

**TOWN OF HAMPTON
COUNCIL MEETING
November 10th, 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 November 10th, 2009 commencing at 7:00 p.m. There was a second closed session commencing at 8:45 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
Richard King, Building Inspector/By-law Enforcement Officer
- Media: Erin Dwyer, Telegraph Journal
Jean Whitehead, Kings County Record
- Delegations: Sgt. Steve Gourdeau, Hampton RCMP
Reid Parker, Symphony New Brunswick
- Guests: David Carr, Main Street
Don Hamilton, 61 Vernon Avenue
Ellen Hanlon, Law Avenue
Shawn Price, Neil drive

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 7:00 p.m. There was a second Closed Session called to order at 8:45 p.m. and adjourned at 9:15 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	2
(g)	Litigation or potential litigation	1
(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

Mayor Chorley led Council in a moment of reflection.

4. DISCLOSURE OF CONFLICT OF INTEREST

Deputy Mayor Bond declared a conflict of interest for all matters dealing with subdivision development.

5. PRESENTATIONS AND DELEGATIONS

5.1 Reid Parker, President, Symphony New Brunswick Foundation

Mr. Parker informed Council that Symphony New Brunswick is the province's only full-scale symphony orchestra. He stated that there are 45 musicians in the orchestra, with the core full-time musicians being the Saint John String Quartet. He said that the musicians are members of a union. They contribute to the cultural richness and economic prosperity of New Brunswick by promoting symphonic music through live performance in Saint John, Moncton and Fredericton and educational programs.

He stated that the symphony is debt free. The foundation's investments have made a profit in the last six years and because they are in a good financial position, they would like to look forward and plan for growth. He said this growth is crucial to the orchestra flourishing in the future.

Mr. Parker stated that the Symphony New Brunswick Foundation is an independent charity that serves as an endowment fund for Symphony New Brunswick. He said the foundation is launching a \$2.5 million fundraising campaign.

The Foundation hopes that with the funds raised they will be able to hire an additional five fulltime musicians, bringing their total to nine. These core musicians will be able to teach in Southern New Brunswick and the expanded core group will have further capabilities to travel.

He requested that the Town of Hampton consider giving five hundred dollars (\$500) annually for an operating grant to Symphony New Brunswick, as well as a five thousand dollar (\$5,000) donation spread over five years (\$1000 per year) to the Symphony New Brunswick Foundation's campaign. Mr. Parker stated he would formalize the request in a letter.

The Mayor asked how many residents from the Town were on the Symphony New Brunswick subscription list. Mr. Parker did not have that information with him.

Councillor Doucet inquired about the children's programs and whether they were active in Hampton Schools. Mr. Parker stated that the Saint John String Quartet does make appearances in Hampton schools.

Council thanked him for the presentation and stated that they would consider the request during the budget process.

5.1 Sgt. Steve Gourdeau, RCMP Report

Sgt. Gourdeau noted that they were ready for the Remembrance Day ceremony taking place at Veterans Park the following morning.

He was happy to report that two of his officers were able to arrest three individuals at the Hampton Mall in connection with the theft of poppy money from a Willow Grove convenience store.

He stated that the Hampton Fire Department would eventually be receiving ownership of the former RCMP boat but that the paperwork and the transfer process was taking longer than what was originally anticipated. The boat will be stored by the Fire Department this winter. Council noted that they appreciated Sgt. Gourdeau's effort in this matter.

Mayor Chorley stated that Council would like to arrange for the Mayor, Deputy Mayor, Clerk and CAO to have regular quarterly meetings with the RCMP regarding Town issues. Sgt. Gourdeau was agreeable to arrange same.

6. ADOPTION OF MINUTES

6.1 Regular Meeting of October 13th, 2009

Moved by Councillor Behr and seconded by Councillor Lights that the minutes of the September 8th, 2009 Regular Council Meeting be adopted.

Motion Carried

7. BUSINESS ARISING FROM THE MINUTES

Not applicable

8. Correspondence List

#	NAME	DESCRIPTON	Action
09-206	Bethany Thorne Dykstra, President, Voice of Real Poverty Inc.	Request to participate in the Municipal Poverty Plan Challenge	Referred to Staff
09-207	Shawn Seely, Coach Hampton Ladies Huskies	Request for donation for the 2009-2010 Hockey Season	Councillor Lights declared a conflict of interest and left the meeting. In the past the Town has not sponsored individual teams for their regular seasons. Each school team and minor sports team generally do fundraising so it is simply not feasible to sponsor them all. The Town does subsidize ice rental fees for these teams. Received and filed. Councillor Lights returned to the Council meeting.

09-208	Merv Mullin, 60 Bartlett Avenue	Request for assistance with flooding damage to his home located at 60 Bartlett Avenue.	Moved by Councillor Behr and seconded by Councillor Doucet that the Town of Hampton deny the claim for damage due to flooding and direct Merv Mullin to direct his damage claim to his home insurance company. Motion Carried
09-209	Thelma Messer	Invitation to Community Forum taking place on February 20 th , 2010 at Hampton High School from 1-4 p.m. The guest speaker is Serge LeClerc, MLA, and author of <i>Untwisted – From Lawbreaker to Lawmaker</i> .	Council will advise the Town's Administrative Assistant if they plan to attend.
09-210	Hampton Area Chamber of Commerce	Request for donation for the Annual Hampton Santa Claus parade being held on Saturday, Nov. 28 th at 4 p.m.	Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton make a contribution of two hundred and fifty dollars (\$250.00) to the Hampton Area Chamber of Commerce to assist them with the cost for the Annual Santa Claus parade. Motion Carried
09-211	Therese M. Murray, Executive Director Muriel McQueen Fergusson Foundation	Request to proclaim November as <i>Family Violence Prevention Month</i> .	It has been Council's policy not to make proclamations. Received and filed.
09-212	Fundy Region Solid Waste Commission	Open Session Meeting minutes for June 18 th , September 10 th and September 24 th .	Councillor Behr noted that they hope to have their power generator operating in the Spring of 2010. Received and filed.
09-213	Roger Nesbitt, Chair, District 6 Education Council	Copy of letter to the Honourable Bernard LeBlanc, Minister of Local Government, regarding student transportation and safety.	Received and filed.
09-214	Laura Anderson, Partners for Workplace Inclusion Program	Thank you for the opportunity to present at the October Council meeting.	Received and filed.
09-215	Saint John Police Association	Request for donation for the 16 th Annual Benefit Hockey Game.	The event is in support of the Saint John Police Association and Romero House, which are both worthwhile organizations, however they do not immediately serve Hampton residents. The Town of Hampton have supported initiatives of the RCMP and the Hampton Food Basket. Received and filed.
09-216	William Ken, Principal, Institute for Governance and Leadership New Brunswick	Invitation to Governance & Management Excellence for Local Government Workshop being held on Saturday, Nov. 21 st in Saint John	Referred to staff.

09-217	Frank Tenhave, Executive Director, Enterprise Fundy	Enterprise Fundy Mid-Year Report and Work Plan results as of September 30, 2009.	Received and filed.
09-218	Marc MacLeod, General Manager Fundy Region Solid Waste Commission	Commission vote on the proposed budget scheduled for Thursday, November 12, 2009.	Councillor Behr noted that tipping fees will remain the same for 2010 and compost tipping fees will be reduced by \$7.00. Moved by Deputy Mayor Bond and seconded by Councillor Doucet that Councillor Behr be authorized by the Town of Hampton to vote in favour of the Fundy Region Solid Waste Commission Proposed Budget for the Fiscal Year 2010. Motion Carried.
09-219	Karen Buchanan, The Arthritis Society	Hampton's Medavie Blue Cross Jingle Bell Walk/Run for Arthritis is now taking place on Sunday, Dec. 6 th at the Hampton Seniors Resource Centre. Registration is at noon. Walk/Run starts at 2 p.m.	Referred to staff.
09-220	Janice Bates	Invitation to Roger Gillies retirement party on Friday, Nov. 27 at the Lighthouse River Centre from 7 p.m. – 1 a.m.	Councillors will contact Janice Bates if they plan to attend. These were personal invitations.
09-221	Paula Kredl	Copy of letter to Province of N.B. re: Brook on Route 845	Received and filed.
09-222	Various Submissions	Various correspondences received following the deadline for submissions pertaining to the rezoning request of Hampton Real Estate Services Ltd. for 274 Main Street.	Received and file.

9. Approval of Accounts

Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Town of Hampton approve the General and Utilities Fund Paid Invoices from October 1 to October 31, 2009 for the amount of six hundred and fifteen thousand two hundred and forty-five dollars and fifty-three cents (\$615,245.53).

Motion Carried.

10. Reports from Committees

10.1 Health Care

Mayor Chorley noted that Dr. Carson will have another physician covering her patients while she is on maternity leave.

It was noted that an H1N1 clinic was held at Hampton Elementary School. The clinics planned for Hampton Middle School and Hampton High School had been postponed due to a temporary shortage in the vaccine.

Dr. Hall plans to open his practice mid-November.

10.2 Leisure Services Advisory

Councillor Doucet reported that the Leisure Services Director is continuing to investigate the unpleasant odour that is frequently present in the entrance of the arena. At the moment the smell does appear to be gone.

Council noted that the play structure has been installed in the Town Square but further work on the site has been delayed due to the Public Works crew being tied up with work related to the recent flooding. It is estimated that the play structure will remain fenced and inaccessible until spring.

10.3 Planning Advisory

Moved by Councillor Lights and seconded by Councillor Doucet that Council rescind the following motion made at the August 11, 2009 meeting of Council:

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

In light of the fact that Council and the Planning Advisory Committee have deemed the matter to be the jurisdiction of the Planning Advisory Committee.

Motion Carried

10.4 Fire-Rescue

Council did not comment on the Fire-Rescue report.

10.5 EMO

Council noted Roger Gillies is retiring and advised staff to write a letter thanking him for his dedication to the EMO.

10.6 RCMP

Council did not comment on the RCMP report.

10.7 Economic Development

Council did not comment on the Economic Development report.

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton accept the reports from the Health Care, Leisure Services Advisory, Planning Advisory, Joint Health and Safety, Fire-Rescue, EMO, RCMP, and Economic Development Committees as submitted.

Motion Carried

11. Reports from Committees

Building Inspector

Council noted that the amount of building permits was down significantly from last year. The discrepancy appeared to be in the number of terrace dwellings being constructed, which was nil to date for 2009.

Dog Constable Report

Council did not comment on the dog constable report.

Lighthouse River Centre

Council noted that everything is going well at the centre.

Financial

Council noted that the Finance committee is preparing for the 2010 budget.

Moved by Councillor Lights and seconded by Councillor Behr 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 BUISINESS

14.1 **HR Policy**

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton adopt the addition of Section 4.6.3 *Pandemic Influenza* as presented by the Town CAO to the Town of Hampton Human Resources Policy #5 *Employee Leave Policy*.

MOTION CARRIED

14.2 **CIB**

Council acknowledged the receipt of the Town of Hamptons 2009 Evaluation Form for Communities in Bloom in the International (Small) Category. The Town received a score of 870.75 out of 1000, with a five bloom rating. Mayor Chorley read the judge's general comments and suggestions.

Council was pleased with the evaluation.

14.3 Donation to Food Basket

Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton, in lieu of Christmas Cards, will make a donation of two hundred dollars (\$200.00) to the Hampton Food Basket.

Motion Carried

14.4 Torch Relay

Mayor Chorley announced that the Olympic Torch Relay will be coming through Hampton on Tuesday November 24th. It should be at the Town Office at approximately 3:10 p.m. and will continue down Main Street, leaving Hampton at approximately 3:25. Residents are encouraged to wear red and come out and line the route from the Town office along Main Street to the intersection of Main Street and Logie Drive.

14.5 Recreation Master Plan

Public Presentation of the final Recreation Master Plan will take place on Monday, November 30th at 7 p.m. at the Hampton Middle School Theatre.

15. OUTSTANDING ISSUES

15.1 Hampton Real Estate Services Limited Application for 274 Main Street

Councillor Doucet stated that when he voted to table the discussion and decision on Hampton Real Estate Services Limited's application, it was because he felt that the draft of the new Municipal Plan would be available in a month or two. It is now apparent that it realistically will not be available until January or February. Councillor Doucet stated that he thinks that it would be in the best interest of everyone to address the matter now.

Moved by Councillor Doucet and seconded by Councillor Lights that Council take from the table the question that was tabled on September 8th, regarding the discussion and decision pertaining to the application of Hampton Real Estate Services Limited and 274 Main Street.

Motion Carried.

Councillor Behr stated that when he ran for Council he promised to listen to residents' complaints and bring them to the Council table. He said that most of the people he has spoken to would like to have a new restaurant, but not in that location, so he feels the application should be denied.

Councillor Doucet stated that he feels the opposite. He said he doesn't feel that the decision is being taken lightly by any member of Council. He said that Council wants to do what is in the best interest of the Town. He says that he has driven by the location and does not see that the blind knoll is an issue. He stated that Mr. Baird has gone through the process and the PAC has recommended that Council approve the application with conditions. Councillor Doucet feels the application should be approved with Section 39

conditions. Councillor Doucet stated that this may not be the best place for the business but that it is not the worse place either. He said this location is home to a dilapidated building that will be improved. He does not feel that there has been enough opposition to the project to turn it down. He feels that it is in the best interest of the Town of Hampton to approve the application.

Deputy Mayor Bond stated that he cannot recall a decision that he has gone back and forth on more. He believes that Council has listened to both sides. He stated that he is not opposed to the concept. He said he motioned to table the decision in September because he wanted to know what the consultants were going to recommend. He said at the public meetings he attended, people expressed concerns about Town Centre being too spread out. He is personally worried about Town Centre spreading down Main Street. He would like to support an entrepreneur starting out. He said that he asked many supporters who lived outside of the immediate area if they would want to have the proposed business beside their house and the answer was an unequivocal “no.” He has not been able to get over his concerns about spreading Town Centre too far out and the fact that this is a residential area and so he stated that he has to vote against the application.

Councillor Lights stated that she is torn. She agreed with what Deputy Mayor Bond said but would like to support a new business.

Councillor Behr said that it is not that he would not like to see another business in Hampton, but this is not the right spot for it.

Deputy Mayor Bond said that if the application is unsuccessful, he would like to see the Town help Mr. Baird find a suitable location and a suitable use for his current property.

Mayor Chorley stated that he embraced Mr. Baird’s enthusiasm and he felt that he had done a fine job soliciting support and selling his application. He stated that there were lots of supporters, though most were not from that immediate area. Mayor Chorley felt that there was lots of land in Hampton suitably zoned for the project. He stated that he felt that this was not the right location for this business and he was not in favour of stretching the commercial zone. He said that he had to consider the intent of the current Municipal Plan.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton deny the Municipal Plan amendment application of Hampton Real Estate Services Limited for 274 Main Street.

**All those in favour: Councillor Behr, Deputy Mayor Bond
All those opposed: Councillor Doucet, Councillor Lights**

Mayor Chorley broke the tie by voting in favour of the motion to deny the application.

Motion Carried

15.2 Utility Poles on William Bell Drive

Deputy Mayor Bond asked for an update. The Town CAO stated that New Brunswick Power had been contacted, but the Town has not yet received a response. Councillor Doucet stated that he would follow-up with his contact.

15.3 Crosswalk at William Bell Drive and Main Street

Councillor Doucet stated that the lighting is poor at the intersection of William Bell Drive and Main Street. In particular it is difficult to see pedestrians as they are waiting to cross or start to cross on the crosswalk.

Councillor Behr noted that there is an upcoming conference on new LED lighting coming up in February and wondered if that might be an option for the intersection.

The issue was referred to staff.

15.4 Works Department

Council noted special thanks to the Public Works Department, and other staff members, in their extra effort as a result of the flood damage.

15.5 Sewer Back-up

Deputy Mayor Bond asked for an update on a resident's damage claim regarding sewer back-up in Dutch Point Park. The Town CAO stated that he felt the issue was dealt with and he would follow-up with the resident.

16. ADJOURNMENT

Council adjourned the Open Session at 8:40 p.m. and moved back into a second Closed session.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the regular Council Meeting of November 10th, 2009 be adjourned into a Closed Session.

MOTION CARRIED

APPROVED:

Ken Chorley, Mayor

Megan O'Brien Harrison, Clerk