the Regular Council Meeting of August 29, 2011 be accepted as presented.

MOTION CARRIED

4. PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS

Jennifer Crook, co-owner of Oceanside Fitness Centre, addressed the meeting to request a pedestrian crossing in front of her Main Street business to help her customers walk over to the Sobeys and Canadian Tire stores across the street. Ms. Cook claimed that pedestrians regularly cross the street in that area, which is very dangerous.

The chair explained that Main Street (Route 133) is a provincially designated highway. Accordingly, the municipality must conduct a study and submit a request to the Department of Transportation before proceeding with such a project.

5. READING OF CORRESPONDENCE

a) Mr. Don Head, Commissioner, Correctional Services Canada - SUBJECT: Proclamation. Invitation for the week of November 13 to 20, 2011 to be proclaimed *Restorative Justice Week* in Canada. The Chair reads the proclamation.

C11-153 Moved by: Jacques LeBlanc
Seconded by: Charles LeBlanc

That we proclaim the week of November 13 to 20, 2011 *Restorative Justice Week 2011* and that the proclamation be posted in appropriate areas.

MOTION CARRIED

b) Mr. Rob Frenette, Executive Director of BullyingCanada – SUBJECT: Proclamation. Mr. Frenette requests that Council proclaim December 16, 2011 *Anti-Bullying Day* and that the flag be raised from December 12 to 16.

C11-154 Moved by: Laura Gallant
Seconded by: Charles LeBlanc

That we proclaim December 16, 2011 *Anti-Bullying Day* and that the flag be raised from December 12 to 16.

MOTION CARRIED

- c) Fabiola Haché, Coordinator, Beech Sweep Project – SUBJECT: Program – Beech Sweep. The coordinator advises that the program is back for an eleventh year. This program is primarily aimed at raising public awareness and at educating and informing the population about the considerable amount of debris found on our shores every year and about the causes and problems related to debris.
- d) Paul Poirier, President of Shediac Tennis Club - SUBJECT: Request for services. The Tennis Club would ask the municipality to install lighting around municipal tennis courts. The Club is prepared to invest \$6,000 in this project.

The 2011 budget is said to include \$30,000 for the refurbishing of tennis courts surfaces. As time is running out, the work will not be completed this year. It is suggested to obtain costs related to anticipated work on tennis courts (surface and lighting) and to submit an application to the Regional Development Corporation under the Family and Youth Capital Assistance Program.

- e) Marc Michaud, Principal of Mgr-F.-Bourgeois School - SUBJECT: Skateboard Park. The school principal is concerned about the elimination of the skateboard park near the arena. He claims that loitering and vandalism problems emerged after the skateboard park was dismantled. Mr. Michaud states that young people have no designated area for entertainment. He highlights that the population had been led to believe that the skateboard park would be relocated in a different part of town. He strongly encourages elected officials to take steps to complete this project.

It is mentioned that the project has never been abandoned and that the municipality is examining different locations where a skateboard park can be accommodated.

- f) Patsy Chamberlain, Executive Director, and Kim Landry, Youth Entrepreneurship Development Officer, Enterprise South East - SUBJECT: Annual Golf Tournament. Letter of thanks for the municipality's contribution to the 5th annual golf tournament.
- g) Paul Babin, Guy Vautour and Frank Hébert, Organizing Committee of Shediac "Ligue gentilhomme" hockey league - SUBJECT: Skating rink rental rate. The committee solicits a 70% discount over the next three years on the regular rate to rent the skating rink.

A discussion ensued concerning grants to the various organizations using the ice at the arena. In the absence of consensus among council members on this topic, the following motion was put forth:

C11-155 Moved by: Normand Belliveau
Seconded by: Michel Thibodeau

That we maintain status quo relative to skating rink rental rates for the 2011-2012 season and that the administration provide a detailed report on grants to various user groups.

MOTION CARRIED

h) Letter to Director Paul Boudreau from Jim Bateman, President of The United Church of Canada, 379 Main Street, Shediac - SUBJECT: Lobster dinners. The President offers his sincere thanks for the publicity surrounding this annual activity.

i) Yvon Fontaine, President and Vice-Chancellor of Université de Moncton - SUBJECT: Canada Post stamps. The president takes the opportunity to congratulate the municipality for being chosen as a national attraction (giant lobster) to be featured on a Canada Post stamp.

j) Members of Club de boulingrin William Ling Lawnbowling Club - SUBJECT: Request for financial assistance. The club offers its sincere thanks for the municipality's financial assistance in recent years. Club members are seeking financial assistance for 2012.

This request will be deferred to the 2012 budget deliberations.

k) Arthur Landry, 452 Main Street, NB - SUBJECT: Pedestrian/bike path on Boudreau Street. Mr. Landry writes that the municipal path runs behind his mother's property at 82 Gallagher Street. According to him, young people litter on his mother's property as they cut across it. He asks for a fence to be erected along the path behind his mother's property as was done at the end of Pascal Poirier Street and behind Greenwood Drive.

The Town Manager explained at the meeting that he is examining the issue along with similar requests. Mr. Belleau indicated that he will be in a position to report to Council in the coming weeks.

l) Robert Sharpe, p. eng., Director, Design Branch, Department of Transportation - SUBJECT: Five-year plan for provincially designated highways. The Director advises that our request for the construction of an overpass on Route 15 at Riverside Drive falls outside the Provincially

Designated Highways Program of Improvements and that this type of request is handled by the Planning and Land Management Branch.

A suggestion is made to formulate a request for this project and to submit it to the appropriate department.

m) Margot and Kevin LeBlanc, 87 Hamilton Dstreet, Shediac, NB. - SUBJECT: Construction of breakwater. Mr. and Mrs. LeBlanc, owners of a seaside property, have decided to put up a breakwater in front of their property to protect their land from erosion. Without prior approval from the municipality, they had the work done in early September and instructed the contractor to build the breakwater, not only on their own property but also on public property at the end of Hamilton Street. Mr. and Mrs. LeBlanc now ask for the completed work to be reimbursed in amount of \$2,825.

A discussion ensued as to whether approving this request would create a precedent. It is mentioned that Mr. and Mrs. LeBlanc chose to proceed with the project without prior approval from the municipality.

C11-156 Moved by: Normand Belliveau
Seconded by: Jacques LeBlanc

That the completed work be reimbursed in the amount of \$2,825.

The vote is recorded as three (3) in favour and three (3) against. Councillors Jacques LeBlanc, Normand Belliveau and Laura Gallant vote in favour of the motion. Councillors Charles LeBlanc, André Caissie and Michel Thibodeau vote against it. Given the tie, the chair invokes his right to vote and pronounces himself against the motion. The motion is rejected.

6. REPORTS FROM STANDING AND SPECIAL COMMITTEES

Financial reports

The municipality's financial report ending August 31, 2011 is circulated to council members, along with a budgetary update. A report of council members' expenses ending August 31, 2011 is also circulated.

Protection services

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

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

For information, Mr. Belleau mentioned that the Rick Hansen Relay will be in Shediac tomorrow between 4:00 p.m. and 5:00 p.m. Finally, he added that the large fall fund drive will take place from October 24 to 27 in the municipality.

8. RECOMMANDATIONS FROM THE PLANNING COMMISSION

Backfilling of foundation without notice of inspection (PID 70545827 - lot 11-175)

An inspection has revealed that the foundation of a single family dwelling, built on the lot identified by PID 70545827 and located at 9 Jocelyne Street, has been backfilled without prior inspection. Further to this inspection, a compliance order was issued to the property owner with a copy sent to the municipal administrator. The BPC claimed to be unable to inspect the building foundation given the stage of the construction work. Four options were proposed to remedy the situation.

C11-158 Moved by: Laura Gallant
Seconded by: Charles LeBlanc

That the developer be required to provide an affidavit, signed by him, confirming that all construction work was performed in compliance with the requirements of the National Building Code of Canada 2005.

MOTION CARRIED

Lotissement Bernard LeBlanc Subdivision – Riverside Drive – Land for public purposes

Mr. Bernard LeBlanc wants to develop his property, identified by PID 00867143 and located at Riverside Drive, into new land for residential use. 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 September 21, 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. In this

case, this being a seaside lot, the average market value of the land is \$42,000; therefore, 8% of that amount is \$3,360.

C11-159 Moved by: Jacques LeBlanc
Seconded by: Charles LeBlanc

Be it resolved that we accept \$3,360 as payment in lieu of land for public purposes.

MOTION CARRIED

9. UNFINISHED BUSINESS – None.

10. INTRODUCTION OF NEW BUSINESS

Councillor Jacques LeBlanc raised concerns about the relocation of the municipal path in the Domaine Centre-Ville Estates subdivision. He asked whether plans to redesign the path have been presented to the municipality. The Town Manager indicated that he will inquire with the engineer. The Councillor also raised concerns about the municipal path along Route 15. He claimed that the path has not been groomed in a while and is in a very poor state. Mr. Belleau confirmed that upon inspecting the site with the foreman to identify the problem, they noticed severe erosion. The Town Manager indicated that he is handling the matter.

11. INQUIRIES BY MEMBERS OF COUNCIL

Councillor Normand Belliveau inquired whether the sidewalks built in the western part of town comply with municipal standards. The Town Manager replied that he expects the engineer's report on this issue next week.

Councillor Michel Thibodeau inquired whether the new sidewalk in front of Shediac Brake Service and Wilson's Gas Bar was built on public land. He was told that this is indeed the case.

Councillor Charles LeBlanc inquired whether the Municipal Academy program will continue. Mr. Belleau responded that he needs to review the matter.

Councillor Michel Thibodeau requested a status report on the entrance on Webster Street near Riverside Drive. The Town Manager indicated that he is still working on the matter.

Councillor Laura Gallant inquired whether all cases referred to the municipal solicitor have been resolved. Mr. Belleau replied that most matters had been resolved, but he will verify about the rest.

12. INTRODUCTION AND READING OF BY-LAWS

1st reading of By-law No. P-11-36

C11-160 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That By-law No. P-11-36, a by-law adopting the Town of Shediac Municipal Plan, be introduced and be subject to first reading by title.

The vote is recorded as five (5) in favour and one (1) against. Councillors Jacques LeBlanc, Charles LeBlanc, Laura Gallant, André Caissie and Normand Belliveau vote in favour of the motion. The Councillor Michel Thibodeau votes against it. The motion is duly carried.

The Town Clerk undertook first reading by title of By-law No. P-11-36.

C11-161 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept first reading by title of By-law No. P-11-36.

The vote is recorded as five (5) in favour and one (1) against. Councillors Jacques LeBlanc, Charles LeBlanc, Laura Gallant, André Caissie and Normand Belliveau vote in favour of the motion. Councillor Michel Thibodeau votes against it. The motion is duly carried.

1st reading of By-law No. 11-2

C11-162 Moved by: Jacques LeBlanc
Seconded by: André Caissie

That we accept that By-law No. 11-2, a by-law relative to the election of the mayor and councillors, be introduced and be subject to first reading by title.

The vote is recorded as four (4) votes in favour and two (2) against. Councillors Jacques LeBlanc, Laura Gallant, André Caissie and Michel Thibodeau vote in favour of the motion. Councillors Charles LeBlanc and Normand Belliveau vote against it. The motion is duly carried.

The Town Clerk undertook first reading by title of By-law No. 11-2.

C11-163 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept first reading by title of By-law No. 11-2.

The vote is recorded as four (4) votes in favour and two (2) against. Councillors Jacques LeBlanc, Laura Gallant, André Caissie and Michel Thibodeau vote in favour of the motion. Councillors Charles LeBlanc and Normand Belliveau vote against it. The motion is duly carried.

2nd reading of By-law No. 11-2

C11-164 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept second reading of By-law No. 11-2 by title and in its entirety.

The vote is recorded as four (4) votes in favour and two (2) against. Councillors Jacques LeBlanc, Laura Gallant, André Caissie and Michel Thibodeau vote in favour of the motion. Councillors Charles LeBlanc and Normand Belliveau vote against it. The motion is duly carried.

The Town Clerk undertook second reading of By-law No. 11-2 by title and in its entirety.

C11-165 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept second reading of By-law No. 11-2 by title and in its entirety.

The vote is recorded as four (4) votes in favour and two (2) against. Councillors Jacques LeBlanc, Laura Gallant, André Caissie and Michel Thibodeau vote in favour of the motion. Councillors Charles LeBlanc and Normand Belliveau vote against it. The motion is duly carried.

1st reading of By-law No. 11-44Z

C11-166 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That By-law No. 11-44Z, a by-law amending the Town of Shediac Zoning By-law, be introduced and be subject to first reading by title.

MOTION CARRIED

The Town Clerk undertook first reading by title of By-law No. 11-44Z.

C11-167 Moved by: Jacques LeBlanc
Seconded by: Laura Gallant

That we accept first reading by title of By-law
No. 11-44Z.

MOTION CARRIED

13. MOTIONS AND RESOLUTIONS

School crossing guard – MFB School

C11-168 Moved by: Charles LeBlanc
Seconded by: André Caissie

Whereas Mr. Maurice Boudreau of Shediac has
for a few years assumed the duties of crossing
guard for the students attending Mgr-François-
Bourgeois school;

Whereas Mr. Boudreau's contract ended on June
24, 2011;

Whereas Mr. Boudreau has expressed an interest
in continuing his work;

Be it resolved that the services of Mr. Maurice
Boudreau as school crossing guard be retained for
the 2011-2012 school year; that the Mayor and the
Town Clerk be authorized to sign the contract and
that remuneration be set at \$690.00 per month for
the months of September to December 2011 and
at \$707.00 per month for the months of January to
June 2012.

MOTION CARRIED

Application for authorization

C11-169 Moved by: Normand Belliveau
Seconded by: Jacques LeBlanc

Be it resolved that the municipality of Shediac
apply to the Municipal Capital Borrowing Board
for authorization to borrow the sum of \$3,000,000
for the following purposes:

<u>Purpose</u>	<u>Duration</u>	<u>Amount</u>
Recreational and cultural services		
Renovations to arena	10 years	\$2,241,278
Renovations to arena	Temporary financing	\$758,722

MOTION CARRIED

Councillor Jacques LeBlanc asked for a report itemizing the work included in these renovations before the project is pursued. The Town Manager advised that a study conducted by the firm ADI will be submitted to council in the coming weeks.

AFMNB Annual Meeting

C11-170 Moved by: Laura Gallant
 Seconded by: Jacques LeBlanc

Whereas the General Policy No. 07-02, Expenses – Municipal Council Functions, pursuant to subsection 3(16), limits participation in conferences and annual meetings organized by municipal or provincial associations of which the Town is a member to a maximum of four councillors, plus the mayor;

Whereas five (5) councillors have expressed an interest in attending the annual meeting of the Association francophone des municipalités du Nouveau-Brunswick to be held in Grand Falls next month.

Be it resolved that the five council members, in addition to the Mayor, be authorized to participate in the AFMNB annual meeting in 2011 only.

MOTION CARRIED

Awarding of contract - Construction of sidewalks – Main street

C11-171 Moved by: Michel Thibodeau
 Seconded by: Normand Belliveau

Whereas the administration launched a call for tenders for the construction of sidewalks in the western neighbourhood of Main street;

Whereas the following three tenders have been submitted:

- Maritime Road Recycling Inc.	\$427,021.35
- Entreprises Bastech Inc.	\$374,877.50
- Monarch Construction Ltd.	\$352,447.00

Whereas following review of submitted tenders, it is recommended to award the contract to the bidder having submitted the tender with the lowest bid price.

Be it resolved that contract No. 11-104 is awarded to Monarch Construction Ltd. for the amount of \$352,447.00 (HST included).

MOTION CARRIED

Revision of municipal plan

C11-172 Moved by: André Caissie
Seconded by: Charles LeBlanc

Whereas the municipal plan in force was adopted in 1989;

Whereas this document is outdated and no longer meets the needs of the municipality;

Whereas it is recommended to revise a municipal plan every five years;

Whereas Municipal Council has determined that it is in the public's interest that a new municipal plan and a new zoning by-law be adopted;

Be it therefore resolved that the Town Clerk, in lieu and on behalf of Council, cause notices of the adoption of these by-laws to be published within the time limits established under section 68 of the *Community Planning Act*; and that the date of October 11, 2011 be fixed for a public presentation in the multipurpose centre on Festival street, at 6:30 p.m.

MOTION CARRIED

Appointment under the *Community Planning Act*

C11-173 Moved by: Jacques LeBlanc
Seconded by: Charles LeBlanc

Whereas Municipal Council intends to authorize certain employees of the Beaubassin Planning Commission to issue orders to anyone who violates the *Community Planning Act* of New Brunswick or the by-laws adopted under this legislation.

Be it resolved that Municipal Council authorize Mr. Nicolas Landriau, employed by the Beaubassin Planning Commission as construction inspector / planning agent, to issue orders pursuant to sections 94 and 98 of the *Community Planning Act*.

MOTION CARRIED

Expenses incurred by the Shediac Lobster Committee

C11-174 Moved by: André Caissie
Seconded by: Jacques LeBlanc

Whereas Council approved on June 27, 2011 expenses totaling \$6,688 for the rental of a tent, two refrigerators and a mobile unit to avoid problems during Festival 2011 despite outstanding work at the multipurpose centre;

Whereas additional expenses were incurred which were not in the Festival's original request:

- Lighting outside the tent - \$1,080 + tax (Commercial Tent)
- Fence rental - \$1,000 + tax (Festival)
- Additional big tent (400 sq. feet) - \$931 + tax (Festival)
- Site clean-up - \$1,970 tax included (Festival)

Be it resolved that expenses for lighting outside the tent be paid to the service provider

(Commercial Tent) in the amount of \$1,080, plus tax, and billed back to the Festival afterwards.

Be it resolved that reimbursement of all these Festival expenses be reconsidered upon presentation of interim financial statements.

MOTION CARRIED

Hiring of staff - Multipurpose centre

C11-175 Moved by: Normand Belliveau
Seconded by: Michel Thibodeau

Whereas the two team leader positions at the multipurpose centre were advertized in various media;

Whereas the Director of Community Services and his assistant examined applications and conducted interviews;

Whereas the Director of Community Services is prepared to make a recommendation to Council relative to the hiring of a team leader at the multipurpose centre;

Be it resolved that Matulu Mukenka be hired on a permanent basis as team leader at the multipurpose centre; that the salary be established at \$15.00 per hour, in addition to the benefits provided under policy P-A 90-1; and that his starting date be October 10, 2011.

MOTION CARRIED

14. NOMINATIONS TO COMMITTEES - None

15. ADJOURNMENT

Moved by Councillor Normand Belliveau and seconded by Councillor Charles LeBlanc that the meeting be adjourned at 9:50 p.m.

Peter Breau, Deputy Mayor

Jeannette Bourque, Town Clerk