

**TOWN OF HAMPTON
COUNCIL MEETING
September 8th, 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 September 8th, 2009 commencing at 7:00 p.m. There was a second closed session commencing at 10:15 p.m. A second regular meeting of Council commenced at 10:25 p.m.

ATTENDANCE:

Council:	Mayor Ken Chorley Councillor Peter Behr Councillor Clara Lights	Deputy Mayor Dwight Bond Councillor Robert Doucet
Staff:	Richard Malone, CAO	Megan O'Brien Harrison, Clerk/Development Officer
Media:	Erin Dwyer, Telegraph Journal	
Delegations:	Sgt. Steve Gourdeau, Hampton RCMP Edward Baird, Hampton Real Estates Services Limited	
Guests:	Jill Anderson, 20 Ossekeag Court Amy Ash, 56 Blackberry Lane Gloria Baird, 28 Pickwauket Rd. Gary Bolton, 104 Viola Avenue David Carr, 564 Main Street Jim Carroll, 351 Norton Shore Rd. Matt Cromwell, 49 Vernon Ave. Angela Davis, 131 Donlea Drive Cherie Davis, 244 Main Street Fraser Day, 14 Everett Street Brenda Goobie, 10 Gordon Street Mona Hachey, 117 Centennial Rd. Ellen Hanlon, 39 Law Avenue Kelly Johnson, 966 Main Street Curtis Kyle, 27 Walker Street Brian Lamb, 15 Highland Drive Jeff Matheson, 19 Keirstead Ave. John Marshall, 1467 Main Street Mandy McKee, 49 Vernon Ave. Lesley Monahan, 39 Centennial Rd Scott Moulton, 66 Ketchum Road Terry O'Neill, No Stated Address Andrew Peacock, Hampton H. M. Robertson, 50 Law Avenue Lynn Sparks, 20 Greenwood Crt Troy Summerville, 140 Donlea Dr. Jon Westphal, 17 Saint James St. Pat Whalen, 151 Kennebecasis River Rd	Joey Anderson & Kristal Kilpatrick, 12 Ossekeag Crt. Margaret, Joe and Janis Anderson, 44 Randall Drive Elsie Blackwood, 54 Demille Court Jim Booth, 1028 Main Street Dana, Wanda and Jeremy Bradshaw, 26 Mott Street John & Mary Breen, 343 Kennebecasis River Road Marlene and Kent Burdett, 101 Dutch Point Road Diarmaid Callaghan, 60 St. Andrews Street Walter Davis, 14 Mott Street Lorna Doyle, 286 Main Street Rosanna Duplessis, 375 Hall Road, Lakeside Peter & Becky Estabrooks, 44 Berkshire, Quispamsis Jon Hovey, 1515 Main Street Stephen Kilpatrick, 682 Kennebecasis River Rd Cherie King and Dave Marshall, 109 Villa Dr. Chris and Stephen Langille, 1319 Main Street Andy and Pam Lodge, 45 Meadow Avenue Lorraine Marr, 336 Main Street Pam McKenzie, 316 Centennial Rd, Bloomfield Walter & Nancy Meech, 533 Kennebecasis River Rd Lorraine Myers, 8 Alexander Court George Pattison, 950 Main Street Shawn Price, 10 Neil Drive Mike and Louise Rabinovitch, 496 Main Street Ralph & Pat Richards, 288 Norton Shore Road Mike & Merilee Rosehart, 36 Meadow Ave Howard & Donna Spalding, 142 Centennial Rd

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 p.m. and adjourned at . 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	1
(c)	Financial loss or gain (individual or municipal) or could jeopardize negotiations leading to an agreement or contract	6
(d)	Land transactions for a municipal purpose	1
(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	

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

Councillor Lights led Council in a moment of reflection.

4. DISCLOSURE OF CONFLICT OF INTEREST

None was declared.

5. PRESENTATIONS AND DELEGATIONS

Sgt. Steve Gourdeau, RCMP Report

Sgt. Gourdeau stated that there was nothing new to report since the August Council meeting other than they have a new cadet in Hampton who is residing in Hampton. He noted that this cadet would be working on the problem of thefts from vehicles in Hampton, most of which were from unlocked vehicles.

6. Public Hearing

The Mayor called the Public Hearing to order for the proposed amendment to the Municipal Plan.

The Town Clerk stated that the Town of Hampton had received an application from Edward Baird and Dr. Hugh Baird of Hampton Real Estate Services Limited to rezone 274 Main Street (PID 00193748) in order to allow for the establishment of a licensed restaurant and pub at that location.

The current land use designation for this property under the Municipal Plan is “Residential” and the current zoning for this property under the Zoning By-law is “Neighbourhood Commercial.” In order for this application to be successful the Municipal Plan must first be amended to change the land use designation to “Town Centre.” If the Municipal Plan amendment is successful than the next step would be to change a Zoning By-law Amendment to change the zone to a “Town Centre” zone.

The draft By-law #185-09 *A By-law to Amend the Municipal Plan By-law 159-04* would allow for the change in the land use designation for PID 00193748 from “Residential” to “Town Centre.”

It was noted a public presentation on the application had been held and that the deadline for written submissions on the application was Friday, August 28th, 2009 as per the resolution of Council and the advertising regarding same.

The Town Clerk reviewed the procedures for the Public Hearing.

The Town Clerk read into the record all written submissions regarding the proposed development that were received by the deadline as outlined in the notices regarding the public hearing.

The Clerk noted that the Planning Advisory Committee (PAC) reviewed the application of Hampton Real Estate Limited on June 30th. Council passed a resolution to consider their opinion of same. Council’s motion of July 14th, 2009 stated:

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that Council recognize the written views of the Planning Advisory Committee in regards to the application of Hampton Real Estate Services Ltd. to rezoning PID #193748 located at 274 Main Street to Town Centre and will consider their views during the Public Hearing.

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

MOTION CARRIED

PAC’s motion stated:

Moved by Wallace Floyd and seconded by Andre Roux that the Planning Advisory Committee recommend that Council support the application by Hampton Real Estate

Services Limited to rezone 274 Main Street from Neighbourhood Commercial to Town Centre and that Council should give strong consideration to the following terms and conditions:

- *No Gaming permitted on the premises;*
- *In consideration of the Town's Noise By-law, there should be a requirement that live music must cease at 12:00 am (midnight);*
- *Hours of Operation should be limited from Sunday – Wednesday from 10 am to midnight and from Thursday – Saturday from 10 am to 2 am;*
- *Application should be approved based on the site plan, including building size, as submitted; and*
- *Town Council should make representation to the Department of Transportation to determine if a reduction in the speed limit appropriate for the area and if there is a possibility of adjusting the grade of the knoll.*

*All those in favour – Wallace Floyd, Andre Roux, Michelle Paquet, Allan Fraser
All those opposed – Clara Lights*

Motion Carried

The Clerk provided a summary of the written comments received by the Planning Advisory Committee (PAC). She noted that in June, PAC polled residents who lived within approximately a 100 metre radius of the proposed project. Ten notices were delivered by the building inspector, which included doubles for the several properties that have separate owner and occupier. It is a policy of PAC not to disclose the name and address of people they poll who respond as it can create ill-feelings towards neighbours in some variance/rezoning issues. By the Planning Advisory Committees deadline of June 25th, 2009, Town staff received 21 written responses in regards to the rezoning application. Several of the responses came unsolicited but were from residents in area surrounding the proposed development but were not among those in the area that PAC polled. Within the area polled by PAC, 8 responses were received by the deadline. They all selected the option stating that they did not support Hampton Real Estate Services Ltd's rezoning request from Neighbourhood Commercial to Town Centre to allow for a licensed restaurant/pub. Several of the respondents noted comments, which included:

- “I do not feel a licensed restaurant/pub would be beneficial or an asset for my property and its value.”
- “Traffic/to close to family home”
- “A blind knoll approaching from the west.”
- “Poor location for such a project.”
- “Very dangerous location traffic wise.”
- “To close to residential. Young Children & High School.”
- “Do not need any more bars.”
- The concerns regarding the rezoning of 274 Main Street are:
 1. **Traffic** - The blind knoll that is right at the train bridge already causes havoc for the neighbours. They have to pull out of their driveway quickly to avoid getting hit. The speed is 70 km per hour;

however the drivers of Hampton don't obey. They feel this is an unsafe place.

2. **Noise** – Because most Restaurant/Pub establishments play music and have many people coming and going, this will cause noise. We bought our property because it was a not a noisy area.
3. **Privacy** – Can Mr. Baird control people from staying off of other people's property? People who drink tend to walk off by themselves, where they end up in the neighbour's yards.
4. **Residents** – We have children who live in this area and a special care home next door. Traffic, noise and privacy will affect them.
5. **Garbage** – Liquor bottles may be thrown out into the field next door or into our yard/driveway. How will this be dealt with?

The Clerk noted that another response was received and submitted by the applicant following the deadline of PAC, on behalf of a neighbouring property owner who was polled by PAC. That property owner was in support of the rezoning application and his only concern was traffic and in particular the speed limit. He felt that the speed limit should be reduced.

The Clerk noted that the following unsolicited responses were received by Town Staff on behalf of PAC, before the deadline established by PAC. All of these residents submitted a copy of the form circulated by PAC and they all selected the option stating that they did not support Hampton Real Estate Services Ltd's rezoning request from Neighbourhood Commercial to Town Centre to allow for a licensed restaurant/pub. The Clerk summarized any additional written comments provided by these individuals.

- 1) Jim and Melissa Fitzgerald, 208 Main Street
- 2) C. Spence, 220 Main Street: Worried about zoning & drunk drivers on the blind knoll and also the noise in residential neighbourhood.
- 3) Steven Kelly, 226 Main Street
- 4) Rev. Fred Bradford and Alice Bradford, 234 Main Street: Concerned about drunken driving, speeding, proximity to high school students, noise, late night partying and the proposed hours of operation of said establishment.
- 5) Cherie Davis, 244 Main Street: Feels the location is not suitable for that type of business, due to the level of traffic and noise that would accompany a pub type atmosphere, which would directly affect her as well as other residents in the area.
- 6) Lorraine Marr, 335 Main Street
- 7) Dorothy Swift, 348 Main Street
- 8) Alice Cox Caunter, 348 Main Street: Feels that this is not an appropriate area. She notes the proximity to the Marysview Special Care Home and Emmaus Group Home. She says that this it not the place for this establishment with concerns about noise, traffic and entering back on highway.
- 9) Dorothy Price, 10 Neil Drive: Has small children and does not want a bar in this area.
- 10) Elizabeth Tays, 20 Neil and 22 Neil Drive: Does not want a bar. They own a seniors home and this is a dangerous knoll.
- 11) Walter Davis, 14 Mott Street: Disagrees with this idea. This is a residential area with a blind knoll. He is concerned about the noise level, the hours of operation and

putting more impaired drivers on the road. He feels the location is too close to school. He believes that pubs also known as taverns in the eyes of many.

- 12) Donald Cameron, 35 Mott Street
- 13) Peter Hachey, President of Five Son's Video, located at 550 Main Street: He feels that this part of Hampton, with young families in the area, is not the appropriate location for this establishment. Hampton needs more family settings and not drinking establishments.

The Clerk noted that in June, the applicant circulated a form letter for residents and business owners to sign in support of the concept of the Shire Town Publicans. 128 letters were submitted by the applicant to the Town of Hampton at the June 30th meeting of the Planning Advisory Committee. Council was provided a copy of the letter which is attached herewith as Appendix "A". If the supporter provided comments, the Clerk provided a summary of same. The following individuals signed the letters:

- 1) M. Stephenson, 184 Main Street
- 2) Carol Spence, 220 Main Street
- 3) Reni Kelly, 226 Main Street
- 4) Debbie Hickey, 242 Main Street
- 5) Sharon Worden, 242 Main Street
- 6) Gary Burnside, 254 Main Street
- 7) Carl Raeburn, 254 Main Street
- 8) R. G. Laver, President Emmaus Group Home, 286 Main Street
- 9) Marg Armstrong, 358 Main Street
- 10) Jennifer Whitaker, 342 Main Street
- 11) Joe Martell, 370 Main Street
- 12) Tony Damon, 454 Main Street, Unit 15
- 13) Holly Singh, 454 Main Street
- 14) Lloyd English, 412 Main Street
- 15) Louise Rabinovitch, 496 Main Street
- 16) Michael Rabinovitch, 496 Main Street
- 17) S. MacGowan and S. Malone, Hampton Vet Hospital, 510 Main Street
- 18) Greg Jessen, 557-2 Main Street
- 19) Murray Nutter, 582 Main Street
- 20) Donald E. Whitaker, 588 Main Street
- 21) Beverly Campbell, 622 Main Street
- 22) Duane Campbell, 668 Main Street
- 23) Candace Miner, 668 Main Street
- 24) Kathy Floyd, 739 Main Street
- 25) Janice Kelly, 859 Main Street
- 26) Stephen Beyea, 936 Main Street
- 27) Marc Mathurin, 941 Main Street
- 28) George Pattison, Main Street
- 29) Kelly Johnson, 966 Main Street
- 30) Paige Danaher, 1031 Main Street
- 31) Scott Cornfield, 1051 Main Street
- 32) Kelly Gallup, 1283 Main Street
- 33) Jon Hovey, 1515 Main Street
- 34) Cecil and Fran Reid, 1668 Main Street

- 35) Dana and Wanda Bradshaw, 26 Mott Street
- 36) Ed O'Hanley, 149 Saint Paul's Street
- 37) Will McWhiter, 146 Saint Paul's Street
- 38) Greg Anderson, 137 Saint Paul's Street
- 39) Paul Lawrence, 17 Dale Avenue
- 40) Allan Levine, 34 Dale
- 41) Stephen Duncan, 34 Dale
- 42) J. B. McKenzie, 45 Dineen Crescent
- 43) Janis Anderson, 44 Randall Drive
- 44) Joe Anderson, 44 Randall Drive
- 45) Margaret Anderson, 44 Randall Drive
- 46) Dave McKenzie, 55 Randall Drive
- 47) Zelda McKenzie, 55 Randall Drive
- 48) Lowell Jones, 8 Centennial
- 49) Sheryl Moore, Fundy Mutual, 8 Centennial
- 50) Carol Anne and Gary Forsgren, 14 Centennial
- 51) Jerry O'Keefe, 14 Centennial, Unit 1
- 52) Blanche and Robert Jones, 22 Centennial Road
- 53) Paula Perry, 31 Centennial Road
- 54) Jeff Snow, 36 Centennial
- 55) Shana Wilcox, 43 Centennial Road
- 56) Elizabeth Tays, 22 Neil Drive
- 57) Cindy Tays, 20 Neil Drive, Unit 1
- 58) Jeremy Foss, Viola Avenue
- 59) Kristina Birch, Viola Avenue
- 60) Kaleigh Travis, 54 Viola Avenue
- 61) Christopher Moore, 158 Viola Avenue
- 62) Tyler Raeburn, 68 Route 845
- 63) Richard Wetmore, 100 Rte. 845
- 64) John Snow, 347 Norton Shore
- 65) Eric Lynch, 16 Pickwauket Road
- 66) Don Kredl, 34 Pickwauket Road
- 67) Paula Kredl, 34 Pickwauket Road: She is in support of a family restaurant with entertainment, but for respect of the people living close by, she feels a 12 p.m. closing time would be appropriate. Because of the closeness of the high school, she feels gambling machines should not be permitted.
- 68) Stephen MacMackin, 172 Pickwauket Road
- 69) Daryl Moore, 11 Geldart Court
- 70) Tim Moore, 26 Ross Blvd.
- 71) Allan Perry, 17 Meadow Avenue
- 72) Andy Lodge, 45 Meadow Avenue
- 73) Laurel Phillips, Ed Phillips, Matthew Phillips & Tricia Deering, 129 Kennebecasis River Rd
- 74) John Breen, 343 Kennebecasis River Road
- 75) Beth Brown, 363 Kennebecasis River Road
- 76) Heather Reuvekamp, 566 Kennebecasis River Road
- 77) Andrew Gaunce, 341 William Bell Drive
- 78) Gerald Defazio, 163 William Bell Drive
- 79) Stephen Ritchie, 1114 Logie Drive

- 80) Jim Hovey, Hovey Insurance, 39 Railway Crescent - He feels this is something Hampton needs. He says that knowing Baird it would be done properly.
- 81) Bill and Dianne Rector, 51 Keirstead Avenue
- 82) Leonard and Brenda Goobie, 10 Gordon Street
- 83) Travis Goobie, 10 Gordon Street
- 84) Dr. Erik Klein, 9 Dann Drive - He is not concerned about proximity to the high schools as the uptown Saint John high schools are close to pubs. He feels that Hampton needs a variety of clean family-friendly business to encourage sustainable controlled growth and that this would be helpful for the community.
- 85) Heather Moase, 41 Rockcliff Drive
- 86) Marilyn Parsons, 7 Bartlett Avenue
- 87) Jeff and Kim Matheson, 19 Keirstead Avenue
- 88) Trish Rodd, 31 Keirstead Avenue
- 89) Joseph Anderson, 12 Ossekeag Court
- 90) Kristal Kilpatrick, 12 Ossekeag Court
- 91) Matthew Cromwell, 49 Vernon Avenue
- 92) Andrew Prosser, 92 Donlea Drive
- 93) Allison Johnston, 26 Highland Drive
- 94) Dennis Fiander, Bovaird Lane
- 95) K. Newhouse, 24 Saint James
- 96) J. Newhouse, 24 Saint James Street
- 97) Odeen Whiter, 66 Tilley Street
- 98) Denise and Don Long, 79 Law Avenue
- 99) Lois Beyea, 54 Demille Court – She stated that if all Mr. Baird’s plans come to fruition it will be an asset to Hampton. She suggests that he may need more parking than he has designated as staff will need parking as well as patrons. She suggests that the hours be reduced on Friday & Saturdays to 10 am to 1 am. She feels 2 a.m. is a very late closing time for a small town like Hampton, particularly with residential homes in close proximity. She hopes that her suggestions will warrant consideration.
- 100) Elsie Backwood, 54 Demille Court, Apt. 9
- 101) George Goss, 46 Osburn Avenue
- 102) Dave Marshall, 109 Villa Drive
- 103) Cherie King, 109 Villa Drive
- 104) Kent Burdett, 101 Dutch Point Road
- 105) Thelma Messer, 79 Bartlett Avenue
- 106) Stan and Lorraine Brown, 26 Mapleview Drive
- 107) Jim and Carole Kerr, 63 Greenwood Court
- 108) Anne Chamberlain, 42 Raymond Street
- 109) Fraser Day, 14 Everett Street
- 110) J.H. and R. A. Barnstead, 26 Everett Street
- 111) Sean Buchanan, 4 Vernon Avenue
- 112) Tony Fullerton, 4 Vernon Avenue
- 113) Stewart Sparks, 20 Greenwood Court
- 114) Katie Russell, 87 River Road
- 115) Chris Plum, 38 Pederson Avenue
- 116) Herb Isbill, Hampton
- 117) Brian Cosman, Hampton
- 118) Leu Moulton, Hampton

- 119) Andrew Turnbull, Hampton
- 120) F. Ralph Richards, Box 1369, Hampton
- 121) Pat Richards, P.O. Box 1369, Hampton

Outside of the Town

- 122) Evan Ruttle, 473 Hall Road
- 123) D'Arcy Martin, 569 Hall Road, Lakeside
- 124) G. Kilpatrick, Lakeside
- 125) D. Kilpatrick, Lakeside
- 126) Karen Kennedy, Quispamsis
- 127) Bill Oliver, 18 Log Cabin Lane, Keirsteadville
- 128) Corey McKinney, 275 Bonney Road

The Clerk stated that following the public presentation, the applicant circulated a form letter and provided an information package for review for residents and business owners to sign in support of the concept of the Shire Town Publicans. Council was provided a copy of the letter and the information package which is attached herewith as Appendix "B". 22 letters were submitted by the applicant to the Town of Hampton on August 28th prior to the noon deadline. If the supporter provided comments, the Clerk provided a summary of same. The following individuals signed the letters:

- 1) Melody Jones and Jonathan Jones, 25 Ludlow: The Jones noted that as of August 26, 2009, they have decided to support Edward Baird in the rezoning of 274 Main Street Hampton.
- 2) Ellen Hanlon, 39 Law Avenue
- 3) Wendy Wolfe and Wayne Wolfe, 38 Dann Drive
- 4) Dorothy Dearborn, 650 Kennebecasis River Road
- 5) C. H. "Skip" Dearborn, 667 Kennebecasis River Road
- 6) David Salgado and Sally Salgado, 24 Dann Drive
- 7) Connie Downey, 596 Kennebecasis River Road
- 8) Archie Downey, 596 Kennebecasis River Road
- 9) Bev Harrison, 52 Centennial Road
- 10) Allan Marshall, 1467 Main Street
- 11) John Marshall, 1467 Main Street
- 12) Wayne J. Johnson, 107 St. Andrews Street
- 13) Joy Patriquen, 107 St. Andrews Street
- 14) Jason Myers, 8 Alexander Court
- 15) Don Robinson, 94 Kennebecasis River Road
- 16) James McLeod, 11 St. Andrews Street
- 17) Brad English, 73 Rockcliff
- 18) Chester McMackin, 31 Mott Street: As of August 28th, 2009 he was in support, based on completion and maintenance of commitments made.
- 19) Paul Leonard, 56 Cemetery Road
- 20) Laurel Phillips, Ed Phillips, Matthew Phillips and Tricia Deering, 129 Kennebecasis River Road
- 21) Stan and Lorraine Brown, 26 Mapleview Drive
- 22) Jim Booth and Irene Booth, 1028 Main Street – On July 26, 2009, the Booth's noted that they are in favour of the proposed pub that is to operate at 274 Main Street. They have lived at 1028 Main Street for twenty-two

years and have an excellent relationship with the Legion Hall. Their house is twenty feet from the hall but this has caused them any trouble. This is a prime example of a business being run properly in a manner to serve everyone and hurt no one. They are sure that this will be the case with the “Publican’s.” They feel the pub should compliment some existing Hampton establishments and provide employment. They feel that this is great that people from “Hampton” want to invest this amount of time and money in “Hampton.”

The Clerk noted that nineteen (19) letters of support were received prior to the deadline.

Lorna Doyle, Supervisor, Emmaus Group Home/Fundy Residence Inc., 286 Main Street

She indicated that she is impressed that one of Hampton’s young people is not only willing to come home but wants to start a business. She said her biggest concern is noise and feels satisfied with the responses Mr. Baird provided her in regards to this concern. She feels that the men of Emmaus Group Home will benefit from the ability to interact socially with members of the community at the proposed establishment. She is confident that Mr. Baird will take the Emmaus residents’ best interest at heart and will address any problems or concerns as they arise. She is concerned about the blind knoll and the speed limit.

Carrie Doherty, 585 Kennebecasis River Road

She wishes to express their interest and hopefulness in this wonderful project. This establishment would be a great asset to the community and a refreshing change of scenery. This is the exact type of business that would add to the beauty of our already beautiful town.

Dan McCarthy, 86 Greenwood Court

He thinks a new family restaurant/pub would be great for the Town of Hampton. He looks forward to taking his family out for a nice supper in our community and not having to travel to Quispamsis or Saint John to do so, or going out for an evening with friends and fellow Hamptonians. He hopes Town Council approves this zoning as he believes we need to see Hampton grow.

Lynn Hoyt, 42 Law Avenue

She is in full support for the Shire Town Publicans family restaurant/pub being established in the Town of Hampton.

Robynn Pavia, 1225 Main Street

She thinks the new pub/restaurant is a great idea and the Town should be encouraging new business to come to Hampton.

Chris Langille, 1319 Main Street

He stated that there are many reasons that he supports the Shire Town Publicans project, with the biggest and most important to him is that he lives in Hampton and he would like to work in Hampton. He is a cook by trade and currently there are no restaurants in town that he would enjoy working at. He feels that Mr. Baird’s project is a big opportunity for him and others who are interested in a cooking career to get some good experience in the industry without having to travel out of town. He also thinks that community is very important, especially in a small town like Hampton and he believes that a small town

restaurant/pub like this would provide the perfect spot to hang out and have fun at. When he thinks of going out in Hampton, he thinks of the courthouse bar, Hampton billiards or the Vintage Bistro. He thinks that it would be nice to have another option, especially one where he might hear some live music. He also likes beach volleyball.

Mike Langille, 1319 Main Street

He has reviewed the plans for “Shire Town Publicans” as shown on the Town of Hampton website and would like to fully voice my support of this project

Chris Lavigne, 1547 Main Street

He supports the new proposed Pub/Restaurant at the old Curves location. He and his wife are young professionals who frequent restaurants in Saint John several times a month and they say that they would really enjoy having this place open in Hampton.

Amanda Demers, 64 Barbara Street

She indicated that she is speaking for herself and the other four members of her family when she says they would be in full support of the renovation of the building and lot proposed for the Shire Town Publicans. They have reviewed the plans and they look like they are full of wonderful ideas. She indicates that they especially appreciate how the designers thought of a formal park area and outdoor volleyball court as they are an active family who appreciates the outdoors.

Heather McKinnon, 111 Keirstead Avenue

She has reviewed the plans for Shire Town Publicans as shown on the Town of Hampton website. She is in full support of this project, and believes that it will be a great addition to our wonderful little town.

Denise Clarke, 14 Dutch Point Road

She is in support of the potential new family restaurant proposed for the Old Curves Building.

Daryl and Joan McFarlane, 27 Bartlett

They have resided in Hampton for twenty-nine years and have no objections to Shire Town Publicans proposed for Main Street.

Bill and Michele MacDougall, Owners of Hampton Home Hardware located at 406 William Bell Drive and residents of 65 Raymond Street

They would like to offer their support for re-zoning the former Curves property to allow the development of Shire Town Publicans. As business owners they feel strongly about increasing the ability to serve all the needs of our fellow Hamptonians and keep our spending dollars at home. The local businesses in this community support many community events charities and schools. The local businesses also employ many local people including our youth who need employment close to home. Local businesses also greatly increase the tax dollars available. They asked Council to imagine twenty five new jobs in our small community. They said if two of the Town’s other popular restaurants have already given this establishment their blessing, the rest of the Town should stand behind them as well.

Matthew Phillips, 129 Kennebecasis River Road

He is a twenty nine year resident of Hampton. He stated that he has reviewed the plans for the *Shire Town Publicans*, and is in full support of Mr. Baird's in efforts to create this establishment. He is concerned that a highly vocal minority, who are opposed to the development, is overshadowing the support of a far greater number of Hampton residents. He felt that the adjustments that Mr. Baird made to his proposal demonstrated Mr. Baird's willingness, and commitment, to work with the town and it's residents to create an establishment that is very well suited for the town of Hampton. He believes the *Shire Town Publicans* would be an asset to the town of Hampton by providing employment for numerous area residents, additional revenue for the town, and a comfortable environment to socialize. Based on the plans the building, which has been an eyesore for years, would become a very attractive and aesthetically pleasing structure that would fit in well with many other of Hampton's buildings. Mr. Phillips believes that the establishment has the potential to draw in visitors who would otherwise not visit Hampton, which would generate revenue for the various small businesses as well as the town. He feels that although there are currently similar establishments in Hampton, each caters to different clientele, and none offer the food, environment, and atmosphere that would be created by the *Shire Town Publicans*.

Howard and Donna Spalding, 142 Centennial Road

As long term residents of Hampton, they are very much in favour of the proposed development in the former Curves location on Main Street. Having just returned from a trip to Ireland, they have experienced firsthand the importance of pubs in local communities and their cultural contribution to Towns and Villages.

Andy Lodge, 45 Meadow Avenue

Mr. Lodge stated that although he is representing Edward Baird, Hampton Real Estates Services Limited in his legal capacity, he felt that he would be remiss if he did not also forward along his wife's and his opinion on this issue as the parents of a young family in the Town of Hampton. He was impressed with the proposal and the business model that is being suggested for 274 Main Street. He feels this new establishment will fill a void that they believe would be a great asset for the Town of Hampton both in servicing its current residents and in attracting new ones. He believes that the traffic and hustle and bustle will potentially be a problem no matter what business is eventually placed at that location. The only real solution to avoid that problem entirely is for the Town or the select opposing neighbours to buy the property and prevent its development that way. He said that there has been a lot of talk about the lot not being the ideal location. This may be true but the Town has many lots currently zoned for this particular use that Mr. Lodge believes would be much worse. There are a lot of positives about the location that has been chosen and it is these positives that the Town should be focusing on. There is a significant distance between this establishment and the neighbours, the developer is offering to co-operate with everyone and is offering to make a park area for the enjoyment of the entire public. He believes that parking would not be an issue. He says he understands the concerns of the neighbours but feels that we must be careful of the "not in my backyard" issue. He believes this development would be great for the Town. He hopes the voice of the majority is heard.

Roland d'Abadie, Rothesay, NB

He wishes to be added to the list of residents, businesses and visitors who support the establishment of the *Shire Town Publicans*, family restaurant and Pub. He believes Mr.

Baird has invested considerable time and effort into developing a plan for the establishment of this facility which will add a much needed pub and family restaurant to the town and provide a place for family and friends to meet. He believes that Mr. Baird is committed to making a substantial financial investment to develop a venue which will add a further attraction to Hampton. Mr. d'Abadie is not a resident of Hampton but he says that he spends a considerable amount of time in Hampton. He believes this establishment will provide a much needed facility where local business can entertain their guests/clients. It will also provide a facility where families can also entertain their visiting family and guests.

Chris Williams, Calgary, Alberta

He is in support of the Shire Town Publicans pub and thinks this would be a great addition to Hampton.

Andrew Oulton, 516 Darlings Island Road

He has reviewed the plans for Mr Baird's Shire town publicans and is strongly in favour of such a project.

The Clerk noted that thirteen (13) letters of opposition received prior to the deadline of Friday, August 28, 2009.

Carol Spence, 220 Main Street

She is against the new pub going into the old Curves building. She is concerned about children walking home from lunch from the High School, her son being one of them. She is very concerned about the noise this type of establishment may emit into their quiet slice of Hampton. She thinks the pub would be a welcome addition to our Town but not in this chosen spot.

Rev. Fred A. Bradford and Alice Bradford, 234 Main Street

They wished to voice their disapproval of the 'Ale House' proposed for 274 Main Street. They expressed concerns about children having to pass by this establishment on their way to and from school. Being elderly, they indicated that they chose the pictorial Town of Hampton as their retirement residence and are worried that with the new establishment it will no longer be a quiet, restful habitant with late night rackets, noises and bright floodlights, the hours changing at every proposal. They are concerned about the potential increase in intoxicated drivers. They indicated that we have a New Brunswick Liquor Store in the Town of Hampton, a place stocked with the intoxicating beverages the clientele can buy to drink on their own properties, not to be a nuisance to the homeowners and tax payers in their neighbourhood. They asked Council to carefully consider their citizens and their concerns in this matter.

Cherie Davis, 244 Main Street

She requested an opportunity to speak at the public hearing. In addition she noted that she has grown up and been a resident of Hampton for over thirty years and is proud of this community and the growth we have achieved and continue to achieve. As a small business owner she states that she is always supportive and excited for other potential new business owners and their ideas as long as it benefits our town. Unfortunately, she believes the proposed re-zoning of 274 Main Street (PID#00193748) to allow the operation a restaurant/licensed pub is not something that she sees our town benefiting

from and therefore she disapproves of this amendment and application. As a close neighbour to the proposed site, she is concerned about:

1. Increase of late night traffic.
2. Noise associated with such an establishment.
3. Location in the middle of a residential neighbourhood.
4. Increase probability of traffic accidents due to the blind hill and possible intoxicated drivers leaving establishment.
5. Noise level of patrons leaving premises.

Diane Cyr, 260 Main Street

She resides next door to the old Curves building and she is opposed to having this establishment opened to serve liquor.

Gerald and Nancy Arseneault, 312 Main Street (Owners of PID 30231021 and 30231013)

They are strongly against the possibility of amending the zoning to allow a bar to be opened in their neighbourhood. They moved to the area three years ago with their three young children. They love the area and have been happy every day with their decision to move here. However, the proposal by Edward Baird to establish a bar in the former Curves building concerns them greatly as they feel it will have a direct impact on their lives and the lives of their children. This property is in close proximity to their home and if the zoning is amended to allow a bar to be established it will mean the strong possibility of exposing their family to drunken bar fights, intoxicated individuals who could easily wander up their driveway and the increased chance of break and enter in their home, not to mention the de-valuation of their property from being close to such an establishment. She is concerned about whether Mr. Baird is truly committed to having no VLT's at the establishment. They are concerned that Mr. Baird seems more interested telling people what they want to hear, rather than what his true intentions regarding this site are. They believe that Mr. Baird has no clear vision of what he wants to do; only that he intends to make money from the property regardless of the means. They wonder how Council can consider an amendment to the zoning based upon this. They noted that when Mr. Baird visited their home to plead his case, he would not provide an answer to the question if he would appreciate having a bar open in such close proximity to his own home. He never gave a yes or no answer even though they repeated the question four times. They state that Hampton is a beautiful town with much to offer, including a quieter and simpler life that would not be enhanced in any way by the addition of another bar. They believe that it is time to take a stand against what is happening in other centers in our area where bars and strip clubs are becoming the norm, and to do our utmost to preserve what we have in Hampton. This property is a prime location for any number of business opportunities which could improve the lives of many people in Hampton and surrounding area. Establishing a bar in this location will in no way improve the lives of the residents, it will only improve the wealth of Mr. Baird.

Lorraine Marr, 336 Main Street

She objects to a drinking establishment at 274 Main Street. She feels this is not the best place to have this establishment. She is concerned that it will cause major accidents and that it is impossible to control young people while they are drinking.

Alice Cox Caunter

She is totally against the pub planned for the old Curve's building. She wonders how many bars we need in Hampton. She says that it will add to the traffic on Main Street and possibly Logie Drive. She says there are many young families in the area plus at least two

bus stops and the mailboxes. She said the proposed location is close to a Special Care Home, the Emmanus Group Home and a Day Care. She is worried about the decreased value of the residential properties. She moved to Hampton because it was peaceful, and a quiet, friendly place to raise a family.

Shawn Price, 10 Neil Drive

He believes that Councils vote to allow Mr. Baird to amend his proposal was unwarranted. He quoted Mayor Chorley as saying "Council is willing to give the applicant some leniency due to his inexperience in the rezoning matters." Mr. Price pointed out that at the PAC meeting, his solicitor, Howard Spalding, was present and spoke on Mr. Baird's behalf; and at both of the past two meetings of Council, his other solicitor, Andy Lodge, spoke on his behalf. Mr. Price felt that 'IF' Mr. Baird had limited experience in the rezoning matters, his lawyers should not have been. He stated that he would like the opportunity to speak at the public hearing to express his opposition to the proposal. He noted that this bar will be between the High School and some eighteen students who will have to walk over that 'blind knoll' and past the bar, all without sidewalks just to get to school. He stated that the Town's vision (or plan) to have a green space and shopping centre in the centre of town does not lend its support to having people's first experience driving into Hampton on the old Route 1 to be greeted by a bar in the middle of a residential area.

George and Elizabeth Tays, Marysview Special Care Home, 20 Neil Drive

They have operated at this location for twenty-one years. They selected it as it was a quiet area with families, young children and retirees. They are not impressed with the possibility of a restaurant and pub near their business.

George and Elizabeth Tays, 22 Neil Drive

They do not want a bar in their nice, peaceful, quiet neighbourhood. They also feel this is not a good location because of the blind knoll. They feel Hampton has enough drinking locations.

Walter and Nancy Meech, 533 Kennebecasis River Road

They are opposed to the rezoning for the purpose of establishing an English style pub or anything else of a commercial nature at 274 Main Street. They do not feel that this is a good location because of the blind knoll and the speed of the traffic in that location. The potential for accidents increased after patrons have been consuming alcohol. They feel that there are enough liquor establishments in Hampton for a population our size. They feel that this building has been a commercial failure since it was built. He wonders if Mr. Baird has a strong enough business case. He sympathizes with the residents in the area who are concerned about noise.

Walter Davis, 14 Mott Street

He requested to speak at the public hearing. His intentions were to speak against this proposal and he would like to discuss his objections in full at this time.

David Carr, 564 Main Street

He wonders if the community can support another licensed restaurant/pub over the long run. He notes that we currently have two licensed establishments, two licensed restaurants and five clubs that have bar facilities, plus the liquor store. Since he opened his business

in 1979 he has seen over 140 businesses open and close and would hate to see another business fold in three-five years due to lack of business. He pointed out that Mr. Baird had argued one of the benefits to this business would be that local residents would not have to risk driving impaired home from Saint John. What about the ‘visitors’ to the community that Mr. Baird hopes will come to Hampton from outlying communities. He wondered if the Town would be in favour of a land swap between Mr. Baird and the Town. He felt there may be a suitable location on William Bell Drive.

The Mayor opened the floor to comments, inviting any members of the public who wished to speak in favour of the application to present themselves at the podium. He asked them to state their name and address and to keep their comments concise and relevant to the application.

The following individuals spoke in favour of the application:

Bill Turner, 75 Greenwood Crescent

Mr. Turner indicated that he was one hundred percent for the proposed development.

Steve Langille, 1319 Main Street

Mr. Langille stated that if the proposed development is going to create twenty-five jobs and Mr. Baird is going to spend a bunch of money to fix up an unsightly building, then he supports the proposal. He believes that the Town should support anyone who wishes to stay here. He wished Mr. Baird luck in his endeavour.

Donna Spalding, 142 Centennial Drive

Mrs. Spalding states that the Town should encourage our young people to stay in Hampton. She feels that Mr. Baird has the education, financial backing and established roots to start a successful business here.

Jim Booth, 1028 Main Street

Mr. Booth stated that he resides adjacent to the Legion and they have been the best neighbours that he has had. Mr. Booth indicated that he travels with his job frequently to small communities and in those communities there are often establishments similar to what Mr. Baird is proposing with live music and open mike nights. These establishments are a focal point of these communities and provide area young people with an opportunity to earn spending money. He noted that these types of establishments are often used as a location for fundraising for sports teams. He provides car washes as an example. He stated that it is his opinion that this is the type of establishment that Mr. Baird is aiming for and he supports it one hundred percent.

Jason Myers (4 Pickwauket/8 Alexander Court)

Mr. Myers stated that he is an entertainer who has been living in the community since 2000. He stated that Hampton is missing the niche the Shiretown Publicans can provide. He stated that the Vintage Bistro and Holly’s Restaurant are too high end. He felt that Mr. Baird’s proposed establishment would be a meeting place for all. He stated that artists are the heartbeat of the community. He encouraged Council to make it happen.

George Pattison, 950 Main Street

Mr. Pattison stated that the first time he met Edward Baird was when he presented Mr. Pattison with his application and asked for his support. He felt that it could be a place to come with his family but as a non-drinker he had some of the same concerns expressed in the letters entered into the record by the Clerk. He said that he sympathizes with the families in the neighbourhood of the proposed development. He also stated that he knows that the Planning Advisory Committee and staff will be very careful to ensure that the neighbours concerns are addressed. Mr. Pattison stated that he was most impressed by the fact that the building has been an eyesore and that Mr. Baird's proposed renovations will improve the area. He stated it was important to beautify the Town. Mr. Pattison stated that he was torn in many ways. He hopes that if approved, the establishment would be a success and not bring any ill feelings. He was concerned about what would happen at the location if it transferred ownership. He wondered if the community would have the same confidence in another owner.

Pam McKenzie, 316 Centennial Road, Bloomfield

Ms. McKenzie stated that she is not a resident of Hampton but lives just outside the Town limits. She stated that she has more concerns about the traffic issues at the Main Street and Centennial Road intersection than she does about the blind knoll located by Mr. Baird's proposed establishment. She said that Hampton needs a "middle of the road" establishment. She said that the Vintage Bistro is too expensive. She stated that she could easily walk home from Mr. Baird's establishment and felt that it would be in walking distance for many.

Hugh Colton Baird, 28 Pickwauket Road

Mr. Baird stated that he was proud of his brother and his proposal for the Shiretown Publicans. He noted that Canada Post is not concerned about the traffic in this location. He felt that the speed limit of 70 km/hr was too fast for this location and that it should be reduced to 50 km/hr. He stated that this is a great location for this business. He noted that his brother has an education in business and that he has travelled the world and would draw on what he had observed and learned from restaurant and pubs around the globe. He said that Publicans will reflect the mindset of the community. He stated that his brother has had to jump through lots of hoops but that people continue to show their support for the project. He stated that Council has to let Hampton grow and that this location is on Main Street.

Jon Westphal, 17 Saint James Street

Mr. Westphal stated that the Town is growing and there are lots of new businesses in the community. He stated that time does not stand still. He stated that this is a family-oriented establishment that would fill a niche in the community. He said that if Mr. Baird was successful in his application that he would patronize the establishment. He stated that he is in favour of the proposal.

Joey Anderson, 12 Ossekeag Court

Mr. Anderson stated that although he would not describe himself as a young professional, he has a young family in Hampton and feels that this would be an ideal establishment to take his family to eat. He noted that the speed limit on William Bell Drive is also 70 km/hr so cars would be travelling just as fast in that location. He felt that the speed limit throughout Town should be 50 km/hr. He stated that on William Bell Drive patrons would

have to contend with transport trucks so he felt that the Main Street location was a better choice. He said that he feel compassionate for the residents in the area but thinks that topographically that that this is an ideal location with a few issues to be resolved. He noted that he hopes to get a snow plow contract from Mr. Baird if he is successful.

Jeff Matheson, 19 Keirstead Avenue

Mr. Matheson asked Council to think about other licensed family dining establishments like Swiss Chalet and Boston Pizza. He felt these types of establishments have served their communities well. He said that this proposal won't escape mishaps but that a lot of thought has gone into the proposal.

Howard Spalding, 142 Centennial Road

Mr. Spalding said that he has known Edward Baird since he was a young child selling eggs. He noted that he was a very good egg salesman. He said that Hampton is known as a residential community, a bedroom community. He said that if we want Hampton to be dynamic, then we have to allow commercial businesses to grow. He felt that if the application was successful that people won't be disappointed.

Lynn Sparks, 20 Greenwood Court

Ms. Sparks thinks the Town would be making a mistake if they force Mr. Baird out. She felt that the commercial business would increase the tax base.

Gloria Baird, 28 Pickwauket Road

Ms. Baird stated that her son was honourable and that he had a good business plan. She felt his proposed establishment was a place that she could take the residents of the Snow Centre to have a nice meal. She asked people to raise their hand if they were in favour of her son's proposal. Members of the audience raised their hands but did not state their name into the record.

When the last person who came forward to speak in favour of the application, the Mayor called three more times for anyone else who wished to speak in favour of the application. No one came forward.

The Mayor invited any members of the public who wished to speak in opposition of the application to present themselves at the podium. He asked them to state their name and address and to keep their comments concise and relevant to the application.

Walter Meech, 533 Kennebecasis River Road

Mr. Meech stated that he loves taverns. He said that he was most concerned about the large capital investment into a building that has flunked since it was built. He stated that if the business does not fly than the zoning changing will be in place. He hopes that Mr. Baird has a strong business case. He felt that lots of people will speed down Kennebecasis River Road, past his house, to get there. Mr. Meech stated that he wished Mr. Baird well but he is concerned.

Shawn Price, 10 Neil Drive

Mr. Price referred to an earlier reference to Swiss Chalet and noted that Swiss Chalet restaurants do not stay open until 2 a.m. as Mr. Baird is proposing for his licensed restaurant and pub. He stated that he liked David Carr's suggestion of a land swap with

the Town of Hampton for a parcel on William Bell Drive. He stated that if Mr. Baird wanted to operate an establishment that should be in a Town Centre zone than he should have bought a parcel of land in Town Centre. He stated that the blind knoll at the train bridge has been a problem since the building was erected. He stated that he is concerned that Mr. Baird has delivered his proposal to Council and PAC on three occasions and each time his proposal is different. Changes have included adding Sunday operation hours, increased the hours of operation on Thursday night and adding a beach volleyball court. He is also concerned that Mr. Baird stated that there will be no VLT'S but was concerned that once Mr. Baird was approved for his liquor license that the province could determine that he was eligible to have VLT's. He was also concerned that if Mr. Baird wanted to introduce outdoor drinking at a later date that it would be harder for residents to oppose it then. He said that there were safety concerns with nineteen children living between 274 Main Street and the Park n' Ride. He noted that there were no sidewalks to the high school from this end of Main Street. He was concerned about the blind knoll. He also pointed out that he felt Mr. Baird mislead the public at the public presentation when he said that he had been in consultation with the RCMP. Mr. Price stated that Mr. Baird had not in fact spoken with the local RCMP but rather a citizen RCMP community liaison officer stationed in Sussex. He said this was a minor detail but that it was misleading. He felt much of Mr. Baird's presentation was misleading. He also noted that he was offended that Mr. Baird was permitted by Council to amend his application. He felt that his legal counsel should have been experienced in the process and that the amendment should not have been necessary. Mr. Price also stated that he that he wished to speak on behalf of Tracey and Kim Reynolds at 214 Main Street who were also concerned about the blind knoll and felt that there were better places in Hampton for the project. He wished Mr. Baird the best of luck but wanted the proposed development moved to a location that was already zoned for it.

Cherie Davis, 244 Main Street

She stated that what Mr. Price said was "bang on." She said that Mr. Baird's ideas have flipped and flopped. She thinks it will be a fabulous business but it should not be in her residential neighbourhood. She stated that 2 a.m. was too late for the business to be open and that it was not a good location for it.

George Tays, 22 Neil Drive and Owner of the Special Care Home at 20 Neil Drive

Mr. Tays stated that he selected the location for his special care home because it was a quiet area. He felt that the Legion was located on a bad turn and had received lots of emergency calls in the past. He wondered why Council would consider this type of establishment on another bad spot because of the blind knoll. He was clear that he was not opposed to the idea but that he was opposed to the location. He said that the increased tax dollars would be great for the Town but not worth risking someone's life. He said common sense dictates that this is not the location for this establishment.

Walter Davis, 14 Mott Street

Mr. Davis stated that he against Mr. Baird's proposal. He stated that this is not the appropriate place for this business and that it would reduce neighbourhood harmony. He said that a small neighbourhood business is okay for the location but not what Mr. Baird is proposing. He said Mr. Baird's proposal will mean increased noise, traffic and light pollution. He said that residents in the area are used to quiet that allows them a restful night's sleep after 11 p.m. He said that a 2:00 a.m. closing time would mean noise until 2-

2:30 a.m., maybe later. Mr. Davis indicated that many of the drivers leaving the proposed establishment would be at some level of impairment. He was concerned about the proximity of the “blind” knoll to the driveway and noted that in some cases the road conditions would also be slippery. Mr. Davis wondered where Mr. Baird planned to accommodate overflow parking. He stated that Mr. Baird’s plans called for 37 parking spots, but with staff and room for 100-120 patrons than at busy times there may be a need for 40-50 parking spots. Mr. Davis stated that pedestrian traffic is high in that area with many students walking to school. He felt that there would be a great increase in public safety concerns. Mr. Davis felt that the neighbours do not know exactly what is going into the location as Mr. Baird’s plan has changed many times. He felt that many of the individuals that signed the form letter circulated by Mr. Baird did not give the proposal a lot of thought, that they may have liked the plan and the concept but that they were not necessarily considering the location and whether there were other locations in the Town that were better suited for this business.

When the last person who came forward to speak and expressed their views, the Mayor called three more times for anyone else who wished to address Council on the application. No one came forward and the Mayor was satisfied that every person wishing to speak to Council was given an opportunity to do so.

Once the last delegation from the public was heard, Mayor Chorley provided Mr. Baird with an opportunity to provide brief summary comments.

Mr. Baird displayed a map of the properties in the area of 274 Main Street. He had coloured in blue every property that he believes have signed a letter of support and are in complete support of the project. He said these letters have been submitted prior to the deadline of August 28th. He stated that individuals coloured in dark blue signed letters of support after the deadline.

The Clerk noted that as a point of order, that these letters could not be considered as they were past the deadline and that these individuals had not come forward to express their oral support of the application when the Mayor provided the opportunity to do so during the public hearing.

Mr. Baird included a radius to his map, showing properties within a hundred metre radius of 274 Main Street. He stated that no property owners within that radius were in opposition to the development and that five were in full support of the proposal. He stated that their closest neighbour, the Emmaus Group home, was in full support. He said that within 300 metres, there were thirteen property owners who expressed written support and eight property owners who expressed their opposition.

Mr. Baird said this will be a place for the entire community. It will provide quality entertainment and a really nice dining experience for everyone in the community. He admits the proposal has changed slightly over the summer but only from feedback received in the community.

He does not feel that traffic should be a concern in that this property is currently zoned neighbourhood commercial which would attract every bit as much traffic as a licensed restaurant and pub.

Mr. Baird said that the Town's Noise By-law will address noise concerns. He says the new By-law has been enforced and he will comply with it.

Council was provided an opportunity to ask questions to staff, the applicant and the delegations in order to obtain clarity on what was being said.

Councillor Behr asked staff if the maps that Mr. Baird presented showing properties in the vicinity of 274 Main Street were accurate with the data that the Town had. The Town Clerk noted that the Town's information varied from what was presented by Mr. Baird. She noted that the staff information was based on written input received from the public by PAC and Council, as well as all those who had provided oral comments at the PAC meeting and subsequent Council meetings. The staff data was also based on both owners and occupiers of the properties.

The Mayor asked if Council had any more questions. There were none.

Mayor Chorley adjourned the public hearing.

Council then proceeded into immediate discussion regarding the rezoning application.

Deputy Mayor Bond stated that he was impressed by the quality of the comments. He also noted that the *Municipalities Act* requires the Town of Hampton to have a five year plan to guide the future growth of the municipality. He noted that it provides the Town with a planning framework and provides Council with guidance on land-use and development-related issues. He stated that the Town had hired consultants who have already completed public meetings for input and that the consultants should have their draft recommendations to Council in the near future. He said that one of the issues being considered was the existing distance of the Town Centre zone. He is not sure what the consultants will be recommending but felt that making a decision on the rezoning of 274 Main Street at the current Council meeting may be putting the cart before the horse.

Moved by Deputy Mayor Bond and seconded by Councillor Doucet that Council table the discussion and decision regarding the application of Hampton Real Estate Services Limited to rezone 274 Main Street from Neighbourhood Commercial to Town Centre, which included a Municipal Plan amendment to change the land use designation from Residential to Town Centre, to allow for the operation of a licensed restaurant and pub until the draft of the new Municipal Plan is brought before Council for review.

Motion Carried

The Mayor called for a fifteen minute recess.

Council resumed the regular session at 9:10 p.m.

7. ADOPTION OF MINUTES

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

Motion Carried

8. BUSINESS ARISING FROM THE MINUTES

Utility Poles

Deputy Mayor Bond inquired about the status of the Town's request to have New Brunswick Power straighten utility poles on the access road from the highway to Main Street. Staff will provide an update in October.

9. CORRESPONDENCE LIST

#	NAME	DESCRIPTON	ACTION
09-151	Reggie Luhele, Mayor, Pigg's Peak, Swaziland	Request that Council commence preparations of a Memorandum of Understanding between Hampton and Pigg's Peak.	Referred to Staff to invite Mark Bettle to a future Council Meeting.
09-152	Peter Taylor, HCTC	Thank you for support of 2009 <i>Royale Cup</i> Canadian Junior Girls' Championship held at the Hampton Golf Course	Council noted that the event was quite successful with 120 Junior Women participating. Received and filed.
09-153	Line Doiron, Executive Director CBDC	Copy of the 2008-09 Annual Report for the NB Association of CBDCs.	Received and filed.
09-154	Gail MacKinnon, Secretary, HHS Scholarship and Bursary Foundation	Thank you for providing office space for summer student.	Received and filed.
09-155	Chris Titus, Chairman Saint John Transit Commission	Invitation to attend the Grand Opening of the new transit facility, which is has been built to LEED standard, taking place at 10:30 a.m. on September 8th at 55 McDonald Street.	Councillor Behr and Mayor Chorley had attended the opening and noted that the new facility was very impressive. They believed that Hampton's new articulated bus would be in operation on September 27 th . Received and filed.
09-156	Mark Cormier, 8 Brunswick Street	Request for speed bumps and/or stop signs on Brunswick Street.	Referred to the Publics Works Advisory Committee.
09-157	Marlene Munn, President New Brunswick Association for Community Living	Request for a donation to the Family Grant Fund to assist families/individuals with intellectual disabilities from Hampton in attending the Maritime Family Kitchen Party in October.	Received and filed.

09-158	Province of New Brunswick	Copy of the <i>A Choir of Voices: The 'What Was Said' Report</i> , which represents input received from New Brunswickers for the <i>A Dialogue on Poverty</i> initiative. This is a draft copy for public comment/input.	Received and filed.
09-159	Ron Peason, Pickwauket Lions Club	Request for a prize for the 22 nd Annual Sturgeon Fishing Derby being held September 27 th at Meenan's Cove Park from 8 am-3 pm.	Moved by Deputy Mayor Bond and seconded by Councillor Doucet that the Town of Hampton donate a prize, that is to be determined by the Town CAO, for the 22nd Annual Sturgeon Fishing Derby being held September 27th at Meenan's Cove Park from 8 a.m. - 3 p.m. MOTION CARRIED
09-160	Jeff Jeddore, 631 Kennebecasis River Road	Request for weekly garbage pickup during the summer months.	Staff is directed to write a letter informing him of the conditions of the garbage contract and suggesting other alternatives to getting his garbage out when he is away.
09-161	David Cotter, Economic Development Officer Enterprise Fundy	Copy of PowerPoint summary of their Business Retention and Expansion survey.	Referred to the Economic Development Committee.
09-162	Jennifer Dysart Youth Entrepreneurship Development Officer Enterprise Fundy	Follow-up of the Youth Discussion Forum held on August 20 th at the Sussex Golf & Curling Club.	Referred to the Economic Development Committee.
09-163	Zoe Watson, Superintendent School District 6	School District 6 Changes in Transportation for September 2009.	Referred to staff.
09-164	Lesley MacLeod Public Affairs, Irving Oil	Notice of upcoming open house on the results of the Environmental Impact Assessment Report for Project Eider Rock.	Councillor Behr will forward same to the Hampton Area Chamber of Commerce.
09-165	Linda Patterson, Crime Prevention Awards Committee	Requesting nominations for the Crime Prevention Association of New Brunswick Awards and Certificates.	Councillor Behr will forward same to the Hampton Area Chamber of Commerce.
09-166	Amy Hache, PNB, Wellness, Culture and Sport	Request to complete Wellness Initiative Inventory Survey.	Referred to the Leisure Services Director.
09-167	Canadian Rural Revitalization Foundation (CRRF)	Invitation to CRRF Fall Workshop on October 17 in Quebec City.	Received and filed.
09-168	RCMP	"J" Division Annual Report 2008/09	Referred to Staff.
09-169	Susan Merritt, 83 Villa	Request for sidewalk on Villa	Referred to Publics Works Advisory

	Drive	Drive.	Committee.
09-170	Suzanne and Paul Morrison, Hampton Royal Canadian Legion	Request to distribute poppies for the 2009 Campaign at the Hampton Save Easy and the N.B. Liquor Store.	Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton allow the Hampton Royal Canadian Legion to distribute poppies within the Town of Hampton for the 2009 Campaign, and in all future Poppy Campaigns. MOTION CARRIED
09-171	Brock Reid, Hampton River Runners	Request for donation to the ninth annual "Hampton Five Miler" road race.	Moved by Councillor Behr and seconded by Councillor Lights that the Town of Hampton donate two hundred and fifty dollars (\$250) to the ninth annual "Hampton Five Miler" road race, being held on September 13th, 2009. MOTION CARRIED
09-172	Laura Anderson, Coordinator, Partners for Workplace Inclusion Program (PWIP)	Request to conduct a presentation on the partners for Workplace Inclusion Program, a free employment counselling service for persons with self-declared disabilities.	Moved by Deputy Mayor Bond and seconded by Councillor Lights that the Town of Hampton allow the request to conduct a presentation on the partners for Workplace Inclusion Program (PWIP), a free employment counselling service for persons with self-declared disabilities and direct the clerk to make arrangements to hold the presentation at the October Council meeting. MOTION CARRIED
09-173	Margo Mapplebeck, Administrative Assistant to the Superintendent, School District 6	Invitation to a breakfast meeting on Monday, September 28, 2009 at the District Office.	It was noted that the Mayor and CAO have confirmed their attendance.
09-174	Colette Lemieux, Climate Change Initiatives Coordinator	Mayor's Eco-Challenge Initiative for greenhouse gas emission reduction.	Received and filed.
09-175	Dean Munde, Director Climate Change Secretariat, PNB	Requesting a letter of support to Natural Resources Canada, re: the Atlantic Region Adaption Collaborative to reduce climate change.	Referred to Staff.
09-176	Cheryl M.G. Robertson Co-Chair of Organizing Team, Taoist Tai Chi Society of Canada, Atlantic Region	Letter of invitation to the Taoist Tai Chi Society anniversary dinner hosted by the Branch on Oct. 3 rd , at 6:00 p.m. at Rothesay High School	Council is directed to inform the Town's Administrative Assistant if they wish to attend.

09-177	New Brunswick Museum Market Square	Pamphlet invited Council members to join the New Brunswick Museum in celebrating the exhibition and publication Portraits, NB painters Thursday, September 10 th (RSVP by September 9 th , 2009)	Council is directed to inform the Town's Administrative Assistant if they wish to attend.
09-178	Kevin Rickard, Project Manager, UMNB	Invitation from Business New Brunswick to the Building for the Future Conference being held September 14 th and 15 th in Saint John relating to Sustainable Building Practices in the U.S. and Canadian markets.	Mayor Chorley will attend
09-179	John Herron, Director, Communications and Business Development, Atlantica Centre for Energy	Invitation to attend the 4 th lecture in the Energy Speaker Series taking place on Tuesday, September 22 nd , 2009	Council is directed to inform the Town's Administrative Assistant if they wish to attend.
09-180	Arthur Logan, 10 Fraser Brook Road, Nauwigewauk, NB	Request for additional Bus Stop on Fraser Brook Road, Nauwigewauk.	Referred to Staff.

10. 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 August 1 to August 31, 2009 for the amount of three hundred and forty-six thousand five hundred and three dollars and forty cents (\$346,503.40).

MOTION CARRIED

11. REPORTS OF COMMITTEES

10.1 Fire-Rescue

Council did not comment on the Fire-Rescue Report.

10.2 EMO

Council did not comment on the EMO Report.

10.3 RCMP

Council did not comment on the RCMP Report.

10.4 ENVIROFAIR

Council pointed out that the deadline for obtaining tickets to the Locavore Banquet was Friday, September 11th. Tickets are available at the Lighthouse River Centre from Jennifer Duguay.

10.5 LIBRARY STEERING COMMITTEE

Council did not comment on the Library Report.

10.6 Economic Development

Moved by Councillor Lights and seconded by Councillor Behr that the Town of Hampton approve the recommendation from the Economic Development Committee to appoint Brian Fowler as new Economic Development Committee member for a two-year term, effective immediately.

Motion Carried

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton accept the reports from the Fire-Rescue, EMO, RCMP, EnviroFair, Library Steering and Economic Development Committees as submitted.

Motion Carried

12. APPROVAL OF REPORTS

Building Inspector

Council noted that the amount of building permits seems to be moving along despite the economy.

Dog Constable Report:

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton send a warning letter to Michelle and Perry Frye of 8 Marilyn Court, Hampton for allowing their dog to run at large.

Council had some discussion on whether it should be a fine that was levied or a warning letter sent. They deemed that staff should check with the Dog Constable for more details on the incidents of the dog running at large and if it was his recommendation to fine than the matter could be brought forward in October, otherwise a warning letter should be sent by staff.

Councillor Behr withdrew his motion.

Lighthouse River Centre/Visitor Information Centre

Council was impressed by the number of Tourists visiting the VIC.

Financial Report

Council did not comment on the Financial Report.

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

1. PETITIONS
Not Applicable

2. READING OF BY-LAWS
Not Applicable

3. NEW BUSINESS

15.1 Dangerous and unsightly Premises

Moved by Councillor Behr and seconded by Deputy Mayor Bond that Council instruct the Town Clerk to service notice on the owner of 73 Centennial Road requiring that they remedy the condition of said properties as they are currently in contravention of the Town of Hampton By-law #26.

Motion Carried

15.2 High School Playground

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton move and upgrade the existing playground at Clearwater Park, as recommended by the Leisure Services Director, to the recreation area located adjacent to Hampton High School, through assistance from the RCMP Foundation Grant, with the remaining costs of the Playsense design 41 equipment and shipping costs to come from the current operating budget for playground maintenance and from the Land for Public Purpose Fund. The total cost of the equipment and shipping is eleven thousand five hundred and seventy-nine dollars (\$11,579.00) plus HST.

Motion Carried

16. OUTSTANDING ISSUES

16.1 Rezoning Application

Councillor Doucet asked for clarification on why he did not have an opportunity to explain why he had chosen to second Deputy Mayor Bond's motion to table the rezoning application. He felt that he should have had an opportunity to express his reasoning for this.

The Mayor stated that he had in fact asked "on the question" following the motion being moved and seconded and that this would have been the opportunity to speak. Staff confirmed that this had occurred.

16.2 Communities in Bloom

Deputy Mayor Bond asked when the Communities in Bloom judges would be announcing their results. The CAO stated that this would take place at the end of September.

17. ADJOURNMENT

Council adjourned the Open Session at 10:15 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 September 8th, 2009 be adjourned into a Closed Session.

MOTION CARRIED

18. REGULAR SESSION – PUBLIC COUNCIL MEETING

Mayor Chorley called the second Open Session to order at 10:25 p.m.

19. NEW BUSINESS

19.1 Lagoon Decommissioning

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton approve Town Clerk and Mayor to have authority to sign an agreement with Canaport LNG for Dutch Point Lagoon Wetland Restoration based on terms and conditions supplied by legal counsel as submitted by the Town CAO.

Motion Carried

19.2 5 year Designated Highway

Moved by Councillor Doucet and seconded by Deputy Mayor Bond that the Town of Hampton approve the following list of projects for the Five Year Designated Highway Plan, as recommended by the Public Works Advisory Superintendent:

2010	Route 121 Main Street/ Centennial Road Intersection Round-about as per Traffic Study
2011	Resurface Main Street
2012/2013/2014	Route 845 Pickwauket Road/Lower Norton Shore Road intersections as per DOT design. Rebuild and resurface Route 845 Pickwauket Road including two 1.5 meter walking lanes and continue the Route 845 Pickwauket Road upgrade improvements to Lower Norton Shore Road.

Motion Carried

20. ADJOURNMENT

As there was no further business, the regular meeting of Council was adjourned at 10:55 p.m.

Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Council Meeting of September 8th, 2009 be adjourned.

Motion Carried

APPROVED:

Ken Chorley, Mayor

Megan O'Brien Harrison, Clerk