

**TOWN OF HAMPTON
COUNCIL MEETING
February 9, 2010**

A Closed Session of Council was held immediately preceding the regular Council meeting, commencing at 6:00 p.m. A regular meeting of Council was held in the Council Chambers at 27 Centennial Road on January 12, 2010 commencing at 7:10 p.m.

ATTENDANCE:

- Council: Mayor Ken Chorley Deputy Mayor Dwight Bond
Councillor Peter Behr Councillor Robert Doucet
Councillor Clara Lights
- Staff: Richard Malone, CAO
Megan O'Brien Harrison, Clerk/Development Officer
- Media: Jean Whitehead, Kings County Record
Erin Dwyer, Telegraph Journal
- Delegations: Tina Whitney, 760 Main Street
Edward Baird and Dr. Hugh Baird, Hampton Real Estate Services Inc.
- Guests: David Carr, 564 Main Street
Adrianna Cartwright, 3 Elizabeth Court, Lakeside
Adam and Kim Whitney, 760 Main Street
Arnold, Paula and Matthew Clark, 35 Dineen Crescent

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. Mayor Chorley excused himself from the Closed Session at 6:45 p.m. Deputy Mayor Bond assumed the chair and adjourned the same meeting at 7:05 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	1
(e)	Violates confidentiality of information obtained from other governments (Federal and/or Provincial)	
(f)	Legal opinions or advice, and privileged communications	1
(g)	Litigation or potential litigation	
(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 7:10 p.m.

3. MOMENT OF SILENCE AND MOMENT OF REFLECTION

Deputy Mayor Bond led Council in a moment of reflection.

4. DISCLOSURE OF CONFLICT OF INTEREST

Deputy Mayor Bond declared a conflict of interest regarding matters related to the development of subdivisions in the Town of Hampton.

5. PRESENTATIONS AND DELEGATIONS

5.1 Tina Whitney, 760 Main Street

Ms. Whitney stated that her husband works for Hampton Towing. She said that she feels that the RCMP do not support local business, and in particular the local towing companies. She noted that there are three local towing companies in Hampton but she said that on many occasions the RCMP contact towing companies from the Kennebecasis Valley.

Mayor Chorley thanked her for her presentation. He noted that Council has brought up the issue to the RCMP. He stated that the Town of Hampton does in fact have an agreement to use Hampton Towing for calls related to the Winter Parking Ban but he stated that the Town is not in a position to dictate who the RCMP uses.

5.2 Hampton Real Estate Services Inc.

Mayor Chorley stated that some information he has recently received places him in a position where out of an abundance of caution he will recuse himself from this matter. He directed Deputy Mayor Bond to assume the Chair and he left the meeting.

Deputy Mayor Bond took the chair and turned the matter over to the Clerk/Development Officer. The Clerk/Development Officer confirmed with Edward Baird and Dr. Hugh Baird that they wanted her to review their application and that they were in attendance to respond to questions only. Edward Baird and Dr. Hugh Baird both confirmed that this was the case.

The Clerk/Development Officer stated that Hampton Real Estate Services Inc. has submitted a new rezoning application for 274 Main Street to allow for licensed restaurant and pub. They are asking Council, in accordance with section 3.3 (f) of

the Town of Hampton Zoning By-law to allow the application to proceed at this time in light of the change in conditions highlighted in their application.

The Clerk/Development Officer provided an overview of Hampton Real Estate Services Inc. including what they proposed as changes in conditions from the original plan:

- Dr. Hugh Baird has now purchased the adjacent property, so is now able to provide an easement through this adjoining property with the ability to have increased parking and traffic flow directed toward the top of the knoll.
- Hampton Real Estate Services Inc. has altered the building design with a significantly increased Sound Transmission Class (STC). The new design will guarantee a STC of 50 or greater; and
- With Dr. Baird's acquisition of the adjoining property, the future will give this business an opportunity to share utilities etcetera thus lowering the environmental impact of this business and neighboring development.

The Clerk/Development Officer asked Edward Baird and Dr. Hugh Baird if that was an accurate presentation of their application and if they had anything to add. They said it was and they had nothing to add.

Deputy Mayor Bond provided Council with an opportunity to pose questions to Edward Baird and Dr. Hugh Baird.

Councillor Behr noted that there was now an outside seating area included in the building design. Edward Baird stated that this area was located on the front street. He said that he was proposing that this area be parking initially but that the intent was to eventually evolve this area into outdoor seating.

Moved by Councillor Doucet and seconded by Councillor Lights that, in accordance with section 3.3 (f) of the Town of Hampton Zoning By-law, Hampton Real Estate Services Inc. has presented a change in conditions and as a result that Town Council will consider their new application for 274 Main Street.

Motion Carried

Moved by Councillor Doucet and seconded by Councillor Lights that the Town of Hampton request the written views of the Planning Advisory Committee in regards to Hampton Real Estate Services Inc.'s new rezoning application for 274 Main Street to allow for a licensed restaurant and pub.

Motion Carried

Moved by Councillor Doucet and seconded by Councillor Lights that the Town of Hampton hold a public presentation on Thursday, the 25th day of February, 2010 at 7 p.m. in Council Chambers to consider Hampton Real Estate Services Inc.'s new rezoning application for 274 Main Street to allow for a licensed restaurant and pub.

Motion Carried

Moved by Councillor Doucet and seconded by Councillor Lights that the Town of Hampton hold a public hearing on Thursday, the 1st day of April, 2010 at 7 p.m. in Council Chambers to consider Hampton Real Estate Services Inc.'s new rezoning application for 274 Main Street to allow for a licensed restaurant and pub. The deadline for written submissions to the Town Office will be 4:30 p.m. on Tuesday, the 30th day of March, 2010.

Motion Carried

Deputy Mayor Bond called a short recess.

Mayor Chorley resumed the chair.

6. ADOPTION OF MINUTES

6.1 Regular Meeting of January 12, 2010

Moved by Councillor Behr and seconded by Councillor Lights the minutes of the January 12, 2010 Regular Council Meeting be adopted.

Motion Carried

7. BUSINESS ARISING FROM THE MINUTES

Flooding on Vernon

Council noted that the culvert has been installed.

Community Mailbox on Robertson Road

The Public Works Superintendent is investigating the matter.

Storm Water on Kelti Avenue

The Town CAO advises that the storm water pipe is in and there is just the "finish" work left to complete.

8. Correspondence List

#	NAME	DESCRIPTON	Action
10-015	Bernard LeBlanc, Minister of Local Government, Province of New Brunswick.	Acknowledgement of receipt of letter sent by Roger Nesbitt, Chair of the District 6 Education Council regarding the issue of student transportation and safety within municipalities.	Received and filed.
10-016	Canadian Wildlife Service – Environment Canada	Invitation to comment on proposed amendment to Schedule 1 of the <i>Species at Risk Act</i> : the List of Wildlife Species at Risk.	Received and filed.
10-017	Karl Wilmot, Planning Officer, NB Emergency Measures Organization	Claim for Disaster Financial Assistance Program denied for October 2009 heavy rainfall event.	Received and filed.
10-018	Fort Reliance	Media Release re: Calls for regional transmission system and the establishment of Portage Energy Limited	Received and filed.
10-019	Fort Reliance	Media Release re: Decision of Fort Reliance not to proceed with office complex at Long Wharf	Received and filed.
10-020	FCM	Media Release – FCM survey shows Canadians want Federal infrastructure funding protected as government reduces deficit.	Received and filed.
10-021	Denis Landry, Minister of Transportation, Province of New Brunswick	Letter advising that the Town request for provincially designated highway funding for the replacement of the culvert on Route 121 due to recent flooding damage was successful.	It was noted that a thank you letter had previously been sent. Received and filed.
10-022	Basile Chiasson, Q.C.	Copy of his article that was published in the UNB Law Journal on municipal and local conflicts of interest relative to municipalities and community planning boards in New Brunswick.	Received and filed.
10-023	Raymond Murphy	Draft UMNb website.	Referred to Staff.
10-024	Joan Gallant, New Brunswick Provincial Capital Commission	Registration documents for the 2010 Canadian Capital Cities Organization conference being held in Fredericton, July 7-10, 2010	Council will inform the Administrative Assistant if they are interested in attending. The Treasurer will confirm whether there are funds in the budget if there is an interest to attend.
10-025	Judy Cannon, The Kidney Foundation of Canada Saint John Chapter	Invitation to the World Kidney Day Breakfast on Thursday March 11 at the Saint John Trade and Convention Centre.	Received and filed.
10-026	Frank Tenhave, Enterprise Fundy	Copy of the 2010-2013 Strategic Plan for Enterprise Fundy.	Referred to the Economic Development committee.

9. Approval of Accounts

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton approve the General and Utilities Fund Paid Invoices from January 1 to January 31, 2010 for the amount of five hundred and thirty-one thousand, one hundred and ninety-two dollars and fifty cents (\$531,192.50).

Motion Carried.

10. Reports from Committees

10.1 Environment

Staff noted that Dutch Point Gardens subdivision has received tentative approval and that the items noted by the Environment Committee were part of the finalization of the subdivision.

10.2 Leisure Services

Council noted that the new student representative, Jeff Durley, had been in attendance at Leisure Services Advisory meeting.

Councillor Doucet noted they were creating a Skateboard Park Committee and would be holding a public meeting once the committee was up and running. He stated that they would be seeking input from the Fundy Skateboard Association.

Deputy Mayor Bond provided some suggestions regarding the “mysterious” odour at the Community Centre. Councillor Doucet confirmed that a plumber had been called in regarding the matter.

10.3 Fire-Rescue

Council noted that the Fire Department was pleased with their new truck. They also noted that January had been a busy month.

10.4 EMO

Council noted that the EMO now meets on a quarterly basis.

10.5 RCMP

Council did not comment on the RCMP report.

10.6 Public Works Advisory

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton install, as recommended by the Public Works Advisory Committee, two “No Parking” signs in front of 14 Centennial Road and that a “Public Parking” sign be installed to direct overflow traffic to park in the parking lot located to the rear of the Town Office building.

Motion Carried

10.7 Utilities Commission

Deputy Mayor Bond declared a conflict of interest and left the meeting.

Councillor Behr inquired as to whether this sanitary sewer line would service PID 30119549 only. The Town CAO noted that the hope was that in install this line, it would open up the area to the development of several large parcels of land.

Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton investigate the installation of a sanitary sewer line from 69 Lakeside Road (PID 30119549) back to Millwood Street or from 69 Lakeside Road (PID 30119549) to the Fairmount Lift Station as recommended by the Utilities Commission.

Motion Carried

Deputy Mayor Bond returned to the meeting.

10.8 EnviroFair

Council noted that the EnviroFair committee was juggling the schedule of this year's event, including plans to host the Locavore Banquet on Friday, September 24th at the Lighthouse River Centre.

10.9 Economic Development

Moved by Councillor Lights and seconded by Councillor Doucet that the Town Council enter into the 2010 Lease Agreement with Rafe Hooper as presented and as recommended by the Economic Development Committee.

Motion Carried

10.10 Joint Health and Safety

Joint Health and Safety minutes are reviewed in Closed Session.

Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton accept the reports from the Environment, Leisure Services Advisory, Fire-Rescue, EMO, RCMP, Public Works Advisory, Utilities Commission, EnviroFair, Economic Development and Joint Health and Safety Committees as submitted.

Motion Carried

11 Reports from Committees

Building Inspector

Council noted that the Town was ahead of last year for the amount of building permits pulled in the month of January.

Dog Constable Report

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Town of Hampton fine Rob Hannah, of 9 Dutch Point Road, in the amount of twenty-five dollars (\$25.00) for failing to license his dog, as recommended by the Town of Hampton Dog Constable.

Motion Carried

Moved by Councillor Lights and seconded by Councillor Doucet that the Town of Hampton fine Wendy McCrea, of 954 Main Street, in the amount of twenty-five dollars (\$25.00) for allowing her dog Chance to run at large, as recommended by the Town of Hampton Dog Constable.

Motion Carried

Lighthouse River Centre/VIC

Council did not comment on the Lighthouse River Centre/VIC report.

Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton approve the Building Inspector, Dog Constable, and Lighthouse River Centre/VIC reports as presented.

Motion Carried

12 PETITIONS

Not Applicable.

13 READING OF BY-LAWS

Not Applicable.

14. NEW BUISINESS

14.1 Bell Mobility License Agreement

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton enter into the cellular tower option of license agreement with Bell Mobility Limited, with schedules A and E to be finalized and approved by Town Staff.

Motion Carried

14.2 **Orchard Hills**

Deputy Mayor Bond declared a conflict of interest and left the meeting.

Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton assent to the survey plan entitled *Town of Hampton Sewer Easement, Doran Property, Viola Avenue*, as prepared by Kierstead Quigley and Roberts Ltd., dated August 13, 2009 which vests to the Town of Hampton a 6 metre wide sewer easement on PID 30226823.

Motion Carried

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton assent to the subdivision plan entitled *Orchard Hills Subdivision Phase 2* as prepared by Kierstead Quigley and Roberts Ltd., dated January 5, 2010 which creates 14 residential lots for the construction of 14 single-family dwellings subject to the following conditions:

Execution of the Developer's Agreement between the Town and A. M. H. Properties Limited as presented by the Town CAO; Placement of appropriate bonding as determined by the Town Engineer, approval by the Department of Environment and plans to be signed by appropriate utilities.

Motion Carried

14.3 **Pest Control**

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton enter into the monthly service agreement with Abell Pest Control as presented and as recommended by the Leisure Services Director.

Motion Carried

15. OUTSTANDING ISSUES

15.1 Works Department

Councillor Doucet noted that the Works Department is doing a great job with snow removal and winter maintenance.

15.2 HHS Coffee House

Councillor Doucet noted that the students of Hampton High did a great job with their fundraising efforts for Haiti. He stated that the students were committed to raising \$10,000. He said that coffee house was well attended and there was lots of great local student talent.

15.3 Highway 845

Councillor Doucet stated that this road remains a real concern and that Council has to assure the residents that they are continuing to press for provincial funding.

16. ADJOURNMENT

There being no further business, the meeting of Council was adjourned at 8:20 p.m.

Moved by Councillor Behr that the regular Council Meeting of February 9th, 2010 be adjourned.

MOTION CARRIED

APPROVED:

Ken Chorley, Mayor

Megan O'Brien Harrison, Clerk