

**TOWN OF HAMPTON
COUNCIL MEETING
September 9th, 2008**

A Closed Session of Council was held immediately preceding the regular Council meeting, commencing at 6:00 p.m., then again immediately following the regular session at 8:50 p.m. A regular meeting of Council was held in the Council Chambers at 27 Centennial Road on September 9, 2008 commencing at 7:05 p.m.

Attendance

Council:	Mayor Ken Chorley Councillor Peter Behr Councillor Clara Ann Lights	Deputy Mayor Dwight Bond Councillor Robert Doucet
Staff:	Richard Malone, Chief Administrative Officer Megan O'Brien Harrison, Town Clerk/Development Officer Richard King, Building Inspector Gillian Reid, Assistant to the Clerk	
Delegations:	Sgt. Steve Gourdeau, Hampton RCMP	
Media:	Erin Dwyer, Telegraph Journal	David Kelly, Kings County Record
Guests:	Betty Prentice, Lakeside Brian Fowler, French Village Bruce Whittaker, Acadia Crescent Kathleen Gallant, Bloomfield Ridge Lion Jim Simpkins, Kennebecasis River Rd.	Lorraine Leverington, Main Street Tim Nickerson, Viola Avenue Jean Hartlen, Alexander Court Pat Cole, Nauwigewauk Sheri Burhoe, Viola Avenue

1. CLOSED SESSION

In accordance with Section 10.2(4) of the *Municipalities Act*, Mayor Chorley called the Closed Session to order at 6:00 p.m. and adjourned the same meeting at 7:00 p.m. A second Closed Session commenced at 8:05 p.m. and the adjourned the same meeting at 9:50 p.m. During that time, a number of issues were discussed and the confidential information from such discussions was classified as follows:

<u>Subsection of 10.4 (2)</u>	<u>Category</u>	<u># of Items</u>
(a)	Confidential information protected by law	
(b)	Personal information	
(c)	Financial loss or gain (individual or municipal) or could jeopardize negotiations leading to an agreement or contract	6
(d)	Land transactions for a municipal purpose	5
(e)	Violates confidentiality of information obtained from other governments (Federal and/or Provincial)	
(f)	Legal opinions or advice, and privileged communications	
(g)	Litigation or potential litigation	1
(h)	Access to/or security of particular buildings, other structures or systems	
(i)	Information gathered by police	
(j)	Labour/Employment matters	2

2. REGULAR SESSION – PUBLIC COUNCIL MEETING

Mayor Chorley called the Open Session to order at 7:05 p.m.

3. MOMENT OF SILENCE AND MOMENT OF REFLECTION

Councillor Lights led Council in a moment of reflection.

4. DISCLOSURE OF CONFLICT OF INTEREST

Deputy Mayor Bond declared a conflict of interest regarding all issues pertaining to development in the Town of Hampton.

5. PUBLIC HEARING AND DELEGATIONS

Sgt. Steve Gourdeau, Hampton RCMP

Sgt. Gourdeau stated that he did not have very much news to report to council this month. He did note that the District has obtained a speeding device system and it will be set up along Kennebecasis River Road in the fall.

Canada Day Certificates of Merit

Mayor Chorley thanked the members of the Canada day committee and recognized their great contribution to the Canada Day events. He provided certificates of merit to the following groups and individuals:

- The Hampton Lions Club as they have been a long time supporter of the Hampton Canada Day celebrations through their work with the Ident-a-Child program. They also host an annual barbecue in support of Hampton P.R.O. Kids, as well as leading our security brigade during the fireworks presentation. Lion Jim Simpkins accepted the certificate on their behalf.
- Jean Hartlen has coordinated our opening ceremonies for a number of years, ensuring that all details are addressed. She has also been a long time volunteer at the children's bicycle rodeo.
- The Church of Jesus Christ of Latter Day Saints hosts an annual barbecue for the community as their contribution to community spirit. This event is free to the public. Unfortunately a representative from the Church was not able to attend the Council meeting.
- Cst. Pat Cole has organized and coordinated the children's bicycle rodeo for several years. He collects prizes and recruits sponsors throughout the year in preparation of this event. He has also been an active member of the Concert Committee in support of P.R.O. Kids.
- Sheri Burhoe graciously accepted the role of the Art Festival Coordinator for the 2008 event. She spent several months promoting the show within the art community and inviting artists to participate.

- Firefighters Tim Nickerson and Bruce Whitaker were responsible for all facets of our fireworks presentation. Their preparation to set up the display begins weeks before the event and runs from early morning until after midnight on Canada Day. Because they have taken the required training and volunteer their time every year, we are able to dedicate more of our resources to the show.
- Lorraine Leverington and Betty Prentice coordinate our Craft Show. This event continues to grow each year and, through their efforts, is attracting crafters from around the area.
- Manager Kathleen Gallant and Hampton Subway joined us this year as a corporate sponsor for our pre-fireworks entertainment. Thanks to Subway's Music on the Big Stage, hundreds of residents were treated to a great outdoor concert by the local band Break Away.

6. READING OF BY-LAWS

6.1 Noise By-law: Third and Final Reading

The Town received written feedback from three individuals regarding the noise By-law.

Joe Butler, no stated address, feels that the By-law is antiquated. He feels that "we live in a 24 hour society and noise is part of this".

Zelda McKenzie from Randall Drive stated that she is opposed to the 9:00 p.m. limit for noise as 11:00 p.m. is the standard for most communities. She was also concerned about noise starting at 7:00 p.m. She also wondered about the possibility of having summer and winter times or recommended no noise between 11:00 p.m. and 8:00 a.m. weekdays and 11:00 p.m. and 12 noon on the weekends.

Andy Lodge from Meadow Avenue, felt that a 9:00 p.m. time as it is far too early. He also had great reservations with respect to the Town authorizing peace officers to enter onto private property to enforce a noise By-law. Authorizing the violation of fundamental privacy rights entrenched by the Charter of Rights and Freedoms should not be taken lightly. He also noted that the fine can potentially be extremely high when adding the victim surcharge. Finally, he stated that defining noise allows for far too much subjective opinion of the peace officer in attempting to enforce the By-law.

Please note that the By-law has been amended to extend the hours from 9:00 p.m. until 12:00 a.m. With Qualifications, Section 4 and 5 stating:

"Qualification

4. (a) No person shall make or permit to be made any noise within the Town between the hours of twelve midnight (12:00 a.m.) and seven o'clock in the morning (7:00 a.m.).

(b) For greater certainty, "noise" in paragraph (a) means noise as defined in paragraph 3(c).

5. In addition to section 4, this By-law shall also apply to noise caused by pneumatic hammers, construction equipment and machinery, and vehicles of business or trade between the hours of nine o'clock in the evening (9:00 p.m.) and seven o'clock in the morning (7:00 a.m.) daily, as well as seven o'clock in the morning (7:00 a.m.) and nine o'clock in the evening (9:00 p.m.) on a Sunday."

Please note that section 21 was also removed from the By-law, which previously allowed a peace officer to enter into private property.

Councillor Behr believes that a baseline is required for a peace officer to determine noise. He feels it should be measured by a noise metre.

3rd and Final Reading of By-Law #183-08

Moved by Councillor Doucet and Seconded by Deputy Mayor Bond that the Town of Hampton approve the third and final reading of the Town of Hampton By-law No. 183-08, A By-law Respecting Disturbance by Noise By-law.

All those in favour: Deputy Mayor Bond, Councillor Lights and Councillor Doucet

All those opposed: Councillor Behr

Motion Carried

7. ADOPTION OF MINUTES

7.1 Regular Council Meeting of August 12th, 2008

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Minutes of the August 12th, 2008 Regular Council Meeting be adopted.

Motion Carried

7.2 Special Meeting of Council of August 19th, 2008

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Minutes of the August 19th, 2008 Regular Council Meeting be adopted.

Motion Carried

8. CORRESPONDENCE LIST

08 – 150 Breast Ahoy Dragon Boat Races Re: Request for Donation

Moved by Councillor Doucet and seconded by Councillor Lights that the Town of Hampton donate a tennis membership for auction to the Breast Ahoy Dragon Boat Team in support of their bi-annual auction as a fundraising event to cover their boat maintenance, equipment and training costs.

Motion Carried

08 – 151 UMNB Re: BCAH Program
Received and filed.

- 08 – 152 Winston Keirstead Re: Thank You Letter for Welcome Package
Received and filed.
- 08 – 153 FCM Re: Green Municipal Fund Financing
Received and filed.
- 08 – 154 Ms. Myra Stites Re: Request for Road Signs
Referred to the Public Works Advisory Committee.
- 08 – 155 Minister Carmel Robichaud Re: Congratulations to Town Council
Received and filed.
- 08 – 156 Mr. Joe Butler Re: Comments Regarding Noise By-Law
Council considered Mr. Butler's comments and addressed them prior to the third and final reading of the Noise By-Law.
- 08 – 157 PNB/Local Government Re: Lawn Care and Landscape Pesticide Use
Refer to Staff.
- 08 – 158 PNB/Local Government Re: Amendments To The Motor Vehicle Act
Referred to staff to note changes on the Town's website in the "School" and "Construction Zone" sections. Councillor Behr suggested that the school zone hours be extended from 8:00 a.m. until 4:00 p.m. to 7:30 a.m. to 4:30 p.m.
- 08 – 159 UMNB Re: The Future of Local Governance in NB
Received and filed.
- 08 – 160 UMNB Re: Select Committee on Tax Review
Receive and file.
- 08 – 161 Zelda McKenzie Re: Concerns With New Noise By-Law
Council considered Ms. Scott's comments and addressed them prior to the third and final reading of the Noise By-Law.
- 08 – 162 Freeman Patterson Re: Request For Alternative Marker In River
Referred to Staff.
- 08 – 163 NB Municipal Finance Corporation 2007 Annual Report
Received and filed.
- 08 – 164 Alan A. Hicks Re: Concerns Of Relocating Group Mailboxes
Referred to Staff.
- 08 – 165 Brian Jones Re: Request To Purchase Copies of Book
Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton purchase four (4) copies of *Thoughts of Our Canadian Soldiers at War* (2008 Edition) to be donated to Hampton Schools (Dr. A.T. Leatherbarrow Primary, Hampton Elementary, Hampton Middle and

Hampton High Schools) to be placed in their libraries at a cost of \$32.00 (\$8.00 each) plus shipping and handling.

Motion Carried

- 08 – 166 John McLaughlin Re: Thank You Letter for Support of Accident
Received and filed.
- 08 – 167 David O. Smith Re: Thank You Letter for Welcome Package
Received and filed.
- 08 – 168 PNB/Local Government Re: Integrated Community Growth Strategy
Referred to Staff.
- 08 – 169 Hampton Royal Canadian Legion Re: Request to Conduct Poppy Campaign
Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton grant permission for the Royal Canadian Legion, Hampton Branch to distribute poppies as part of their annual Poppy Campaign in the Town of Hampton until the 11th of November 2008.

Motion Carried

- 08 – 170 FCM Re: Sustainable Transportation Projects
Refer to Staff.
- 08 – 171 HACC Re: Request for Donation for June Steeves
It was noted that Ms. Steeves is not a resident of the Town of Hampton and traditionally the Town only supports these types of events for residents. Donations on an individual basis were encouraged. Received and filed.
- 08 – 172 Gordon Porter/N.B. Human Rights Re: Presentation of Human Rights Award
It was noted that Councillor Behr will be attending.
- 08 – 173 FCM Green Municipal Fund Re: Applications for Wastewater Projects
Referred to staff.
- 08 – 174 Don Doran/EMO Coordinator Re: Disaster Registry for Seniors
Council raised privacy concerns. They wondered how other municipalities with similar registries, such as Fredericton, addressed these concerns. It was recommended that these concerns be addressed before the program was adopted.

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton approve in principle, the creation of a Disaster Registry for Vulnerable Seniors and People with Disabilities, through EMO and with the assistance of the Pickwauket Lions Club, subject to privacy and protection of information concerns being adequately addressed.

Motion Carried

- 08 – 175 Colleen Bovaird Re: Request for Street Light on Alexander Court
Referred to the Public Works Advisory Committee.
- 08 – 176 Doug Sampson Re: Concerns of Speeding on Villa Drive
Received and filed.
- 08-177 Andy Lodge
Council considered Mr. Lodge’s comments and addressed them prior to the third and final reading of the Noise By-Law.

9. APPROVAL OF ACCOUNTS

- 9.1 **Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Town of Hampton approve the General and Utilities Fund Paid Invoices from August 1 to August 31, 2008 for the amount of two hundred and seventy seven thousand, four hundred and fifty-nine dollars and eighty-five cents (\$277,459.85).**

Motion Carried

10. REPORTS OF COMMITTEES

10.1 Environment

Council noted the committee would like to incorporate their proposed “Green Plan” with the Municipal Plan amendment in 2009.

10.2 Canada Day

Council noted that the report was very well written and their next meeting is already scheduled for February 3rd, 2009.

10.3 PAC

Council did not comment on the report from PAC.

10.4 RCMP

Council commented that they are looking forward to having a speed monitoring device used within the Town.

10.5 Public Works Advisory

Five Year Designated Highway Plan

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton adopt the following list of projects for the Five Year Designated Highway Plan:

- | | |
|-----------------------|--|
| 2009/2010/2011 | Rebuild and resurface, including one 1.5 meter walking lane, Route 845 (Pickwauket Road), beginning at the intersection of Main Street to the Town Limit. |
| 2012 | Route 121 Main Street/Centennial Road intersection-improvements as per the Traffic Study done by ADI for the Town of Hampton. |

2013

Resurface Main Street Route 100.

as recommended by the Public Works Advisory Committee.

Motion Carried

Truck Parking Area

Council had a lengthy discussion regarding the parking of transport trucks on Town streets. Council agreed that they did not belong in residential areas. Deputy Mayor Bond felt that the Town should look at cost-sharing options with the transport companies. Mayor Chorley did not feel the Town should be providing them with a parking area as there would be snow plowing costs and liability issues. Staff was directed to investigate what other municipalities do and to prepare a report on the options available.

CN Bridge

Moved by Councillor Doucet and seconded by Councillor Lights that the Town of Hampton draft a letter to CNR (Canadian National Railway) to identify what maintenance is required on the CNR's iron bridge to ensure that it is structurally sound, as recommended by the Public Works Advisory Committee.

Motion Carried

10.6 EnviroFair

Council noted that the date of the fair is October 18th, 2008 and Laurie Mills I coordinating the event.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton accept the reports from the Environment, Canada Day, Planning Advisory, RCMP and Public Works Advisory Committees as submitted.

Motion Carried

11. APPROVAL OF REPORTS

11.1 Dog Constable Report

Council did not comment on the Dog Constable Report.

11.2 Building Inspector Report

Council noted that the development within subdivisions is moving along nicely.

11.3 Financial Report

Council did not comment on the Financial Report.

11.4 Tourist Bureau/Lighthouse River Centre

Council noted that it is great to see the River Centre still very active in the fall season. They also noted the increased usage of the Town's website.

Moved by Councillor Lights and seconded by Councillor Doucet that the Town of Hampton approve the Building Inspector, Dog Constable, Financial and Tourist Bureau/Lighthouse River Centre Reports as presented.

Motion Carried

12. NEW BUSINESS

Deputy Mayor Bond declared a conflict and left the meeting.

12.1 Dineen Subdivision – Phase 4

Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton assent to the subdivision plan, entitled *Dineen Subdivision Phase 4C* as prepared by Alan A. Hicks, surveyor, dated December 15, 2007, which creates 20 residential lots (Lots 701 through 720) for the construction of 10 semi-detached dwelling units subject to the following conditions:

- **Execution of the Developer’s Agreement between the Town and numbered company 607152 N.B. Ltd. as presented by the Town CAO;**
- **Placement of appropriate bonding as determined by the Town Engineer, Godfrey Associates Ltd.; and**
- **Plans to be signed by appropriate utilities.**

Motion Carried

Deputy Mayor Bond returned to the meeting.

12.2 Special Meeting of Council

Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton hold a special meeting on Tuesday, September 23rd, 2008 at 7:30 p.m. for the purpose of Council to hear presentations from Enterprise Fundy, Dillon Consulting regarding the Recreation Needs Analysis, to hire the successful candidate for the Arena Attendant Position, and to hire and individual for the Dog Constable position.

Motion Carried

12.3 Finance Committee

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton appoint Carol LeBlanc to the Finance Committee for a period of three years commencing immediately.

Motion Carried

12.4 Crossing Guard Position

Moved by Councillor Lights and seconded by Councillor Doucet that the Town of Hampton appoint Carla Harley as the crossing guard attendant at the Hampton Middle School crosswalk from September 8, 2008 to June 30, 2009.

Motion Carried

13. OUTSTANDING ISSUES

Town-wide Yard Sale

Councillor Doucet stated that he had a meeting with Stg. Gourdeau and the Hampton Fire Chief to discuss a possible plan for parking during the Town Wide yard sale next year. He recommended setting up a meeting with the Town Wide Yard Sale committee members to address safety and parking concerns.

Sewer

Deputy Mayor Bond stated that unfortunately some of the Town residents had problems with their sewer because of the recent heavy rain fall. If residents have problems they are directed to contact their insurance company.

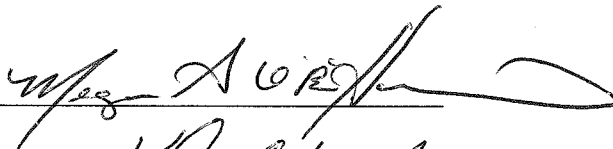
16. ADJOURNMENT

The regular meeting of Council was adjourned at 8:50 p.m.

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the meeting be adjourned.

Motion Carried

Clerk:



Mayor:

