

TOWN OF HAMPTON COUNCIL MEETING

May 12, 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 May 12, 2020 commencing at 7:00 p.m.

ATTENDANCE:

- In person: Mayor Ken Chorley
 Richard Malone, Town CAO
 Megan O'Brien Harrison, Town Clerk/Communications Officer
- VIA Videoconference: Deputy Mayor Rob Doucet
 Councillor Todd Beach
 Councillor Peter Behr
 Councillor Dwight Bond

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. As per section 69 of the Local Governance Act, a member of council or staff who participates in a meeting closed to the public by videoconference shall, at the beginning of the meeting confirm that he or she is alone. Each member of staff, including Mike Raeburn, Director of Public Works and Utilities and Carolyn Walker, Building and Development Officer, who attended only the closed session, and each member of Council confirmed on record that they were alone for the closed session. 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 | 3 |
| 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 | |
| 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 | 2 |

2. OPEN REGULAR SESSION

Mayor Chorley called the meeting to order and noted that As per the New Brunswick State of Emergency Order and direction from Minister Jeff Carr who has advised that section 69 Local Governance Act allows for electronic meeting and that municipalities do not require a specific by-law to this effect as meets with the spirit of the Act. The meeting is physically closed to the public but is currently being shown by live feed on the Town's Facebook Page. The media has been provided with a copy of the Council package and a link to the live feed.

3. SILENT MOMENT OF REFLECTION

Mayor Chorley led Council through a silent reflection.

4. APPROVAL OF AGENDA

Moved by Councillor Beach and seconded by Councillor Deputy Mayor Doucet that the agenda of the May 12, 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. They will then be asked to exit the video conference. When that item has concluded the Town Clerk will send an invitation for you to rejoin the meeting.

6. DELEGATION AND PUBLIC HEARING

6.1 Public Hearing

The Mayor noted the meeting was moving into a public hearing and that there are two delegations being added to the meeting via teleconference.

Ron Badger joined the meeting on behalf of the Pleasant View Estates Homeowners association and Terry Shear joined on behalf of the applicant, Bonney Construction. The Clerk will invite them to the meeting now.

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 a 12 unit condo building on Oak Leaf Lane.

The Assistant Building and Development Officer provided a brief summary of the proposed amendment:

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-10 and B-11 on Subdivision Plan Dwg No. D-202 dated July 18, 2011.

During the April 14th, 2020 Regular Council meeting, a date was set via motion for a Public Hearing to take place on May 12th, 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 12 unit Condominium on lots B-10 and B-11 depicted on Drawing Number D-202 dated July 18, 2020;

Also, during that meeting Council, via motion, requested comments and recommendation from the Planning Advisory Committee regarding the same;

On April 28th, 2020 the Planning Advisory Committee heard from Bonney Construction & the Pleasant View Estates Home Owners Association regarding the above mentioned proposal. The following motion was made and carried:

Todd Beach moved and Chris Rendell seconded that the Planning Advisory Committee recommend to Council approval of the requested amendment to the current Developer Agreement regarding Pleasant View Estates Phase 2, dated August 25, 2011, as the request is deemed desirable for the development of the property, subject to the following terms and conditions:

- i.) The exterior of the building veneer be held to a higher standard***
- ii.) The building as proposed be placed further back from Oak Leaf Lane***
- iii.) The landscaping plan, including enhanced screening options, be submitted to Planning & Development for review***

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 April 20th, 2020, 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, 75 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 was set for noon, on May 8th, 2020.

As of the deadline, 23 written comments were received for 21 properties by the Town Clerk as a result of the Public Notices that were posted and sent out, 22 were in opposition, and 1 was in support of the proposed development. A breakdown of the received comments are as follows:

- DeMille Court – 2 Opposed
- Mapleview Drive – 14 Opposed from 13 properties
- Oak Leaf Lane – 6 Opposed from 5 Properties
- William Bell Drive – 1 in Support

It is noted that on May 7 the Town received a series of one line form letters from residents of Pleasant View Estates subdivision that were dated January 17th, 2020 which pre-dates the application for amendment. Since the time of application, the residents have been provided an

opportunity to submit their official comments, as highlighted below. The Official written comments will now be read into the record.

Staff read into the record the letters received in their entirety.

| Street # | Street | Name | Additional Letter from same address |
|----------|---------------------------|-------------------------------------------------------------------------|-------------------------------------|
| | William Bell Drive | Bill and Michele MacDougall, Pathway Holdings and Hampton Home Hardware | |
| 3 | Oakleaf Lane | John and Lillian Boyd | |
| 7 | Oakleaf Lane | Allen & Margaret Stackhouse | |
| 9 | Oakleaf Lane | Mary Fletcher | Roy Fletcher |
| 11 | Oakleaf Lane | Austin and Donna Wetmore | |
| 15 | Oakleaf Lane | Ron Badger | Brenda Badger |
| 1 | Mapleview Drive | Ted and Mary McGuire | |
| 5 | Mapleview Drive | John Stevens | |
| 10 | Mapleview Drive | Frank and Myra Parlee | |
| 15 | Mapleview Drive | Fred and Cathy Hussey | |
| 18 | Mapleview Drive | Caroline and Armand Bourque | |
| 21 | Mapleview Drive | Jacqueline Ganong | |
| 22 | Mapleview Drive | Dale and Freida Needle | |
| 29 | Mapleview Drive | Anne and Joe Fitzgerald | |
| 35 | Mapleview Drive | Wayne and Cathy Perry | |
| 38 | Mapleview Drive | Bill and Lynne McKee | |
| 42 | Mapleview Drive | David and Linda Yeomans | |
| 44 | Mapleview Drive | Elizabeth Mitham | |
| 47 | Mapleview Drive | Susan Howorko | |
| 121 | Demille Court | Alfred and Diane McClintock | |
| 127 | Demille Court | Chris and Agnes Mew | |
| | | PVE Homeowners Association | |

At the completion of the written comments, Terry Shear was disconnected from the conference call so a brief recess occurred so that he could rejoin the meeting.

The Mayor invited Ron Badger, on behalf of the Pleasant View Estates Homeowners Association to provide any additional or new information not previously covered in the written comments. Mr. Badger reiterated the arguments of the Pleasant View Estates Homeowners Association. He stated that they were not against the development in Hampton, they just don't think that the proposed development is the right fit for this location. With the parking lot, it is massive footprint and there is no way that the landscaping will buffer it. It is the wrong building in the wrong location.

The Mayor invited Terry Shear on behalf of the applicant with an opportunity to speak. Mr. Shear stated that developer was agreeable to meeting the conditions that PAC had recommended. He did state that he was concerned that to many trees as a buffer would

not make the building look the same as the rest of the street. He noted that this proposal was no additional units. It is combination of four lots that would normally house 12 garden home units. Instead it would be 12 condo units.

Deputy Mayor Doucet asked if the road extension would be developed at the same time. Mr. Shear said that it would be developed at the same time because the Fire Marshall requires access to all four sides of the building and that the road extension provides necessary access to the parking lot and rear of the building.

Mayor Chorley adjourned the public hearing.

The applicant and PVE representative left the meeting. Councillor Behr also left the meeting as he was having technical difficulties and feeling unwell.

Deputy Mayor Doucet said that he wants this development to go but the residents did enter into their covenant agreement in good faith. He said there were other options up there that would not require amending the existing developer's agreement. He said that he hoped that the developer would work with staff on finding a workable option if it was not approved.

Councillor Bond said that there was a need for this type of development in Hampton. He said there was a market for condos, but he had a real problem interfering with the covenant agreement that was in place.

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton deny 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 a 12 unit condo building on Oak Leaf Lane, as Council would like the Developer to consider other options to achieve the same development potential, that are more compatible with the scale and form of the existing neighbourhood.

Motion Carried

6.2 Keith Copeland, EMO

Keith Copeland joined the teleconference. He noted that EMO had logged 140 hours of service to date during COVID-19. He reviewed their efforts including engaging the Community Volunteer Network. He also updated Council on the 2020 Spring Freshet and the Vulnerable Persons Registry. Council thanked him for the wonderful job he and EMO are doing.

7. ADOPTION OF MINUTES

7.1 Minutes of April 14, 2020

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

Motion Carried

8. BUSINESS ARISING FROM MINUTES

There are none.

9. CORRESPONDENCE LIST

| | | | |
|--------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20-027 | Luanne Patterson Senior Systems Manager, Environmental Assessment CN | Notice – CN Right-of- Way Vegetation Control | Moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton request that CN use mechanical means to control vegetation in the right-away portion of the rail line in the Hampton Town limits. Motion Carried |
| 20-028 | Mayors of the Towns of Hampton, Grand Bay- Westfield, Quispamsis, Rothesay and St. Martins. | Copy of Letter to Premier Higgs regarding the City of Saint’s Three-Part Plan. | Moved by Councillor Bond and seconded by Deputy Mayor Doucet that correspondence 20-028 be received and filed. Motion Carried |
| 20-029 | Don Darling, Mayor, City of Saint John | Copy of Letter to Premier Higgs regarding Correspondence #20- 028. | Moved by Deputy Mayor Doucet and seconded by Councillor Beach that correspondence 20-029 be received and filed. Motion Carried |
| 20-030 | Bill Oliver, Minister of Transportation and Infrastructure. | Request for updated five-year designated highway plan. | Moved by Councillor Bond and seconded by Deputy Mayor Doucet that correspondence 20-030 be referred to Public Works Advisory and Utilities Commission for recommendation. 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 April 1 to April 30, 2020 for the amount of three hundred and seventy-seven thousand two hundred and fourteen dollars and eighty-six cents (\$377,214.86).**

Motion Carried

11. REPORTS FROM COMMITTEES

11.1 EMO

Councillor Bond provided an overview of the EMO minutes.

11.2 RCMP

Council reviewed the RCMP report.

11.3 Fire-Rescue

Council reviewed the Fire-Rescue Report. Council thanked the members for the work they are doing throughout the pandemic.

11.4 Planning Advisory Committee

Councillor Beach reviewed the Planning Advisory Committee minutes noting that Committee recognized how valuable an asset Carolyn Walker had been during her tenure as the Building and Development Officer.

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton accept the reports from EMO, Fire-Rescue, RCMP, Planning Advisory and Joint Health and Safety Committee Minutes as submitted.

MOTION CARRIED

12. Approval of Reports

12.1 Building Inspector Report

Councillor Bond reviewed the Building Permit report.

12.2 Dog Constable

In order for clarification and on the recommendation of the Dog Constable, Councillor Beach moved and it was seconded by Councillor Bond that the Town of Hampton amend the agreement with Kim and David Jordan of 23 Homestead Drive that Charlie must be leashed at all times when not in their home at 23 Homestead Drive including his yard and muzzled and leashed at all times when not on their property at 23 Homestead Drive but within the Town of Hampton limits.

MOTION CARRIED

As recommended by the Dog Constable and in light of their lack of bylaw compliance dating back to December 9, 2018, it was moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton fine Amy Booker and Andrew Smith, owner of Alaska, a white and black husky:

- **Fifty dollars for failure to maintain control of their dog and allowing her to run at large despite numerous written and verbal warnings;**
- **Fifty dollars for failure to license their dog despite written warning;**
- **One hundred and fifty dollars for allowing their dog to attack and kill two chickens and attack and injure a rooster at 88 Hilltop Drive on April 22, 2020;**
- **And that it be recommended that Alaska be leashed when outside the home or that the property be properly fenced to ensure the dog cannot run off the property.**

MOTION CARRIED

As recommended by the Dog Constable, it was moved by Councillor Bond and seconded by Councillor Beach that the Town of Hampton fine Trevor Bastarache, 26 Cemetary Road, owner of Sadie, a black lab, fifty dollars for allowing his dog to run at large on April 22, 2020 and advise that he has ten business days to obtain a proper Town of Hampton Dog Tag or he will be fined an additional fifty dollars for failing to license his dog.

MOTION CARRIED

12.3 Financial Reports
Council reviewed the Financial Statement.

12.4 Communications Report
The Communication Officer reviewed the Communications Report.

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton approve the Building Inspector, Dog Constable Report, Financial, and Communications reports as presented.

MOTION CARRIED

13. READING OF BY-LAWS

As per the requirements of the Local Governance Act and the Community Planning Act, a summary of the proposed by-law will be read in lieu of reading it in its entirety, as agreed upon by Council at the last meeting. Proper notice was provided as per the legislation.

13.1 Building By-law
The Town Clerk read the By-law Summary into record.

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton approve and enact the third reading of By-law 214-20: Town of Hampton Building By-law.

MOTION CARRIED

14. NEW BUSINESS

14.1 HR
Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton accept the resignation of Carolyn Walker and rescind her appointment as Development Officer and Municipal Planning Officer, and rescind her appointment as By-law Enforcement Officer and rescind her appointment to act for and on Council's behalf in order to administer By-law #193-11 *A By-law Respecting Dangerous or Unsightly Premises* effective May 22, 2020.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton appoint Gay Drescher as Acting Development Officer, and as such is appointed as the Municipal Planning Officer on a casual contractual basis effective May 23, 2020 with her hourly rate of pay as outlined in the submitted proposal. Be it further resolved that the above-noted appointment shall continue until the appointment is limited or rescinded by council.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton appoint Angela Belzil as Acting Building Inspector/By-law Enforcement Officer, effective May 23, 2020, terms and conditions in accordance with Schedule A – Acting Building Inspector/By-law Law Enforcement Officer. Be it further resolved that the above-noted appointment shall continue until the until appointment is limited or rescinded by council.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that that the Town of Hampton reclassify Bailey Steele from casual to permanent part-time, effective immediately, and that he be eligible for benefits that a permanent part-time employee is so entitled, in accordance with Schedule A.

MOTION CARRIED

14.2 Canada Day

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that in light of the current restrictions and recommendations by Public Health, to stop the spread of COVID-19, the Town of Hampton join other municipalities across Canada in cancelling all in-person Canada Day events, including fireworks on July 1st and that we instead encourage all residents to show their support and love for Canada by decorating their porches, front doors, or yards and celebrating the nation's birthday with their household and their additional family bubble. And that when we can gather again, The Town of Hampton work with our community groups and volunteers to throw a true celebration of Canada and our united effort to keep our residents safe and defeat this virus.

MOTION CARRIED

14.3 Assent to Subdivision Plan

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that Council assent to the subdivision plan *entitled MBS Live Well Holdings Ltd. Subdivision*, dated May 5, 2020 and prepared by Kierstead Quigley and Roberts LTD which creates Parcel PS-1 for vesting in the Town of Hampton as part of the public street pursuant to Section 88 (6) (a) of the *Community Planning Act, 2017*, Chapter 19.

MOTION CARRIED

15. Outstanding Issues

There were none

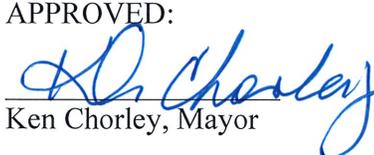
16. Adjournment

There being no further business, the meeting of Council was adjourned at 9:08 p.m.

Moved by Councillor Beach that the Town of Hampton adjourn the council meeting of May 12, 2020.

MOTION CARRIED

APPROVED:


Ken Chorley, Mayor


Megan O'Brien Harrison, Clerk