

**TOWN OF HAMPTON  
COUNCIL MEETING  
November 8<sup>th</sup>, 2011**

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 November 8th, 2011 commencing at 7:00 p.m.

**ATTENDANCE:**

Council: Mayor Ken Chorley Deputy Mayor Dwight Bond  
Councillor Clara Lights Councillor Peter Behr

Staff: Richard Malone, Town CAO  
Megan O'Brien Harrison, Clerk/Development Officer

Media: Laura MacInnis, Kings County Record

Delegations: Jane D'Entremont, Communities in Bloom  
Cpl. George Parisella, RCMP  
Martha Zed and Mike Doyle, New Brunswick Medical Trust  
Steve McMackin and Don McKay, St. Paul's Anglican Church  
Holly McMackin, Dillon Consulting

Guests: Matthew Hughes, A.M.H. Properties Limited  
Chris Rendell

**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 closed session at 7:00 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	3
d)	Land transactions for a municipal purpose	
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	
h)	Access to/or security of particular buildings, other structures or systems	
i)	Information gathered by police	
j)	Labour/Employment matters	1

**2. REGULAR SESSION – PUBLIC COUNCIL MEETING**

Mayor Chorley called the Open Session to order at 7:00 p.m.

**3. MOMENT OF SILENCE AND MOMENT OF REFLECTION**

Deputy Mayor Bond led Council in a moment of reflection.

**4. APPROVAL OF AGENDA**

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the agenda of the November 8, 2011 Council meeting be approved as presented.

**Motion Carried**

**5. DISCLOSURE OF CONFLICT OF INTEREST**

Deputy Mayor Bond declared a conflict of interest for all matters related to subdivision development in the Town and the Town's wetland policy.

**6. PRESENTATIONS AND DELEGATIONS**

a. Jane D'Entremont – Communities in Bloom

Jane D'Entremont, chairperson of the Hampton Communities in Bloom Committee, presented Council with the Butchart Best Land Reclamation award at the National ceremonies in Quebec for the restoration of the Town Square. There were 120 competitors in the category, so it was a significant award. Communities in Bloom recognized that the Hampton Town Square is both a reclamation and a restoration project.

Mayor Chorley thanked the Hampton Communities in Bloom Committee for their efforts and thanked all residents, businesses, staff and community groups that were involved in the restoration of the Town Square.

b. Cpl. George Parsella– Hampton RCMP

Cpl. Parsella provided Council with an overview of the RCMP monthly report for the month of October. He noted that the RCMP performed 240 traffic checks in October which resulted in 10 tickets, 27 warnings and 1 seven-day driving suspension.

c. Martha Zed and Mike Doyle – New Brunswick Medical Education Trust

Martha Zed stated that she and Mike Doyle were presenting on behalf of the New Brunswick Medical Education Trust. She provided regrets from Dr. John Quinn who was unable to attend this evening's meeting.

The New Brunswick Medical Education Trust supports the two new medical education programs offered by Dalhousie Medicine New Brunswick in Saint John and Université de Sherbrooke in Moncton. The New Brunswick Medical

Education Trust was established with the specific goal of providing bursaries to medical students who intend to set up practice in New Brunswick following completion of their studies.

They hope to retain medical graduates from Dal Med NB to stay in our New Brunswick communities to replace our retiring physicians. The goal of the trust is to raise fifteen million dollars (\$15,000,000.00) being comprised of five million dollars from community funds with matching donations from the Federal and Provincial dollars.

They are asking the Town of Hampton to sponsor one student for a \$10,000 per year scholarship for a period of 4 years to be gifted in the year given. The scholarship would be named for the Town of Hampton and the Town can stipulate the conditions of the award. She was also asking for moral support by writing our MLA and MP.

Council thanked them for the presentation and said that they would forward it to the Finance Committee for consideration in the 2012 budget.

d. St. Paul's Anglican Church

Deputy Mayor Bond declared a conflict of interest

Steve McMackin, ward of St. Paul's Anglican Church, stated that they have submitted a Development Permit to the Town for their vacant property on the corner of Kennebecasis River Road and St. Paul's Street. The property includes previously delineated wetland. He said at the moment St. Paul's is land rich but cash poor, but they have put the work and time into getting an engineering report.

He stated that the Church is willing to work with the Town toward developing the property. He reminded the Town that when they first acquired the property they assisted the Town by provided land to straighten out St. Paul's Street. He noted that they have a need for additional parking. They have long term plans for their adjacent property so that is not an option for additional parking.

Council thanked them for their presentation and would take it into consideration.

Deputy Mayor Bond returned to the meeting.

e. Zoning By-law Amendment – Public Presentation

Holly McMackin of Dillon Consulting led the public presentation of By-law #194-11, a by-law to amend zoning by-law 190-10.

She stated that in 2008 the province prepared a report for model provisions for municipalities. That report was used at the back ground for the draft by-law amendments.

Ms. McMackin provided an overview of the new definitions to be added to the Zoning By-law. She noted that the definitions also included a revised definition for “Height.” She stated that setback and decibels restrictions are used to protect neighbouring properties but also provided flexibility to the applicants.

The By-law amendments include provisions for mini or small wind turbines and for larger wind turbines and wind farms.

Ms. McMackin further highlighted which zones would allow for wind turbines and wind farms.

Mayor Chorley opened the floor to questions from Council and from the public.

Councillor Behr asked if the small turbines would be permitted on a residential property. Ms. McMackin stated that it would be a conditional use in a residential zone which would require approval by the Planning Advisory Committee. The wind turbine would have to meet the setback

Chris Rendell asked why the changes were being proposed at this time.

The Clerk responded that it was a combination of both the development of a wind energy policy being mandated in the new Municipal Plan and the Town receiving a specific request to allow for a personal wind turbine.

The Town Manager asked if providing “Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid” would need to be a condition of the application. Ms. McMackin stated that it did not have to be mandatory.

## **7. ADOPTION OF MINUTES**

### **7.1 Minutes of October 11, 2011**

**Moved by Councillor Behr and seconded by Councillor Lights that the minutes of the October 11, 2011 Regular Council Meeting be adopted.**

**Motion Carried**

### **7.2 Minutes of November 3, 2011**

**Moved by Councillor Lights and seconded by Councillor Behr that the minutes of the November 3, 2011 Special Council Meeting be adopted.**

**Motion Carried**

## **8. BUSINESS ARISING FROM MINUTES**

There was none.

## 9. CORRESPONDENCE

#	NAME	DESCRIPTON	ACTION
11-126	Fundy Region Solid Waste Commission	Open Session Meeting Minutes of the Commission for April, May, June & September 2011	<b>Received and filed</b>
11-127	Lynn, Susan and Andrew Dobson	Thank you card for Memorial to Carl Dobson	<b>Received and filed</b>
11-128	Shawn Seely, Coach, Hampton Ladies Huskies	Request for donation to Hampton High School Lady Huskies Hockey Team	<p>Councillor Lights declared a conflict of interest and left the meeting.</p> <p><b>Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton sponsor the Hampton High School Lady Huskies Hockey team for the amount of two hundred and fifty dollars (\$250.00) for the 2011-2012 Hockey Season.</b></p> <p><b>All in favour: Councillor Behr</b>  <b>All opposed: Deputy Mayor Bond, Mayor Chorley</b></p> <p style="text-align: center;"><b>Motion Defeated</b></p> <p>Councillor Lights returned to the meeting.</p>
11-129	Maritime Lumber Bureau	Information on Atlantic WoodWorks! Program	<b>Received and filed</b>
11-130	E. Campbell, President & Vice-Chancellor, UNBSJ	Thank you for donation	<b>Received and filed</b>
11-131	Bill Turner	Request for speed bumps on Greenwood Court and on St. Paul Street.	<b>Referred to Public Works Advisory Committee.</b>
11-132	Keith Morgan	Resignation from Environment Committee due to his move to British Columbia.	<p><b>Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton accept the resignation of Keith Morgan from the Environment Committee and that the Town send a letter of appreciation for the time Mr. Morgan volunteered to the Town.</b></p> <p style="text-align: center;"><b>Motion Carried</b></p>
11-133	Mel Norton, Councillor, Saint John	Invitation to meeting regarding regional collaboration	<b>Council will inform the Town's Administrative Assistant if they plan to attend</b>
11-134	New Brunswick Environment Industry Association	Invitation to Annual President's Reception and Christmas Party on November 17 <sup>th</sup> .	<b>Council will inform the Town's Administrative Assistant if they plan to attend</b>
11-135	Jodi Minion, Wildlife Biologist, Cruelty Investigations, PETA	Request to disallow bow hunting as a means of controlling local deer population	<b>Referred to Regional Deer Committee.</b>

11-136	Sheryl Moore, President, Hampton Area Chamber of Commerce	Request for donation to annual Santa Claus Parade	<b>Moved by Councillor Lights and seconded by Councillor Lights that the Town of Hampton donate two hundred and fifty dollars (\$250.00) to the Hampton Area Chamber of Commerce for the 2011 Santa Claus Parade.</b>  <b>Motion Carried</b>
11-137	Stewart MacDonald, Pickwauket Lions Club	Request for special rate for their non-profit function at the Lighthouse River Centre	<b>Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Pickwauket Lions Club be charged the non-profit rate for its use of the Lighthouse River Centre on November 18th.</b>  <b>Motion Carried</b>
11-138	Mark Brown	Noise Complaint regarding Shiretown Publicans.	<b>Referred to the RCMP.</b>
11-139	Hampton Elementary School	Various Letters from Students at Hampton Elementary School thanking the Town for their assistance with the playground	<b>Received and filed.</b>
11-140	Hampton High School Yearbook Committee	Request to purchase an ad in the 2012 yearbook.	Richard Malone, CAO, declared a conflict of interest and left the meeting.  <b>Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton purchase a half-page advertisement in the 2012 Hampton High School Yearbook at a cost of one hundred and fifty-five dollars (\$155.00)</b>  <b>Motion Carried</b>  Richard Malone returned to the meeting.

## 10. APPROVAL OF ACCOUNTS

- 10.1 **Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton approve the General and Utilities Fund Paid Invoices from October 1 to October 31, 2011 for the amount of two hundred and eighteen thousand one hundred and ninety dollars and forty-five cents (\$218,190.45).**

**Motion Carried**

## 11. REPORTS FROM COMMITTEES

### 11.1 Environment

Councillor Behr provided an overview of the Environment Committee report.

### 11.2 Health Care

**Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton write a letter to the Dr. V. A. Snow Centre Board of Directors, as recommended by the Health Care Committee, asking them for feedback as to how the Town can assist the centre.**

**Motion Carried**

### 11.3 Leisure Services

Mayor Chorley provided an overview of the Leisure Services Advisory Minutes as well as the Frostbite Festival minutes.

Council noted that the 1<sup>st</sup> annual Frostbite Festival will be taking place in February 2012. The sub-committee is actively organizing several days of events. Council referred the enhancement budget to the Finance Committee for consideration.

### 11.4 Planning Advisory

Council did not comment on the Planning Advisory Committee minutes.

### 11.5 Fire-Rescue

Deputy Mayor Bond noted that the department was actively working on their 2012 budget.

### 11.6 RCMP

No Motions

### 11.7 Public Works Advisory

#### **Traffic Calming:**

Council and staff were asked to review the Quispamsis Traffic calming policy. The request for an electronic traffic speed sign was referred to the Finance Committee.

#### **Hidden Driveway Signs:**

It was noted that these signs are not recognized as a standard sign by the Transportation Association of Canada and the NBDOT and it is recommended not to install them.

**Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton deny the requests of Jeff Underhill, 893 Main Street and Tina MacIntosh, 272 Kennebecasis River Road for the installation of hidden driveway signs, as recommended by the Public Works Advisory Committee.**

**Motion Carried**

**Pleasant View Estates:**

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

The Resident Management Committee of Pleasant View Estates requested that the Town of Hampton install curb and gutter on Mapleview Drive and DeMille Court.

**Moved by Councillor Lights and seconded by Councillor Behr that the Town of Hampton recommend that the Resident Management Committee of Pleasant View Estates discuss a cost sharing project with the Developer, as recommended by the Public Works Advisory Committee.**

**Motion Carried**

Deputy Mayor Bond returned to the meeting.

11.8 Utilities Commission

Deputy Mayor Bond provided an overview of the minutes to the Commission.

**Sanitary Sewer Rate Request:**

He noted that there were several requests for reduced sanitary sewer rates including from Dr. V.A. Snow Centre and the Ossekeag Place of Hampton United Church. It was noted that there is an application available from the Town of Hampton for a one time grant for a certain project that may help with their finances in the short term.

**Hampton Bible Camp Request:**

Hampton Bible Camp requested to connect to the sanitary sewer system and a decrease in rates. It was noted that the Utilities Commission granted permission for them to hook to the Town system but there will not be a reduction in rates.

**Dale Wiggins' Request:**

Dale Wiggins, Lakeside Road also requested to connect to the sanitary sewer system. He is able to connect to the system at his own cost.

**Greenwood Crescent:**

The Utilities Commission determined that the sewer back-up in two units of a duplex on Greenwood is the responsibility of the contractor as the video inspection showed two sags in the lateral, one at 20 feet in from the manhole and a second under the homeowner's house. Staff was directed to notify the homeowners and the contractor of the findings.

**2012 Utility Rates and Operating Budget:**

The 2012 Utility Rates and Utility Operating Budget were forwarded to the Finance Committee for budget consideration.



**Illegal hook-ups and Overdue accounts:**

**Moved by Councillor Behr and seconded by Deputy Mayor Bond that Town staff prepare a draft amendment to the Sanitary Sewer By-law that would allow for penalties for illegal hook-ups and disconnection of services for overdue accounts.**

**Motion Carried**

11.9 Economic Development - Tourism Subcommittee Only

These minutes were forward to the Finance Committee for budget consideration.

11.10 Joint Health and Safety

There was no discussion of the Joint Health and Safety minutes.

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

**Motion Carried**

## **12. APPROVAL OF REPORTS**

12.1 Building Inspector Report

Council noted that the amount of building permits is down from the same period last year.

12.2 Dog Constable

Council noted that it was a busy month.

12.3 Tourism Manager

Council did not comment on the Tourism Manager report.

12.4 Financial Reports

Council did not comment on the financial reports.

**Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton approve the Building Inspector, Dog Constable Report, Tourism Manager and Financial reports as presented.**

**Motion Carried**

### 13. BY-LAWS

#### 13.1 Zoning By-law Amendment

1<sup>st</sup> Reading

**Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Town of Hampton approve the 1<sup>st</sup> reading of Town of Hampton By-law 194-11, A By-law to Amend Zoning By-law 190-10.**

**Motion Carried**

2<sup>nd</sup> Reading

**Moved By Councillor Behr and seconded by Councillor Lights that the Town of Hampton approve the 2<sup>nd</sup> reading of Town of Hampton By-law 194-11, A By-law to Amend Zoning By-law 190-10.**

**Motion Carried**

#### 13.2 PAC By-law

1<sup>st</sup> Reading

**Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton approve the 1<sup>st</sup> reading of Town of Hampton By-law 195-11, A By-law to establish a Planning Advisory Committee.**

**Motion Carried**

2<sup>nd</sup> Reading

**Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton approve the 2<sup>nd</sup> reading of Town of Hampton By-law 195-11, A By-law to establish a Planning Advisory Committee.**

**Motion Carried**

### 14. NEW BUSINESS

#### 14.1 Orchard Hills

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

Councillor Behr noted that the Town adopted a new Municipal Plan in 2011. He stated that much work and public input went into the By-law and that it contained policies regarding wetlands. He also stated that the committees, including the Environment Committee, had reviewed the plans and provided input to Council.

**The concerns that underlie the moratorium declared at the May 27, 2011 special meeting of Council that development in this area may impair the quality or quantity of wetlands apply in this case and the applicant has not presented Council with sufficient evidence to alleviate those concerns with respect to this project. For these reasons, it was moved by Councillor Behr and seconded by Councillor Lights that Council deny the subdivision application of A.M.H. Properties Limited for tentative plan, Orchard Hills Subdivision Overall Scheme dated October 20, 2011.**

**Motion Carried**

Deputy Mayor Bond returned to the Council meeting.

14.2 Garbage Tender

**Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton not award Tender number TOH-2011-Garbage Residential Waste Collection and Disposal Services.**

**Motion Carried**

14.3 Residential Waste Collection and Disposal Services.

The Town CAO announced that the Town of Hampton will be taking over residential garbage and compost collection for the municipality commencing on January 1<sup>st</sup>, 2012. He provided an overview of the changes.

**Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton enter into a rental agreement with Joe Johnson Equipment Inc. for a New Way Rear Loader, 2012 Freightliner Chassis with cart tipper for a period of no more than three (3) months at a cost of six thousand two hundred dollars (\$6,200.00) per month plus taxes.**

**Motion Carried**

**Moved by Councillor Lights and seconded by Councillor Behr that the Town of Hampton purchase fifteen hundred (1500) garbage receptacles from the lowest bidder, IPL Inc., at a cost of eighty-three thousand five hundred and sixty-five dollars (\$83,565.00) plus applicable taxes.**

**Motion Carried**

Matthew Hughes, on behalf of A.M.H. Properties Limited approached the podium interrupted Council's discussion while there was a motion on the table. He attempted to address Council. Mayor Chorley advised Mr. Hughes that he was out of order and the Council would entertain his request to speak once the remaining New Business on the Agenda was dealt with.

**Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Municipality of Hampton submit to the Municipal Borrowing Board an application for authorization to borrow for capital expenses for the following terms and amounts:**

<u>Purpose</u>	<u>Amount</u>	<u>Term</u>
<b><u>Environmental Development Services:</u></b>		
Sanitation Truck	\$215,000	10
Sanitation Receptacles	\$ 85,000	5
<b><u>Transportation Services</u></b>		
Public Works Garage Addition	\$250,000	15

**Motion Carried**

- 14.4 Human Resources – Application for Leave Request  
**Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton approve the “Application for Leave” submitted by Tourism Manager, Jennifer Duguay, as per the terms and conditions outlined in the Memo Appendix “A”, dated November 8, 2011, as recommended by the Human Resource committee.**

**Motion Carried**

- 14.5 Human Resources – Appointment of Acting Tourism Manager  
**Moved by Councillor Lights and seconded by Councillor Behr that the Town of Hampton appointed Cathy Murphy as Acting Tourism Manager, for the period of January 1, 2012 until December 31, 2012 as per the terms and conditions outlined in the Memo Appendix “A”, dated November 8, 2011, as recommended by the Human Resource committee.**

**Motion Carried**

- 14.3 Orchard Hills  
 Before being invited to do so, Matthew Hughes, on behalf of A.M.H. Properties Ltd., again began to address Council as to why he felt they were wrong in denying the new overall tentative subdivision application for Orchard Hills.

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

**Moved by Councillor Behr and seconded by Councillor Lights to deny the request of Matthew Hughes to revisit or continue discussion on the application of A.M.H. Properties for tentative plan, Orchard Hills Subdivision Overall Scheme dated October 20, 2011.**

**Motion Carried**

Deputy Mayor Bond returned to the meeting.

## **15. OUTSTANDING ISSUES**

Not applicable.

## **16. ADJOURNMENT**

There being no further business, the meeting of Council was adjourned at 8:45 p.m.

**Moved by Councillor Behr that the Town of Hampton adjourn the council meeting of November 8, 2011.**

**Motion Carried**

## APPROVAL

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Megan A. O'Brien Harrison, Clerk

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Ken Chorley, Mayor