

TOWN OF HAMPTON COUNCIL MEETING

August 11, 2020

A closed session of Council was held immediately preceding the regular Council meeting, commencing at 6:00 pm. A regular meeting of Council was held at the Town Hall, 648 Main Street on August 11, 2020 commencing at 7:05 p.m.

ATTENDANCE:

Mayor Ken Chorley	Deputy Mayor Rob Doucet
Councillor Todd Beach	Councillor Dwight Bond
Richard Malone, Town CAO	Megan O'Brien Harrison, Town Clerk/Communications Officer
Sherman St. Germain, Town Treasurer	Gay Drescher, Acting Development Officer

DELEGATIONS:

Terry Shear, BCY Development Ltd.

MEDIA:

Justin Samanski-Langille , Kings County Record

GUESTS:

Ed Kean, 105 Demille Court	Stan Brown, 26 Mapleview Drive
Al Walker, 58 Centennial Road	Karey Ann Daley

1. CLOSED SESSION

In accordance with Section 68(1) of the *Local Governance 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:

Subsection of 68 (1) <u>Category</u>	<u># of Items</u>
a) Information of which that confidentiality is protected by law	1
b) Personal information as defined by the <i>Right to Information and Protection of Privacy Act</i>	
c) Information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract	4
d) The proposed or pending acquisition or disposition of land	
e) Information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory	1
f) Information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications between solicitor and client in a matter of local government business	
g) Litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1), the local government's agencies, boards or commissions including a matter before an administrative tribunal	
h) Access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government or access to or security of systems of the local government, including computer or communications systems	
i) Information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information	
j) Labour and employment matters, including the negotiation of collective agreements	1

2. OPEN REGULAR SESSION

Mayor Chorley called the meeting to order at 7:05 pm.

3. SILENT MOMENT OF REFLECTION

Mayor Chorley led Council through a silent reflection.

4. APPROVAL OF AGENDA

Moved by Councillor Bond and seconded by Councillor Beach that the agenda of the August 11, 2020 Council meeting be approved as presented.

MOTION CARRIED

5. DISCLOSURE OF CONFLICT OF INTEREST

Mayor Chorley asked that anyone who has a conflict of interest declare it when they reach that item on the agenda.

6. DELEGATIONS AND PUBLIC HEARINGS

6.1 PUBLIC HEARING

Mayor Chorley called to order the public hearing of the proposed amendments to the Developer Agreement for Pleasant View Estates Phase 2, dated August 25th, 2011 and having a Service New Brunswick registration document number of 30559315 , to allow for the development of 6 small lot single family homes on Elmwood Drive.

The Acting Development Officer provided a brief summary of the proposed amendment. She noted that in accordance with Section 59(3) and Section 111 of the *New Brunswick Community Planning Act*, we offer the following Summary for the Public Hearing related to Bonney Construction's request to amend the current Developer Agreement for Lots identified as Lot B-1, B-2 and B-3 on Subdivision Plan Dwg No. D-202 dated July 18, 2011. Furthermore during the July 14th, 2020 Regular Council meeting, a date was set via motion for a Public Hearing to take place on August 11th, 2020 regarding the Bonney Construction request to amend the current Pleasant View Estates Developer Agreement for Phase 2 to allow for the construction of a six small lot single family homes on lots B-1, B-2 and B-3 on Subdivision Plan Dwg No. D-202 dated July 18, 2011.

The Acting Development Officer stated that during that meeting Council, via motion, requested comments and recommendation from the Planning Advisory Committee regarding the same. On July 28th, 2020 the Planning Advisory Committee heard from Bonney Construction regarding the above-mentioned proposal. The following motion was made and carried:

Mark Reid moved and Art Roy seconded that the Planning Advisory Committee concurs with the proposed changes to the Developer Agreement identified as Document 30559315, to permit the development of six single family dwellings on lots identified as PID 30289193, 30289201, 30333322 and 30333330 situated off Elmwood Drive which will be subdivided and developed in accordance with the zoning by-law standards as part of Phase 2 of the Pleasant View Estates Subdivision as the request is deemed desirable for the development of the property. Motion carried.

In order to follow the intent of Section 111 of the *New Brunswick Community Planning Act* and follow the Provincial Covid-19 Pandemic protocols, on July 21st, Public Hearing Notices were posted at the front and back entrances of the Town Hall located at 648 Main Street, and on the Town website and social media sites with detailed instructions on how to provide public comment on the proposal. Also, to ensure proper notification to near by residents, individual Public Hearing Notices were sent via regular mail to residents within 300m of the proposed development, again with detailed instructions on how to provide comment, deadline for comments or requests to speak at the public hearing was set for noon, on August 7th, 2020. As of the deadline, 2 written comments and two requests to speak were received by the Town Clerk as a result of the Public Notices that were posted and sent out.

The Town Clerk read the comments into the record:

Bill and Michele MacDougall, Pathway Holdings, 361 William Bell Drive, KV & Hampton Home Hardware

Good Afternoon

As one of the close neighbors of BCY Developments Phase 2, we would just like to make a few comments regarding the six single family units being proposed on Elmwood Drive. We feel this is a great project for our area as we have long admired an area just like this in Sussex, NB. Our town is in need of more housing options that will attract more residents to our beautiful little town. This will be a wonderful addition to Pleasant View Estates! Looking forward to seeing some construction growth in our area.

Brenda Badger, 15 Oak Leaf Lane

What follows is my response to the notification I recently received with respect to development on the Elmwood Drive area near my home on Oak Leaf Lane. In general, I can agree with the proposal to build single unit dwelling on the 6 identified lots. However, I do have reservations. My primary concern is the drainage situation from these lots. The Pleasant View Resident Committee has recently spent considerable funds to improve drainage behind the homes on Mapleview which are directly down the hill from these lots. How construction and homes on these lots will impact runoff is something which should be evaluated before approval is given to open the agreement. Secondly, if the construction does go ahead, I would hope that there will be an improvement in access from William Bell Drive onto Elmwood. Presently, access to all units in the Pleasant View subdivision must use DeMille and Mapleview to get to their properties. This is a concern in emergency situations particularly. Finally, the design and size of the new builds should conform with the existing look of the other homes in the area. I hope that all considerations will be weighed before the agreement is opened, and the any decisions made will enhance our community and the Town. Thank you for the opportunity to voice my views.

The Mayor then opened the floor to comments.

Edward Kean, 105 Demille Court, President of Pleasant View Estates Homeowners Association to speak. Mr. Kean stated that he was accompanied by Stan Brown, 26 Mapleview Drive. Mr. Brown is a Director and Treasurer of the Pleasant View Estates Homeowners Association. Mr. Kean commended BCY Developments for putting together a proposal for something the association agrees with and supports. The Association wants to ensure that the amendment states

for small lot single family only, not apartments or condos. They want the design to fit the current development scheme. Drainage and storm water are a concern. They felt if someone on Council wasn't appropriately trained or qualified to oversee this then BCY should ensure that there was someone on site who could.

Terry Shear on behalf of the applicant stated that they will ensure that there is proper drainage on the site including French drains and swales. He confirmed that a drainage plan was required before a building permit could be issued.

The Mayor called three times for anyone else to speak. There were none.

In consideration of the recommendations of the Planning Advisory Committee and in light of the fact that the Municipal Plan states that the Town of Hampton has a single residential zone that enables a wide variety of residential uses to allow the Town and developers flexibility to respond to market conditions and provide a mix of housing types in any given development, and to encourage and support developers in providing alternatives to traditional single-unit development to address the needs of seniors, empty nesters and singles and that in order to continue to ensure that this flexibility is effectively managed and continues to have a positive impact on housing in the Town it is important to ensure that the transition between different forms of housing respects the scale form and character of existing neighbourhoods, it was moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton approve the proposed amendments to the Developer Agreement for Pleasant View Estates Phase 2, dated August 25th, 2011 and having a Service New Brunswick registration document number of 30559315, to allow for the development of six small lot single family homes on lots identified as PID 30289193, 30289201, 30333322 and 30333330 situated off Elmwood Drive which will be subdivided and developed in accordance with the zoning by-law standards as the request is deemed desirable for the development of the property.

MOTION CARRIED

7. ADOPTION OF MINUTES

7.1 Minutes of July 14 2020

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the minutes of the July 14, 2020 Regular Council Meeting be adopted.

MOTION CARRIED

8. BUSINESS ARISING FROM MINUTES

There were none.

9. CORRESPONDENCE LIST

#	From	Subject Matter	Recommendation
20-063	Raymond Brun, Municipal Engineer, Transportation and Infrastructure	Follow-up to the Municipal Designated Highway Program submission	Moved by Councillor Bond and seconded by Deputy Mayor Doucet that correspondence #20-063 be referred to Public Works. MOTION CARRIED

20-064	Nancy and Michael Carr, Family of Ralph Carr	Thank you for expression of sympathy.	Moved by Deputy Mayor Doucet and seconded by Councillor Beach that correspondence #20-064 be received and filed. MOTION CARRIED
20-065	Catherine Snow, Town Clerk, Town of Quispamsis	Copy of letter to Regional Economic Development Advisory Council	Moved by Councillor Bond and seconded by Councillor Beach that correspondence #20-064 be received and filed. MOTION CARRIED
20-066	Jennifer Gendron, Owner, Lifestyles Health and Wellness Centre	Letter regarding COVID-19 Assistance for Small Businesses	Moved by Councillor Bond and seconded by Deputy Mayor Doucet that correspondence #20-064 be referred to staff. MOTION CARRIED
20-067	Roxanne Fairweather and Brice Belyea, Business Community Anti-Poverty Initiative	Applauding decision to move forward with Regional Economic Development Agency.	Moved by Councillor Beach and seconded by Councillor Bond that correspondence #20-067 be received and filed. MOTION CARRIED

10. APPROVAL OF ACCOUNTS

- 10.1 **Moved by Councillor Bond and seconded by Councillor Beach that the Town of Hampton approve the General and Utilities Fund Paid Invoices from July 1 to July 31, 2020 for the amount of two hundred and twenty-six thousand, six hundred and thirty-eight dollars and twenty cents. (\$226,638.20).**

MOTION CARRIED

11. REPORTS FROM COMMITTEES

11.1 EMO

Councillor Bond provided an overview of the EMO minutes.

11.2 Health

The Town CAO reviewed the Health Care minutes with Council.

11.3 Fire-Rescue

Councillor Bond reported on the Fire-Rescue report for the month of July.

11.4 Planning Advisory Committee

Councillor Beach provided an overview of the PAC minutes.

11.5 Environment Committee
Councillor Beach provided an overview of the Environment Committee minutes.

11.6 Tourism Subcommittee
Councillor Beach provided an overview of the Tourism Subcommittee minutes.

12. Approval of Reports

12.1 Building Inspector Report
Council reviewed the Building Inspector Report.

12.2 Dog Constable
Council reviewed the Dog Constable Report.

12.3 Financial Reports
Council reviewed the Financial Reports.

12.4 Communications Report
The Communications Officer provided an overview of the Communications Report.

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton approve the EMO, Health Care, Fire-Rescue, Planning Advisory, Environment and Tourism Subcommittee minutes and the Building Inspector, Dog Constable Report, Financial and Communication reports as presented.

MOTION CARRIED

13. READING OF BY-LAWS

There were none.

14. NEW BUSINESS

14.1 697800 Development Agreement
Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton assent to the subdivision plan, entitled *Amending Subdivision Plan, BCY Development Ltd. Subdivision Plan*, dated August 6, 2020 as prepared by Kierstead Quigley and Roberts Ltd. which creates Lot 2020-1 and creates a new public street, an extension to Elmwood Drive vested to the Town of Hampton as per the Community Planning Act and creates and vests Public Utility Easements, subject to the following conditions:

- Execution of the Developer's Agreement between the Town of Hampton and 697800 NB Corp.. for the development of two 12-unit Apartment Buildings on PID 00189415 and the completion of the new public street (Elmwood Drive extension) as presented by the Town CAO/Assistant Development Officer;
- Placement of appropriate bonding as outlined in the agreement; and
- Plans to be signed by appropriate utilities.

MOTION CARRIED

14.2 BCY Development Agreement

Moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton enter into a Developer's Agreement with BCY Developments Ltd. for the development of one 12-unit apartment style condominium building on Lot 20-1 of Subdivision Plan *BCY Development Ltd. Subdivision, Lot 20-1*, dated August 5, 2020 as prepared by Kierstead Quigley and Roberts Ltd., subject to placement of appropriate bonding as outlined in the agreement.

MOTION CARRIED

14.3 HR

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that, in accordance with the *Local Governance Act*, Arthur McCarthy be appointed as Building and Development Officer for the Town of Hampton, effective September 9th, 2020 and as such is appointed, in accordance with the *Community Planning Act*, as the Municipal Planning Officer. This appointment is for a six-month probationary period and then with a satisfactory performance appraisal, he will be reclassified to regular full-time employment. The waiting period for the benefits package will be waived to the degree permitted by the Town's coverage provider. His rate of pay is according to Schedule A: Town of Hampton Building and Development Officer 2020.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that, in accordance with the *Local Governance Act* and section 14 of the *Police Act*, Arthur McCarthy be appointed as By-law Enforcement Officer, effective September 9th, 2020 for the Town of Hampton and shall be responsible for the enforcement of the following by-laws: Zoning By-law, Municipal Plan By-law, Signage By-law, Building By-law, Subdivision By-law, Sewage By-law, and Transient Trader By-law. Be it further resolved that the above-noted appointment shall continue until the person(s) ceases to be employed by the municipality or until appointment is limited or rescinded by council.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that effective September 9th, 2020, Arthur McCarthy, Building and Development Officer be appointed to act for and on council's behalf in order to properly administer By-law #193-11 A By-law Respecting Dangerous or Unsightly Premises. Be it further resolved that the above-noted appointment includes the ability to enter upon property at all reasonable times for the purpose of making any inspection that is necessary and issue, register and serve, or cause to be served, notices for dangerous or unsightly premises as per the *Local Governance Act*; and Be it further resolved that the above-noted appointment shall continue until the person(s) ceases to be employed by the municipality or until appointment is limited or rescinded by council.

MOTION CARRIED

15. **OUTSTANDING ISSUES**

There were none.


16. **ADJOURNMENT**

There being no further business, the meeting of Council was adjourned at 7:56 p.m.

Moved by Councillor Beach that the Town of Hampton adjourn the council meeting of August 11, 2020.

MOTION CARRIED

APPROVED:



Ken Chorley, Mayor



Megan O'Brien Harrison, Clerk