

**SPECIAL MEETING OF COUNCIL
APRIL 25, 2016 AT 7:00 P.M.
COUNCIL CHAMBERS, TOWN HALL**

In attendance were Mayor Bob Berry, Deputy Mayor Joyce O'Neil and Councillors Bruce Phinney, Bill Evans, Margaret Tusz-King, Ron Corbett and Shawn Mesheau. Also in attendance were CAO Phil Handrahan, Treasurer Michael Beal, Engineer Dwayne Acton, Senior Manager of Corporate Projects Jamie Burke, Clerk Donna Beal, Assistant Treasurer/Acting Assistant Clerk Mary Dixon, Planner Lori Bickford and Press Katie Tower.

Public Special Meeting of Council, Public Reports and Staff Reports – 7:00 p.m.

1. CALL MEETING TO ORDER

Mayor Berry called the meeting to order.

2. DISCLOSURE OF INTEREST

Mayor Berry asked if there were any disclosure of interest to declare. There were none.

3. APPROVAL OF AGENDA – Special Meeting of Council April 25, 2016

#16-093 MOVED BY COUNCILLOR BRUCE PHINNEY AND SECONDED BY
COUNCILLOR MARGARET TUSZ-KING THAT COUNCIL APPROVE THE AGENDA
FOR THE SPECIAL MEETING OF COUNCIL OF APRIL 25, 2016 AS CIRCULATED.
MOTION CARRIED.

4. Audit –

Treasurer Michael Beal noted that the 2015 Audit has been completed by Stevenson and Partners, LLP. It was also noted that the draft Audit would be emailed out to Council and available to Public after approval by Council. The draft Audit shows a surplus in General Fund of \$59,974 on total Expenses of \$10,843,228 and a surplus in the Utility Fund of \$13,169 on total Expenses of \$1,738,599 as noted on Page 23 of the Audit.

Treasurer Michael Beal then turned the meeting over to the Auditors, Doug Seiglitz and Mary MacKendy who presented the Audit findings. Several questions were asked by Council for which the Auditors and the Treasurer addressed. It was noted that the large revenue was due to the ACOA grant and Gas Tax. It was noted that the budget is done on a cash flow basis, but there are certainly elements that are not taken into consideration via PSAB requirements and when you remove those elements, it gives the impression of a very large surplus, when in essence isn't quite the case. Treasurer Michael Beal also noted that the audit has changed since PSAB came into play. The details that are found within the report are relative to the reconciliation of the budget vs actuals for the year. The budget is cash-flow based, whereas the Audit is PSAB based. When we look at the funding that came in from ACOA, DTI, donations from Fire Department, and grants from other outside sources, all attribute to keeping debt from increasing overall because those amounts have helped to offset capital expenses that have been incurred.

In regards to Utility, we are seeing more conservation, therefore rates have come in substantially under budget which has accounted for such a lower than budgeted revenue total for 2015. The two PSAB vs Tax Rate, are where you see differences. The costs for water services are essentially fixed totals, so if we continue to see conservation we will then have to closely monitor our rate. Mr. Beal also noted that the Town bills based on metered usage, so it's hard to compare quarters until the quarters have transpired. We really won't know if we are heading towards a larger loss in revenues again this year until the end of the year because our largest user doesn't have their peeks until the beginning of the year (which has just transpired) and then again at the end of the year.

#16-094 MOVED BY COUNCILLOR SHAWN MESHEAU AND SECONDED BY COUNCILLOR BILL EVANS THAT COUNCIL APPROVE THE 2015 AUDIT AS PRESENTED BY STEVENSON AND PARTNERS, LLP AND AUTHORIZE THE MAYOR AND CLERK TO SIGN AND SEAL THE AUDIT. MOTION CARRIED.

#16-095 MOVED BY COUNCILLOR SHAWN MESHEAU AND SECONDED BY DEPUTY MAYOR JOYCE O'NEIL THAT COUNCIL APPOINT STEVENSON AND PARTNERS, LLP OUT OF RIVERVIEW, NB AS OUR AUDITORS FOR THE YEAR 2016. MOTION CARRIED.

The question was asked why staff are recommending that the Town continue to use the Accounting Firm of Stevenson & Partner. Treasurer Mike Beal noted the following reasons; that the rates are steady, their experience, their knowledge of the municipality and our working relationship with them and the fact that there has been little increase in fees over the last few years all contribute to the recommendation of staff. It was noted that this firm has been doing the Town's audit for approximately 10 years since the retirement of Ian Hess. If at any time Council wishes to go out for an RFP, it is something we can look. In accordance with the Municipalities Act an Auditor needs to be appointed each year, however, under the Procurement Act, there is no need to put this out to tender.

2. Sidewalk Café Application – Joey's

Planner Lori Bickford gave a brief overview of the application made by Joey's to operate a Sidewalk Café. Joey's is proposing to operate a Sidewalk Café in front of their business located at civic address 16 York Street, Sackville. This property is located in the Downtown Business District and zoned Mixed Use which permits this activity. This proposal will utilize approximately 45' of the existing sidewalk and will provide a 5' wide temporary sidewalk to allow unobstructed pedestrian movement around the outdoor café. Although 3 parking spaces will be lost in this area, there is adequate on street parking on York Street, as well as the public parking lot on Ford/Main Street in close proximity. The benefits that outdoor cafés bring to the Town, are felt to outweigh the loss of the 3 on-street parking spaces. The applicant is proposing to keep the outdoor café 10' from the edge of the building and will use a 5' wide temporary sidewalk, angled on each end for easy pedestrian flow around the outdoor café. The applicant is proposing to locate jersey barriers on either end of the angled walkway to ensure safety of the pedestrian walkway from vehicular traffic. There is a Town owned garbage receptacle which will be relocated on York Street so as to not interfere with the café operation. Clarification on whether alcohol could be served on the Sidewalk Café; it was noted that the approval of the Sidewalk Café is an extension of their business and if they have a valid liquor license then alcohol can be served.

Councillor Mesheau asked how many parking spaces were on York Street and what was being done to fix any issues with public parking spaces lost to Sidewalk Café's. Town Engineer Dwayne Acton noted that he would find out the number of parking spaces on York Street and also noted that there are roughly 26 parking spaces on Bridge. It was also noted that there is public parking in the parking lot off of Ford/Main Street and there are new signs posted directing traffic accordingly. It was also noted that the patching program would see any areas in poor condition focused on, as well as flowers and planters placed in those areas to make them more pleasing. Councillor Bill Evans asked if a business wants to put up a patio, they must do it in front of their own business for which Lori Bickford explained that there are parameters that allow businesses to build beyond but they would need permission of the neighboring property owners. Deputy Mayor Joyce O'Neil noted her concerns regarding the loss of parking spaces and the amount of sidewalk being taken up with the Sidewalk Café. Lori Bickford noted that the handicap parking space would not be lost and also noted that a study done a few years ago by Mount Allison Students noted that there were sufficient parking spaces in Town even during peak times when the MTA students were in session.

#16-096 MOVED BY COUNCILLOR RON CORBETT AND SECONDED BY COUNCILLOR MARGARET TUSZ-KING THAT COUNCIL APPROVE THE APPLICATION BY JOEY'S PIZZA & PASTA TO OPERATE A SIDEWALK CAFÉ ON A PORTION OF THE SIDEWALK IN FRONT OF THEIR BUSINESS LOCATED AT 16 YORK STREET AND AS SHOWN ON THE PRESENTED SITE PLAN, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE SIDEWALK CAFÉ OPERATORS COMPLY WITH ALL REQUIREMENTS OF THE TOWN OF SACKVILLE SIDEWALK CAFÉ OPERATING PROCEDURES;
2. THAT THE SIDEWALK CAFÉ OPERATE IN CONFORMANCE WITH BY-LAW NO 246, THE TOWN OF SACKVILLE NOISE BY-LAW;
3. THAT THE WOODEN FENCES USED TO DELINEATE THE SIDEWALK CAFÉ SHALL BE PLACED AND ANCHORED TO THE SIDEWALK WHERE NECESSARY IN CONSULTATION AND AS APPROVED BY THE TOWN ENGINEER TO ENSURE THE STABILITY OF THE BARRIER. THESE ANCHORS SHALL NOT PROTRUDE INTO THE PUBLIC PEDESTRIAN AREAS. THE TOWN ENGINEER SHALL INSPECT AND APPROVE THE ANCHORING SYSTEM/CONSTRUCTION;
4. THAT JERSEY BARRIERS SHALL BE PROVIDED AT THE COST OF THE APPLICANTS AND PLACED ACCORDING TO THE SITE PLAN AT BOTH ENDS OF THE TEMPORARY SIDEWALK. THE JERSEY BARRIERS SHALL CONTAIN PERMANENT REFLECTIVE MARKINGS TO ENSURE NIGHT VISIBILITY. REFLECTIVE MARKINGS ARE SUBJECT TO THE APPROVAL OF ENGINEER. AYE VOTES WERE RECORDED FROM COUNCILLORS BRUCE PHINNEY, BILL EVANS, MARGARET TUSZ-KING, RON CORBETT AND SHAWN MESHEAU. A NAY VOTE WAS RECORDED FROM DEPUTY MAYOR JOYCE O'NEIL. MOTION CARRIED.

3. Tender 2016-08 Park Street Reconstruction

Town Engineer Dwayne Acton noted that as discussed and approved in the 2016 Budget process for the total reconstruction of Park Street, the Engineering department along with WSP had assembled the necessary Tender package, which was distributed for the Park Street Reconstruction Project, Tender # 2016-08 on April 7, 2016. This tender was close on Thursday, April 21, 2016 @ 11:00 a.m. in Council Chambers. There were 5 tender packages picked up during the tendering process and during the tender opening on April 21, 2016, we received 4 Tender bids. Tender results were evaluated for completeness and all 4 tenders were accepted. The capital budgeted amount for the Park Street Reconstruction project including the portion of the paving under the gas tax funding program was \$713,000.00 Plus HST. The lowest tender bid from Beal and Inch Construction Ltd was \$745,421.00 Plus HST. This puts us over budget on this project by \$32,421.00. We were also over budget on the Tender # 2016-01 for the Tandem Dump Truck by \$17,000.00, which puts us \$49,421.00 over budget on these two capital projects. Given the fact that we are over budget on these two projects we are recommending that we defer Quarry Lane project until later in the summer when we have a better understanding on the situation with all our Capital projects, as well as our operating budget as a whole. If our overall budget at that point is favorable we will bring back to council an update and potential capital project for council to review and approve. After the approval of Park Street Reconstruction project, we would have a surplus of \$133,000.00 between the Utility capital and General capital to put towards a future project in 2016. Councillor Evans asked that even though the Quarry Lane Project may not get done this year, there could be another project of a lesser amount done for which Mr. Acton confirmed. Councillor Mesheau inquired as to what factors created the overages on this tender and the Truck tender. Mr. Acton noted that the truck tender was mainly due to the US dollar exchange rate, and with regard to the Park Street Reconstruction it was expected to come in higher than budgeted based on the other major projects that are on the table for other Municipalities including a \$1,000,000.00 project in Memramcook.

#16-097 MOVED BY COUNCILLOR BRUCE PHINNEY AND SECONDED BY COUNCILLOR SHAWN MESHEAU THAT COUNCIL AWARD TENDER NO. 2016-08, PARK STREET RECONSTRUCTION TO THE LOWEST BIDDER, BEALE & INCH CONSTRUCTION LTD., IN THE AMOUNT OF \$745,421.50 PLUS H.S.T. MOTION CARRIED.

4. Heritage Appointment

Senior Manager of Corporate Projects Jamie Burke noted that under subsection 47(c) of the Heritage Conservation Act, the composition of a Heritage Board has to include, “At least one person resident in the municipality who is a member of a local society or organization concerned with heritage conservation in the municipality, to be appointed from a list of nominees submitted by the societies or organizations...” Given the legislative requirement, staff approached the Heritage Trust who then consulted with their membership. The Trust has nominated Kellie Mattatall to serve on the Heritage Board. The duty to consult with the Heritage Trust is a statutory requirement and therefore, filling this appointment is very different than other Heritage Board vacancies (all of which fall under the criteria for members noted in section 47 of the Act) which are more general in nature.

#16-098 MOVED BY COUNCILLOR RON CORBETT AND SECONDED BY COUNCILLOR MARGARET TUSZ-KING THAT COUNCIL APPOINT KELLIE MATTATALL TO THE HERITAGE BOARD FOR A TERM EFFECTIVE IMMEDIATELY AND ENDING ON DECEMBER 31, 2017. AYE VOTES WERE RECORDED FROM DEPUTY MAYOR JOYCE O'NEIL, COUNCILLORS BILL EVANS, MARGARET TUSZ-KING, RON CORBETT AND SHAWN MESHEAU. A NAY VOTE WAS RECORDED FROM COUNCILLOR BRUCE PHINNEY. MOTION CARRIED.

#16-099 MOVED BY DEPUTY MAYOR JOYCE O'NEIL THAT THE SPECIAL MEETING OF COUNCIL OF APRIL 25, 2016 BE ADJOURNED. MOTION CARRIED.