

**TOWN OF HAMPTON
COUNCIL MEETING
August 11, 2009**

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 August 11, 2009 commencing at 7:10 p.m. There was a second closed session commencing at 8:25 p.m.

ATTENDANCE:

- Council: Mayor Ken Chorley
Deputy Mayor Dwight Bond
Councillor Peter Behr
Councillor Robert Doucet
- Staff: Richard Malone, Chief Administrative Officer
Megan O'Brien Harrison, Town Clerk/Development Officer
- Delegations: Sgt. Steve Gourdeau, Hampton RCMP
Inspector Kier MacQuarrie, RCMP
- Guests: Chad and Jaime Huelin, 21 Walker Crescent
- Media: Erin Dwyer, Telegraph Journal
Terrance MacEachern, Kings County Record

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 7:05 p.m. There was a second Closed Session called to order at 8:25 p.m. and adjourned at 9:05 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	4
(d)	Land transactions for a municipal purpose	2
(e)	Violates confidentiality of information obtained from other governments (Federal and/or Provincial)	
(f)	Legal opinions or advice, and privileged communications	2
(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 7:10 p.m. and noted that Councillor Lights would not be in attendance as she was on vacation.

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

Councillor Behr led Council in a moment of reflection.

4. **DISCLOSURE OF CONFLICT OF INTEREST**

Deputy Mayor Bond declared a conflict of interest on all issues dealing with subdivision land development in the Town of Hampton.

5. **PRESENTATIONS AND DELEGATIONS**

Inspector Kier MacQuarrie, RCMP

Inspector MacQuarrie attended the meeting to bid farewell to Council and to thank them for their working support for his past three years being stationed here. Inspector MacQuarrie is being transferred to Nova Scotia. He predicted that it may take up to three months to fill his position but noted in the meantime that Sgt. Steve Gourdeau would be acting in his position.

Mayor Chorley thanked Inspector MacQuarrie for his service and noted that he had done an excellent job.

Sgt. Steve Gourdeau, Hampton RCMP

Sgt. Gourdeau stated that they had issued their first fine under the new Noise By-law for a party held on July 5th in Dutch Point. The RCMP were called to the residence on three separate occasions during the evening of July 5th and although the individual having the party was very polite and apologetic to the officers, he made no attempt to quiet the party down. The individual in question pled guilty and the judge issued a \$172.00 fine. The fine will be paid through the court system and would then be forwarded to the Town.

Sgt. Gourdeau also stated that they had received complaints about early morning speeding on the Kennebecasis River Road. They stationed an officer there at 5:30 a.m. and in a two hour period he issued nine speeding tickets. Sgt. Gourdeau believed that all nine speeders were not residents of the Town but individuals passing through. He hoped that they will now be aware that even though it was early in the morning, speeding in this area is unacceptable.

6. **ADOPTION OF MINUTES**

Moved by Councillor Doucet and seconded by Councillor Behr that the minutes of the July 14th, 2009 Regular Council Meeting be adopted.

MOTION CARRIED

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the minutes of the July 28th, 2009 Special Council Meeting be adopted.

MOTION CARRIED

7. BUSINESS ARISING FROM THE MINUTES

8. CORRESPONDENCE LIST

#	NAME	DESCRIPTON	Action
09 – 134	Canadian Union of Postal Workers	Expressing concerns regarding several recommendations in the Canada Post Corporation Strategic Review and requesting that Council pass a motion to write to the Minister responsible for Canada Post to request that the government preserve public postal service and jobs in Hampton.	<p>Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton write a letter to the Honourable Rob Merrifield, the Minister responsible for Canada Post, and request that the government preserve public postal service and jobs in our community by rejecting the Canada Post Corporation Strategic Review recommendations that would:</p> <p>a) Put an end to the moratorium on post office closures in rural and small towns and give Canada Post the flexibility to close post offices covered by the current moratorium or convert these public post offices to private outlets; and</p> <p>b) Cut delivery to rural mailboxes without exploring all options or properly consulting with residents or the representatives of rural delivery workers; and</p> <p>that the Town request that Minister Merrifield consult with the public, postal unions and other major stakeholders to develop a uniform and democratic process for making fundamental changes to Canada Post’s retail and delivery network.</p> <p>MOTION CARRIED</p>
09 – 135	Denis Landry, Minister of Transportation, PNB	Acknowledgement of our letter expressing concern for the government’s plan to take certain ferries out of circulation.	Received and filed.
09 – 136	Gail Turcotte, Flags Unlimited	Soliciting business for flags, street banners, hand-held wavers orders for Olympic Torch run.	Referred to the Leisure Services Director.
09 – 137	Jean Fairwell, Ladies Division of Hampton Golf Club	Thank you letter regarding sponsoring a hole for the <i>1st Annual East Coast Moving Golf for the Cure Tournament.</i>	Received and filed.
09 – 138	Senator Joseph A. Day	Copy of <i>The Day Report</i> , summer 2009.	Received and filed.
09 – 139	Barry Britt	Thank you card for donation.	Received and filed.
09 – 140	T. Arseneau, Director of Capacity Building	Information for procurement officials in New Brunswick Public Sector	Referred to Staff.

09 – 141	Janet Bond, 24 Dutch Point	The Southern NB Chapter of the Taoist Tai Chi Society is holding its first national workshop in Quispamsis on October 3-4, 2009. They are requesting 100 Town of Hampton pins for the event.	Deputy Mayor Bond declared a conflict of interest and left the meeting. Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton donate one hundred (100)Town pins to the Southern New Brunswick Chapter of the Taoist Tai Chi Society for their upcoming national workshop being held in Quispamsis on October 3rd and 4th. MOTION CARRIED Deputy Mayor Bond returned to the meeting.
09 – 142	Elizabeth Fry Society of SJ	Thank you letter for donation.	Received and filed.
09 – 143	David Cogswell, Director, Design Branch Department of Transportation	DOT is now preparing for improvements to provincially designated highways within municipalities for the 2010 construction season. They are requesting an updated Five Year Program plan.	Referred to the Public Works Advisory Committee.
09 – 144	Hampton Area Chamber of Commerce	Copy of letter expressing concern for planned relocation of Canadian Blood Services blood products production centre to Halifax.	Received and filed.
09 – 145	Sussex Health Centre Golf Tournament	Request to enter a team of four, sponsor a hole or give a gift for the Silent Auction for the Sussex Golf Tournament.	Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton sponsor a hole in the Sussex Health Centre Golf Tournament on September 18, 2009 at a cost of two hundred and fifty dollars (\$250.00). MOTION CARRIED
09 – 146	Dr. Rabinovitch & Fredrik Eaton, Canadian Museum of Civilization and Canadian War Museum	Follow-up letter from their annual public meeting held in Saint John recently with mention of the collaboration with the N.B. Museum, the Canadian Museum of Civilization and Canadian War Museum.	Received and filed.
09 – 147	Patti Hebb & Cheryl Bezanson Ossekeag Place	Invitation to the Grand Opening of Ossekeag Place Inc. on Monday , August 17 th at 11 a.m.	Council is directed to notify the Town's administrative assistant if they wish to attend.
09-148	John Laidlaw & Donald Peters, Regional Health Authority B	Request to complete online survey to help in development of strategies for how the health authority will deliver the best care to the communities it serves.	Referred to the Health Care Committee.
09-149	Kelly Galbraith	Request for the addition of a COMEX Bus Stop in the KV Valley with a morning and evening run.	Referred to Staff.
09-150	Rachel Lanteigne Efficiency NB	Information regarding Canada's Economic Action Plan.	Referred to Staff.

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 July 1 to July 31, 2009 for the amount of three hundred and forty-three thousand nine hundred and sixty-nine dollars and eighty-one cents (\$343,969.81).

MOTION CARRIED

10. REPORTS OF COMMITTEES

10.1 Environment

Council did not comment on the Environment report.

10.2 Communities in Bloom

Council noted the Communities in Bloom committee did a superb job entertaining the judges and that last night's public reception was the "proof of the pudding." They hoped that the Town made a good impression on the judges, but regardless felt that the Town has come out a winner. Council noted that they would be sending thank you letters to various individuals involved in the events of the past three days.

10.3 Leisure Services Advisory

Council did not comment on the Leisure Services Advisory report.

10.4 Planning Advisory Committee

Council noted that PAC had appointed a new chairperson, Wallace Floyd and a new vice-chairperson, Michelle Paquet.

10.5 Fire-Rescue

Council noted that the Fire-Rescue has been very busy, expending 3562 man hours for the year to date.

10.6 RCMP

Council would like a letter sent to Inspector MacQuarrie thanking him for his service.

10.7 Public Works Advisory

Council did not comment on the Public Works report.

10.8 Utilities Commission

Council did not comment on the Utilities Commission report.

10.9 ENVIROFAIR

Council stated this committee has been quite busy. Mayor Chorley noted that he liked their logo. Councillor Behr mentioned that there would once again be a computer drop off at the EnviroFair.

10.10 Finance

Mayor Chorley was pleased to see that the Treasurer is actively pursuing new computer software required to meet provincial asset inventory requirements for 2010.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton accept the reports from the Environment, Communities in Bloom, Leisure Services Advisory, Planning Advisory, Fire-Rescue, RCMP, Public Works Advisory, Utilities Commission and Finance Committees as submitted.

MOTION CARRIED

11. APPROVAL OF REPORTS

11.1 Building Inspector

Council noted that the amount of building permits is still down from 2008. Single family homes appear to be on target but the number of terrace dwellings is down significantly.

11.2 Dog Constable Report

Council noted that they were pleased with the efforts of the Dog Constable.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton fine Dennis Fiander of 11 Bovaird Lane, in the amount of twenty-five dollars (\$25.00) for allowing his dog Maverick to run at large, as recommended by the Town of Hampton Dog Constable.

MOTION CARRIED

11.3 Financial Report

The Town CAO noted that a percentage column had been added to the report.

11.4 Lighthouse River Centre/VIC Report

Council was impressed that the number of visitors to the Visitor Information Centre was only down three percent (3%) given the rainy weather and the economy. Mayor Chorley noted that it is great to have so many individuals stop in our little Town.

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton approve the Building Inspector, Dog Constable, Financial and Lighthouse River Centre/VIC reports as presented.

MOTION CARRIED

12. PETITIONS

Not Applicable.

13. READING OF BY-LAWS

Not Applicable.

14. NEW BUSINESS

14.1 Jill Anderson

Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton deny the request of Jill Anderson to remove the stipulation preventing further subdivision of her property noted on Subdivision Plan *Dineen Estates Subdivision 99-1*, dated March 3, 1999 and registered on April 6, 1999.

Motion Carried

14.2 Lines of Credit

General Fund

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Treasurer or Assistant Treasurer and the Mayor or Deputy Mayor are hereby authorized to borrow on behalf of the Town of Hampton (the "Corporation") from the Bank of Nova Scotia (the "Bank") from time to time by way of promissory note a sum or sums not exceeding at any one time, two hundred and two thousand four hundred dollars (\$202,400.00) to meet current General Fund Expenditures of the Corporation for the Year 2009 and that the Treasurer or Assistant Treasurer and the Mayor or Deputy Mayor are hereby authorized to sign on behalf of the Corporation and to furnish to the bank from time to time a promissory note or notes sealed with the corporate seal for the sum or sums borrowed with interest at such rate as the bank may from time to time determine.

Motion Carried

Utility Fund

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Treasurer or Assistant Treasurer and the Mayor or Deputy Mayor are hereby authorized to borrow on behalf of the Town of Hampton (the "Corporation") from the Bank of Nova Scotia (the "Bank") from time to time by way of promissory note a sum or sums not exceeding at any one time, eleven thousand one hundred dollars (\$11,100.00) to meet current Utility Fund Expenditures of the Corporation for the Year 2009 and that the Treasurer or Assistant Treasurer and the Mayor or Deputy Mayor are hereby authorized to sign on behalf of the Corporation and to furnish to the bank from time to time a promissory note or notes sealed with the corporate seal for the sum or sums borrowed with interest at such rate as the bank may from time to time determine.

Motion Carried

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

14.3 Executive Estates – Extension of Tentative Plan

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton extend the approval of the tentative plan, entitled Executive Estates Subdivision, dated January 28, 2008, for an additional six month period. Final approval of same is conditional on the developer entering into a development agreement with the Town of Hampton which includes the submission of a satisfactory water supply assessment report from a qualified engineering firm.

Motion Carried

14.4

Bonney Park Subdivision – Extension of Tentative Plan

Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton extend the approval of the tentative plan, entitled *Bonney Park Subdivision*, prepared by Keirstead, Quigley and Roberts Ltd., dated November 14, 2007, for an additional six month period. Final approval of same is subject to negotiation of land/money in lieu for public purpose and the developer entering into a development agreement with the Town of Hampton and the developer submitting a water supply assessment report to the Town of Hampton that is satisfactory to the Town of Hampton.

Motion Carried

14.5

Dutch Point Gardens – Tentative Plan

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton, as recommended by the Planning Advisory, Public Works Advisory, Utilities Commission, Environment and Leisure Services Advisory Committees, approve the tentative subdivision plan, entitled *Dutch Point Gardens*, prepared by Keirstead, Quigley and Roberts Ltd., dated July 17, 2009, including :

- the variance for the width of the public street from 20 metres to 18 metres and 15 metres respectively as granted by the Planning Advisory Committee; and
- the variance for the length of the cul-du-sac to 300 metres as granted by the Planning Advisory Committee; and
- the variance for the minimum street frontage of Lot 8 as granted by the Planning Advisory Committee;

And conditional on the following:

- The successful transfer of PID 00190975 to the developer;
- the lots being serviced by the Town's sanitary sewer system;
- The Town receiving the rear portion of PID 00190975 as indicated for addition to the Dutch Point Park Lands as Land for Public Purpose and in exchange for allowing for the proposed public street to be developed as indicated;
- The developer paying for the cost of relocating the trail entrance to the Dutch Point Trail system as indicated;
- The developer paying for the costs of any grading and/or restoration work associated with the relocation of the trail entrance to the Dutch Point Trail system as indicated;
- The developer paying for the cost of creating the new defined access points from the proposed road into the two existing parking lots;
- Proper ditching being completed by the developer on the park side of the new proposed road, subject to engineered drawings and approval of the Public Works Department; and
- The developer taking every reasonable effort to preserve existing mature trees within the development lots and making every effort to replant on site any of the most recent plantings along the park side of the existing entrance if any need to be extracted.

Final approval of same is subject to the developer entering into a development agreement with the Town of Hampton and the developer meeting the Town of Hampton Water Supply Assessment Guidelines.

Motion Carried

Deputy Mayor Bond returned to the meeting.

14.6 Dangerous and Unsightly Premises

Moved by Deputy Mayor Bond and seconded by Councillor Behr that Council instruct the Town Clerk to serve notice on the owner or occupier of the following properties: 16 Wright Street and 16 Kennebecasis River Road, requiring that they remedy the condition of said properties as they are currently in contravention of the Town of Hampton By-law #26, as recommended by the Building Inspector/By-law Enforcement Officer.

Motion Carried

14.7 Amended Application of Hampton Real Estate Services Ltd.

Councillor Behr stated that he does not agree with including the amendments with the original application and he felt that the residents in attendance at the public presentation were not in agreement either. He felt that this was a new application and Hampton Real Estate Service Ltd. should really take the time to determine exactly what they were asking for and then submit a complete application.

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton accept the proposed revised hours of operation in the rezoning application of Hampton Real Estate Services Ltd., but deem that the addition of the outdoor beach volleyball court is a significant change to the application and should not be considered with the original application. If the applicant wishes to proceed with the addition of the outdoor beach volleyball court, than the rezoning application process completed to date must be repeated. Residents residing in a hundred (100) metre radius must be provided with copies of the revisions to the application.

All those in favour: Councillor Doucet, Deputy Mayor Bond

All those opposed: Councillor Behr

Motion Carried

14.8 Playground equipment

Council was pleased to announce that they had received a total of \$88,000 in funding from ACOA and the provincial government for the development of the playground for the Town Square. The Town of Hampton will be contributing a third of the cost as well.

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton accept the proposal from ABC Recreation dated August 5, 2009 to supply and install a play structure for the Town Square at a cost of eighty-two thousand six hundred and sixty-five dollars and fifteen cents (\$82,665.15) including HST.

Motion Carried

14.9 Chad Huelin

Mayor Chorley provided Mr. Huelin an opportunity to address Council. He said he was concerned about the storm water easement through his property. He has been working on the matter with the Town CAO and wanted an update. Mr. Huelin was informed that the issue was going to the Public Works Advisory Committee and that they would put a recommendation forward to Council.

15. OUTSTANDING ISSUES

Town Square

Councillor Doucet noted that it would be nice to see the paving completed so that the Public Works crew could commence work in the Town Square.

Utility Poles

Deputy Mayor Bond stated that the New Brunswick Power utilities poles on the access road from the highway to Main Street need to be straightened. Staff was directed to contact New Brunswick Power.

Construction

Councillor Behr was concerned about the amount of debris and dirt being left on the road in construction areas. He asked that developers and contractors be made aware that they should be keeping the roads clean.

River Centre

Councillor Behr expressed concern on behalf of Bob Wishart regarding surplus parking from the Lighthouse River Centre. Mr. Wishart had stated to Councillor Behr that overflow parking was encroaching on his property. There was also concerns raised about emergency vehicles access and the need to paint the parking lot to further highlight the hydrant and the handicap parking. The issues were referred to staff.

16. ADJOURNMENT

Council adjourned the Open Session at 8:25 p.m. and moved back into a second Closed session from 8:25 p.m. until 9:05 p.m.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Council Meeting of August 11, 2009 be adjourned.

MOTION CARRIED

APPROVED:

Ken Chorley, Mayor

Megan O'Brien Harrison, Clerk