

**TOWN OF HAMPTON
COUNCIL MEETING
September 11, 2012**

A closed session of Council was held immediately preceding the regular Council meeting, commencing at 5:30 p.m. A regular meeting of Council was held in the Council Chambers at 27 Centennial Road on September 11th, 2012 commencing at 7:00 p.m. A second closed session of Council was held immediately after the regular meeting of Council commencing at 10:00 p.m.

ATTENDANCE:

Council: Mayor Ken Chorley Deputy Mayor Gary Crossman
Councillor Peter Behr Councillor Dwight Bond
Councillor Robert Doucet

Staff: Richard Malone, Town CAO
Megan O'Brien Harrison, Clerk/Development Officer
Richard King, Building Inspector/By-law Enforcement Officer

Media: Laura MacInnis, Kings County Record

Delegations: RCMP Report - Cst. Dan Gendron

Regional Growth Strategy - Dr. Shelley Rinehart, Deputy Mayor, City of Saint John

AMH Properties Revised Subdivision Application for Orchard Hills

AMH Properties - Matt and Andrea Hughes (AMH Properties)
Dr. Matt Alexander, Fundy Engineering
Steve Saunders, Keirstead Quigley & Roberts Ltd.
John MacGillvray, Solicitor for AMH Properties

Shawn McPherson, Spokesperson, Petition in Opposition to Orchard Hills Subdivision amendment.

Guests: Tom Boyle, 25 St. Paul Street
David Carr, 564 Main Street
Jodie Fischer, 82 St Paul Street
Darren French, 71 Greenwood Court
Kendall French and Susan Clarke French, 10 Greenwood Court
Paul and Susan Gallant, 40 Walker Crescent
Jocelyn Gorman, 53 Greenwood Court
Tanya and Mark Henderson, 34 St. Paul Street
Celeste Reid McPherson and Shawn McPherson, 58 St. Paul Street
Pat Roux, 17 Greenwood Court
Ashlee Ramsay, Hampton
Jason Steeves, 47 St. Paul Street
Myra Stites, 96 St Paul Street

1. CLOSED SESSION

In accordance with Section 10.2(4) of the *Municipalities Act*, Mayor Chorley called the closed session to order at 5:30 p.m. and adjourned the closed session at 6:45 p.m. A second closed session was called to order by Mayor Chorley at 10:00 p.m. and adjourned at 10:20. 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	2
c)	Financial loss or gain (individual or municipal) or could jeopardize negotiations leading to an agreement or contract	7
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	1
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 7:07 p.m.

3. MOMENT OF SILENCE AND MOMENT OF REFLECTION

Councillor Bond led Council in a moment of reflection.

4. APPROVAL OF AGENDA

The Clerk noted that there were several items to consider to adding to the agenda, including:

Late Correspondence

12-122 Stephen Davidson re: concerns regarding property adjacent to 40 Walker Crescent

12-123 Deborah Apps, President and CEO, Trans Canada Trail re: Grant approval

12-124 Brigit Coughlan Re: Request to remove name from petition as it has created a conflict within her family as the applicant is her step brother.

New Business

14.3 Annexation Feasibility Study Approval

The Mayor stated that there were several delegations that complied with the procedural by-law and have been placed on the agenda. He asked if anyone else had additional information that they would like to include so that Council can consider its acceptance or if there is anyone else that wishes to speak before Council.

Andrea Hughes of AMH Properties stated that Dr. Matt Alexander would like to present a power point presentation in regard to their revised subdivision application. She had hard copies of the presentation to submit to Council as well. The Clerk noted the request.

Moved by Councillor Behr and seconded by Deputy Mayor Crossman that the agenda of the September 11, 2012 Council meeting be approved with the addition of:

Delegations: Power Point Presentation by Dr. Matt Alexander as part of the AMH Properties Presentation

Correspondence #12-122, Steven Davidson

Correspondence #12-123, Deborah Aps, TransCanada Trail

Correspondence #12-124, Brigit Coughlan

New Business 14.3 Annexation Feasibility Study Approval

Motion Carried

5. DISCLOSURE OF CONFLICT OF INTEREST

Councillors were asked to disclose any conflicts of interest as they arise.

6. PRESENTATIONS AND DELEGATIONS

6.1 Hampton RCMP

Constable Dan Gendron presented the RCMP report for the month of August 2012. He noted that the number of calls were down from the same period last year. He reviewed the mischief calls and traffic complaints, noting that there were six charges for impaired driving in the month of August. He said that members have been doing regular street checks of suspicious behaviour, including 18 in August.

Council stated that visibility has been good. Constable Gendron said they have been a lot of seat belt and speeding checks in the mornings.

6.2 A.M.H. Properties subdivision application titled: "Tentative plan, Orchard Hills Subdivision overall scheme, dated October 20, 2011" with revised tentative subdivision plan titled: "Tentative plan, Orchard Hills Subdivision overall scheme, dated July 24, 2012"

Councillor Bond declared a conflict of interest and left the meeting.

The Mayor noted that this was not a public hearing, but the applicant, AMH Properties Ltd., has asked to speak as a delegation on their application and another party has asked to speak. Both will be provided with an opportunity. The Mayor stated that the applicants and their delegation would be provided the opportunity to speak first.

Andrea Hughes, AMH Properties Ltd.

Andrea Hughes stated that she is President of AMH Properties. She stated that she was also accompanied by her husband, Matt Hughes, Steve Saunders, who was the survey engineer that designed this plan and Dr. Matt Alexander from Fundy Engineering, who has completed the drinking water assessment on the early phases of the subdivision and will be completing the Storm Water Management Plan, including the proposed water retention area.

Mrs. Hughes stated that she wanted to speak on the relevance of petition received by the Town, the value of approving this subdivision and on the environmental concerns.

Mrs. Hughes referenced a copy of petition to be presented to Council by Shawn McPherson later on the agenda. She quoted in particular the portion of the petition that read: "This parcel of land was delineated wetland by the former government. This designation is still up in the air due to government changed but we owe it to our community to see this through. We cannot allow A.M.H. Properties to proceed with development under the old regulations only to be grandfathered in if it ends up that they are in violation of revised rules."

She wanted to bring to both Council and the residents attention specifics from the July 3rd, 2012 Province of New Brunswick Assessment and Planning Appeal Board decision. She read the following excerpts from the decision:

"6. Council is to take specific note of that correspondence of the Orchard Hills Subdivision that was most current prior to the council meeting of November 8, 2011, as follow:

(a) Fundy Engineering correspondence to AMH dated November 2, 2011, page 3, paragraph one "...at this time, that PID 30245112 is free and clear of wetlands based upon the New Brunswick Department of Natural Resources databases. From a development perspective, AMH Properties Limited does not currently have any wetland constraints on the property."

(b) Correspondence from Bernie Doucet, Manager, Surface Water Protection, Department of Environment, Province of New Brunswick to Matt Hughes, dated March 31, 2011, page 2 paragraph 2, "The GeoNB map indicates that there are no regulated wetlands identified on PID 30245112."

7. Council is to note that the "regulator" of wetlands in the Province of New Brunswick."

Mrs. Hughes stated that these statements show that the petition that has been received by Town Council is not relevant. She said there is no wetland property. She said that the fears of the residents are fears of what ifs.

Mrs. Hughes noted that AMH Properties are hiring Fundy Engineering. They will complete a study to ensure that there is sufficient drinking water and they will complete a storm water management plan.

Mrs. Hughes stated that the revised plan, dated July 2012, and presented at the August 2012 Council meeting, takes in consideration all the committee recommendations from October 2011. She said this revised plan far exceeds any subdivision plans that have been brought forth by AMH Properties in the past.

She then discussed the economic benefit of approving the revised plan. She said that this would be sixteen additional building lots which would increase the Town's property tax revenue. She said this additional revenue would be available for the Town to use for other projects.

She said that AMH Properties Ltd is a local company that buys locally. She said that each new house they build means that they are spending approximately \$65,000 at the local hardware stores, well drillers, etc. She said that approving the additional 16 lots would mean an additional \$1,040,000.00 spent on goods and services in the Town of Hampton.

Mrs. Hughes concluded by stating that Orchard Hills is a fantastic subdivision. She noted that Homestead Drive has seven families who were originally from outside the community that moved here.

Dr. Matt Alexander, Fundy Engineering

Dr. Alexander stated that he would be presenting an overview of wetland delineation in the Province. He stated that he reviewed the petition in opposition to the development that was circulated in the community. He said that AMH properties objects to the opposition petition.

He provided an overview of the New Brunswick Wetland Management strategies since 2002. He stated that in March 2002, the province adopted the *Coastal Areas Protection Policy*. He said that in July 2002, the province adopted the *Wetlands Conservation Policy*. In May 2005, the Province started the *All Wetlands and Coastal Consultants Program*. In November 2006 the draft *Wetland Delineation Standards* were developed.

Dr. Alexander stated that in early 2007, AMH reviewed the property in question. He said that at that time there was a watercourse present, no wetland constraints and AMH Properties made a decision to purchase the property.

Dr. Alexander noted that in May 2007 the Wetland delineation standards were implemented and in late 2008 “depth to water table” (DTWT) use launched within the Department of Environment (NBDENV). Proponents were then responsible to ground-truth “potential wetlands.”

He stated that in late 2008, AMH applied for a development permit and that New Brunswick Department of Environment required a delineation based on the wetland predictive layer (WPL). In August 2009, Fundy Engineering completed the wetland delineation and the U.S. Army Corps of Engineers (USACE) methods were used. Dr. Alexander stated that in Late 2009 AMH Properties applied for a WAWA permit which triggered a Department of Fisheries and Oceans (DFO) review. In late 2010 the DFO approved alternations to a watercourse.

Dr. Alexander reported that in January 2011 the WPL was launched on GeoNB. There was strong opposition resulting in the Minister of Environment implementing a short-term wetlands management strategy in March 2011. This included removing the WPL. In May 2011 the Minister started an engagement process with stakeholders and the public. Dr. Alexander stated that in February 2012 the Minister of Environment implemented the short-term management strategy as a long-term solution.

Dr. Alexander felt that the current proposal of AMH Properties requires no permits from the DFO or the NBDENV. He did recognize that a development permit would be required from the Town of Hampton. He hopes that everyone could work together to move the project forward.

In summary he felt that the sequence of events was as follows:

- Active Wetlands Management Regime

- AMH Completes ECs mapping and purchases property with minimal ECs
- Move to Strengthen Wetlands Management Regime
- AMH Applies for Development Agreement and Encounters Strengthened Wetlands Management
- Active Wetlands Management Regime Revived
- AMH is in compliance.

In regards to the petition, Dr. Alexander stated that the Fundy Engineering delineation was based on the USACE standards, the delineation is no longer valid as announced in Ministerial Speech and the new policy is the original policy which is the policy that aligns with the legislation.

The Mayor asked the Development Officer for clarification on the sequence of events. She noted that it was the Town that had requested the environmental assessment be completed on the property. The Town first requested an environmental in September 2008 and again at the regular Council meeting in May 2009 as a condition of the Tentative Subdivision approval. At that time the property still had not been purchased by AMH Properties as proof of transfer of the property from George Demille to AMH Properties Limited was also a condition of the tentative approval.

Andrea Hughes confirmed that the large parcel of property was purchased at the end of May 2009. She did note that Phase 1 had been purchased at an earlier date.

Mayor Chorley asked if AMH Properties had anything else to add. Matt Hughes asked if he could be provided an opportunity to address Council following Mr. McPherson's presentation in case there was anything additional that needed to be addressed. Mayor Chorley stated that he would be provided that opportunity.

Shawn McPherson, 58 Saint Paul's Street, on behalf of the citizen's petition regarding Orchard Hills Subdivision

Mr. McPherson stated that he has been a resident of the Village and Town of Hampton for 34 years and a tax payer for 13 years. He stated that he was the chosen representative of the petitioners of Saint Paul's Street, Dearborn Crescent, Greenwood Court and surrounding area.

He presented a petition entitled: *Petition to Protect Delineated Wetlands Known as Orchard Hills Subdivision*. The petition stated: "We the undersigned are concerned citizens of Hampton who live in the bordering area of land development known as Orchard Hills subdivision by A.M.H. Properties. This parcel of land was delineated wetland by the former government. This designation is still up in the air due to government changes but we owe it to our community to see this through. We cannot allow A.M.H. Properties to proceed with development under the old regulations only to be grandfathered in if it ends up that they are in violation of revised rules. As concerned residents we oppose the development of this parcel of land without an independent study on the effects to the community. Should A.M.H. Properties be granted approvals to proceed with the planned development we demand answers from the Town as to who would be liable if this area were to flood, damage our homes, the town infrastructure and/or compromise our water table/levels?"

The petition was signed by the following individuals between August 17, 2012 and September 5, 2012:

1. Celeste Reid McPherson, 58 Saint Pauls Street
2. Jason Steeves, 47 Saint Pauls Street
3. Judi Boyle, 35 Saint Pauls Street
4. Tom Boyle, 35 Saint Pauls Street
5. Ian Tytler, 26 Saint Pauls Street (*Comments: Need a stop sign at bottom of road*)
6. Dianne Tytler, 26 Saint Pauls Street
7. Jennifer Pastorius, 71 Greenwood Court
8. Darren French, 71 Greenwood Court
9. Jason Jones, 51 Saint Pauls Street
10. Jennifer Maskell, 66 Saint Pauls Street
11. Sean McBrine, 66 Saint Pauls Street
12. Debbie Thomas, 106 Saint Pauls Street
13. Shirley McAlary, 128 Saint Pauls Street
14. Don McAlary, 128 Saint Pauls Street
15. Matt Galley, 31 Greenwood Court
16. Sean Sparks, 20 Greenwood Court
17. Susan Clarke French, 10 Greenwood Court
18. Kendall French, 10 Greenwood Court
19. Yvonne Rogers, 26 Greenwood Court (*Comments: Do not approve of any homes being developed*)
20. Buster L. Rogers, 26 Greenwood Court
21. Lana Rogers, 26 Greenwood Court
22. Stacy Murray, 36 Greenwood Court
23. George Goucher, 49 Greenwood Court (*Comments: Leave as is*)
24. Barbara Goucher, 49 Greenwood Court
25. Troy Mombarquette, 63 Greenwood Court (*Comments: Leave it alone!*)
26. Melissa Cummings, 63 Greenwood Court (*Comments: Leave as is!*)
27. Dan McCarthy, 86 Greenwood Court
28. Sandra Getson, 92 Greenwood Court
29. Pam Lodge, 110 Greenwood Court
30. Jen McCarron, 117 Greenwood Court
31. Todd Parlee, 25 Mapleview Crescent (*Comments: Risk of Flooding*)
32. Malcolm Shaw, Alberta
33. Pam Gilliland, 2 Christmas Lane (*Comments: Leave it as Natural Conservation*)
34. ~~Bridget Coughlan, 74 Saint Pauls Street~~ (*Comments: risk of more flooding at my place*) Please see late correspondence 12-124
35. Myra Stites, 96 Saint Pauls Street (*Comments : Leave natural lands. Too risky re : water and flooding – taxpayer pays?*)
36. Deborah Mitton, 118 Saint Pauls Street (*Comments: Worry – flooding*)
37. Cathy Anderson, 137 Saint Pauls Street (*Comments: Water Table*)
38. Greg Anderson, 137 Saint Pauls Street (*Comments: Water Table*)
39. Tanya Henderson, 34 Saint Pauls Street (*Comments: No Way!*)
40. Mark Henderson, 34 Saint Pauls Street (*Comments: Flooding/Groundwater recharge*)
41. Tim Reicker, 5 Greenwood Court (*Comments: wells*)

42. Cathy Reicker, 5 Greenwood Court (*Comments: Flooding/Water Table*)
43. Stewart Sparks, 20 Greenwood Court
44. Lynn Sparks, 20 Greenwood Court
45. Jason Forsythe, 38 Greenwood Court
46. Marjorie Conrod, 41 Greenwood Court
47. Mike Murphy, 41 Greenwood Court
48. J. Gorman, 53 Greenwood Court
49. Amanda Foote, 55 Greenwood Court
50. Andy Foote, 55 Greenwood Court
51. Elaine Turner, 75 Greenwood Court
52. Alan Hicks, 575 Kennebecasis River Road
53. Shauna Finch, 16 Dearborn Drive
54. Kim Thorne, 98 Greenwood Court
55. Wayne Leaman, 83 Greenwood Court
56. Kim Blanchard 83 Greenwood Court
57. Bobbie Kay Hale, 14 Dearborn Drive
58. G. Boyé, 142 Saint Pauls Street
59. Jodie Fischer, 82 Saint Pauls Street

Mr. McPherson stated that the petitioners support the Town's decision on May 27 2011 to declare a moratorium on the consideration of development in previously delineated wetlands until such time as the wetlands stakeholders engagement initiative is complete and the new long range strategy for wetland management in NB is implemented by the province. He said despite what Dr. Alexander stated, Governments change, policies change. He asked how can we say the town motto is "It's Our Nature" with a majestic crane as an emblem when the developer is asking Council to evict the cranes and other wild life in their local marsh. He said, yes, he has seen cranes on the parcel in question.

He said that the development of this marsh area contradicts the Municipal Plan, specifically section 3.1.3 to restrict development in areas known to be prone to flooding. They demand to know if PAC will enforce the town's by-laws and restrict development in the area. If they apply terms and conditions to mitigate flooding in the area, who is liable if the conditions fail and there is flood damage.

Mr. McPherson noted that the current state of flood management on Saint Paul's Street and Greenwood Court is a restrictor on the existing undersized culvert. He stated that in the spring the water currently floods over the field in the area of the proposed new street, Crimson Lane. He said that there is no way for man or science to replicate what nature has already done to perfection. A marsh is like a huge sponge with an incredible ability to hold a large amount of water. He wondered what would happen when all the marshy area in question has been developed. He stated that local residents are already being denied flood insurance because of past flooding. If there is more flooding who will be held accountable?

Mr. McPherson stated that they believe that paragraph 2 of section 3.1.5 of the Municipal Plan applies and the marsh area is a natural drainage area and should be protected from development. He also stated that in accordance with paragraph 5 of the same section, PAC should restrict development in the area because it is marshy. They do not want to hear from this council or the developer that it is coincidence or as a result of a pre-existing condition if their properties flood once the development starts.

Mr. McPherson stated that it has been highly publicized by the Town that there are major concerns regarding the water table in the municipality. He noted that council is currently exploring options for municipal water service but that a good viable drinking water source has been hard to find. He said that basic science tells us that marshes act as filters for and recharge local ground water tables. He wondered if there has been a study done to determine what effect the development of the marsh in question will have on their water supply. They understand that there are currently 78 homes approved to be built. They do not question the Town's wisdom on approving these lots. What they do question is how wise it is to put more pressure on an already challenged water table without first questioning what the second and the third order consequences are of destroying these marshes with regard to their water supply. They wonder who will be held accountable if wells start going dry or there are water quality issues because of contaminants. He stated that the citizens of the surrounding area do not want to hear from council or the developer that it is a coincidence if they start having water problems after they brought these concerns forward. He stated that the Town's Municipal plan stated in section 2.4 that one of the municipal goals is to protect the quality and quantity of ground water and the establishment of a safe and secure supply of potable water for residents. He wondered how the development of the marsh area in question correlates to this stated goal.

Mr. McPherson asked who is supposed to be protecting the citizens of Hampton and their properties? He said that there is no guarantee that there will not be more flooding or problems with their water. He felt that under estimation on the developers and engineer's part would result in devastation to the property owners. He said that in the end, the individual decision makers who determine the future of the marsh area and surrounding private property in question will be held accountable. He said that historically there have been multiple cases of developers going bankrupt while developing subdivisions and he wondered if this occurred in this case and there was flood damage and/or contamination of the ground water who would be left holding the bag. He said that they are residents of the Town, not the developer. They are not against development in Hampton or in their area but want to know who is going to guarantee that they are protected.

Mayor Chorley thanked him for his presentation and asked if there were any other residents that had comments to add.

Jody Fischer, 84 St. Paul Street

Ms. Fischer stated that for the first 13 years her home existed it did not flood. Then in the first two years of her purchasing the home it flooded extensively. Insurance covered \$20,000 in damage to her home. Her home insurance will not cover another flood in the home. She said the Town looked at the issue and implemented stop gap measures. Her property has not flooded in the past two years, since the restrictor was installed but she said these measures are temporary. She is concerned about decisions being made for a larger development.

Mira Stites 96 St. Paul Street

Ms. Stites said she is concerned about increased traffic. She wonders what we are doing to ourselves to fill in the whole area. She does not want to become like Main Street.

Mayor Chorley thanked them for their comments. He asked AMH Properties if they had anything to add. Matt Hughes requested to speak.

Matt Hughes, AMH Properties

Mr. Hughes asked if the Town could put up a copy of the revised tentative plan *Orchard Hills Subdivision Overall Scheme, dated July 24, 2012* on the Smartboard.

Mr. Hughes reviewed the features of the revised map. He stated that the storm water would be directed to the water retention area, which would, for the most part, remain untouched. He explained how the existing culvert is currently working. He said that the engineered design would be an improvement as it would regulate the flow with a concrete structure. He felt that this would be a reliable solution and suggested that the current structure could be damaged and that it was vulnerable. He suggested that vandals could remove it at any time and the residents and Town would not know and their properties would be put at risk. He stated that the proposed park area is high and dry and that the new road will act as a berm. He said the water retention area would be natural and untouched. He said that the wet lots will be filled in like on Greenwood Court, with engineered fills on five lots. He noted that there were several other developments in the Town that contained engineered lots.

Mr. Hughes stated that he would invite any questions and comments from the residents.

Jody Fischer, 84 St. Paul Street

Ms. Fischer said that people can go on and on about what defines a marshland. But in reality she can walk across the street and walk for quite a while into water. She stated that tax revenue is important but this is Hampton. The Town's motto is "It's our nature." She said the community has to work together for what is important. She wondered who protects current residents. She said she hopes to stay in the community but doesn't know if she wants to stay in a community that does not help existing residents. Ms. Fischer said she is not worried about "what ifs", she is worried about precedents.

Mira Stites 96 St. Paul Street

Ms. Stites asked how water courses are diverted. Dr. Alexander explained in general terms how water is diverted.

Jocelyn Gorham, 53 Greenwood

Ms. Gorham stated that she lives on an "engineered" lot. She said that there is standing water in her ditches. She said that when it rains her property is wet and her lawn is wet. She said in the big rain in 2008, the water was up to her neighbour's steps and half way across her lawn. She said that this was a very dry summer which is probably why there was not a lot of water at the site of the proposed development this year. She wondered where the water would go when the wet, marshy area is developed, filled and stripped for lots.

Matt Hughes, AMH Properties

Mr. Hughes stated that they will have a storm water management plan completed by Fundy Engineering. He said that Dr. Alexander will look at all the capture area and surfaces, and will design the wetland area so it would be able to handle the water for that piece of property. He said the study will look at how to collect the water and discharge it off the property.

Shawn MacPherson, 58 St. Paul Street

Mr. MacPherson stated that he played on the proposed site as a child. He lives across the street from the site. He said he is worried about looking at engineered berms.

Susan Clarke French, 10 Greenwood Court

Mrs. Clarke-French stated that she property is at the top of the hill. She said that when a portion of the marshland got filled in on Greenwood her property flooded for the first time in 30 years. She said that this wetland is much larger. She is concerned that it is not possible to engineer it properly. She said she understands that the developer wants more homes. But they have already had issues and he cannot guarantee that it would not flood when it gets all filled in.

John MacGilvray, Solicitor for AMH Properties

Mr. MacGilvray stated that this is not a small window opportunity to fill in the area in question. He stated that in fact it was a brief time period when development was not permitted. He noted that the property in question is zoned as residential.

Ashley Ramsay, 5 Greenwood Court

Ms. Ramsay asked if water will be directed down Viola Avenue. She wondered if Clearwater Park, which is traditionally wet, could handle additional water.

Mark Henderson, 34 Saint Paul Street

Mr. Henderson was concerned about altering identified water courses within in the Town. He felt that filling in this area would be messing with the front end of the natural drainage system for this area.

Mayor Chorley thanked everyone for their comments and asked AMH Properties if they had anything else to add. Mr. Hughes stated that they did not.

Mayor Chorley stated that it was a difficult decision before Council. He said that AMH Properties has an investment in the land and wants to develop as much of it as he can but on the other hand there are real people concerns.

Councillor Doucet said that he was concerned about 100 year storms coming more than once a year. He says past storms have cost the town. He said that the developments in question were designed based on engineered stamped plans but had not been able to handle these storms. He said that last month, Council sent the revised plan back through all the committees because it was important that they all have a good look at it and provide input on the changes. He said that engineers can do some major things. He said they want development in the Town. Councillor Doucet stated that the committee recommendations mean a lot and Council has had time to look at their feedback. He said that traditionally Council follows the recommendations of the Planning Advisory Committee.

Councillor Doucet stated that he was concerned about the water flow and the cost to the Town. He was worried about the water retention area not holding water. He said that if an engineer designs it, it better hold the water. He knows holding ponds can work. He is frustrated when the Town has to fix things that have been under-designed. He noted that Leisure Services want to connect trails up more.

Councillor Behr stated that he was elected in 2008 and shortly after that the community sat down to develop the Municipal Plan. He said it was an extensive process with lots of meetings. He quoted section 3.1.1 of the Municipal Plan entitled Natural Environmental Policies, and specifically the Town's commitment in item 5: "To protect key environmental features and sensitive areas such as the river and marshland, steep slopes, habitat and floodplains."

Moved by Deputy Mayor Crossman and seconded by Councillor Behr that the Town of Hampton concur with the Planning Advisory Committee and deny the tentative plan Orchard Hills Subdivision Overall Scheme, dated July 24, 2012. Council will give consideration to reviewing an amended overall tentative plan if the following conditions are met:

- **Completion of an acceptable Storm Water Management Plan that addresses, but is not limited to, the following for the entire proposed development area: storm water volume, storm water treatment, ground water recharge and considerations for the protection of environmentally sensitive areas with no change to existing runoff co-efficient;**
- **Completion of a satisfactory Comprehensive Water Study on the entire development;**
- **Redesign of Land for Public Purposes to include additional trail connectivity; and**
- **Assessment of environmental challenges and the provision of engineered design solutions to meet these challenges in accordance with the Town's by-laws with particular attention to re-designing the subdivision to meet with the requirements of section 6.5 of the Zoning By-law, chiefly, subsections ii, iii and iv.**

Andrea Hughes, AMH Properties, interrupted Council when the motion was on the floor. The Mayor directed the Development Officer to answer her question. Mrs. Hughes said that although PAC recommended denying the plan at their August 28th regular meeting she thought that they had changed their opinion at their special meeting of September 6th. The Development Officer reminded AMH Properties that the special meetings of both Leisure Services and the Planning Advisory Committee held on September 6th, were held to deal with recommendations for Land For Public Purposes (LPP) as per section 56(2) of the Community Planning Act. At the regular meetings of these committees, the committees were unable to make a recommendation on the location of LPP as the applicant presented an amended proposal for LPP that varied from what was indicated on the subdivision plan and what was presented at Council and to the other committees of Council. Leisure Services did not make a recommendation as they had unanswered questions regarding the revised proposal. As a result PAC did not provide their comments to Council regarding LPP at the August 28th meeting. Following that meeting the applicant clarified his LPP proposal. Both the Leisure Services Advisory Committee and the PAC agreed to schedule special meetings to hear the applicant again, so that Council would have their recommendations on LPP prior to the Council meeting of September 11th. The Development Officer reminded the applicant, who was present at both meetings, that although the PAC had allowed the applicant the opportunity to speak on the other concerns with the subdivision, their motion was only in reference to the requirement of section 56(2) of the Community Planning Act, and was worded as such. It provided a recommendation in regards to LPP only, if Council chose to assent to the subdivision plan.

Motion Carried

Mayor Chorley called a five minute recess.

Councillor Bond returned to the Council meeting. Mayor Chorley called the meeting back to order.

6.3 Dr. Shelley Rinehart, Deputy Mayor, City of Saint John, Regional Growth Strategy
Dr. Rinehart apologized for being late, as she was teaching a class that evening.

She stated that she had been involved in the original Regional Growth Strategy. She named successes of that initiative including the new Medical school which contributed to a now vibrant health sciences centre.

She said that when the new Saint John City Council came in there was a desire to restart the regional conservation on regional growth strategy. They would like to broaden the umbrella to include Hampton.

They have opened the dialogue to surrounding communities, businesses and community members. They are asking for data. She said that is what defines the partnership at this point.

She said they are doing theme analysis, narrowing down to three-five core sectors to focus on.

They are extending the invitation to Hampton to participate and are asking for copies of planning documents, economic development, residential start information.

She said she would love to have Hampton join the other 5 municipalities.

Deputy Mayor Crossman mentioned the Town's discussion with Saint John transit and a route to UNBSJ and Hospital. She said if we had the background that lent to the ask, they would be interested in it.

Mayor thanked her for the presentation. He noted this was only about economic development not about the new regional commissions.

7. ADOPTION OF MINUTES

7.1 Minutes of August 14, 2012

Mayor Chorley asked Council if they had a chance to review the minute and if there were any Errors or Omissions.

Moved by Councillor Behr and seconded by Deputy Mayor Crossman that the minutes of the August 14, 2012 Regular Council Meeting be adopted.

Motion Carried

8. BUSINESS ARISING FROM MINUTES

There was none.

9. CORRESPONDENCE

#	NAME	DESCRIPTON	Possible Actions
12-106	Judi and Tom Boyle 35 Saint Paul Street	Opposition to the amended overall tentative plan for Orchard Hills Subdivision	Moved by Councillor Doucet and seconded by Councillor Bond that correspondence #12-106 be received and filed. Motion Carried
12-107	George R. Stevens	Opposition to the destruction of environmentally sensitive areas in the proposed Oak Hills Subdivision	Moved by Councillor Doucet and seconded by Councillor Bond correspondence #12-107 be received and filed. Motion Carried
12-108	George R. Stevens	Correction to previous letter. He intended to say Orchard Hill Subdivision	Moved by Councillor Doucet and seconded by Councillor Bond correspondence #12-108 be received and filed. Motion Carried
12-109	Chester McMackin	Concerns re: Deer population and request to pressure Province of New Brunswick for action	Deputy Mayor Crossman wondered if the letter should be sent to the Province. Councillor Doucet stated that the Regional Deer Committee was preparing to conduct a residents survey and once the data was available it would be appropriate to approach the province. Moved by Councillor Doucet and seconded by Councillor Bond that correspondence #12-109 be referred to the Regional Deer Committee Motion Carried
12-110	Betty Ann Condly	Concerns re: Excessive Deer Population	Moved by Councillor Doucet and seconded by Councillor Bond that correspondence #12-110 be referred to the Regional Deer Committee Motion Carried
12-112	Paul Beals, 11 Fairmont Drive, Lakeside	Resignation from Economic Development Committee for health reasons	Moved by Councillor Behr and seconded by Deputy Mayor Crossman that the Town of Hampton accept with regret the resignation of Paul Beals from the Economic Development Committee. Motion carried Mayor Chorley will send a letter of thanks. He has been a valued member of the committee.

12-113	William Bishop, Mayor, Rothesay	Letter including a copy of letter to Minister Fitch re: Regional Commissions	Moved by Councillor Behr and seconded by Deputy Mayor Crossman that correspondence #12-113 be received and filed. Motion Carried
12-114	Minister Bruce Fitch, Environment and Local Government	Copy of letter to Town of Rothesay	Moved by Councillor Behr and seconded by Deputy Mayor Crossman that correspondence #12-114 be received and filed. Motion Carried
12-115	Mayor Mel Norton, City of Saint John	Letter asking Hampton to consider joining Regional 9.	Moved by Councillor Behr and seconded by Councillor Bond that correspondence #12-115 be received and filed. Motion Carried
12-116	Paul and Susan Gallant 40 Walker Crescent	Concerns with activity on neighbouring property.	Paul Gallant and his wife were present at the Council meeting. Mr. Gallant stated that he is concerned about the amount of activity at the neighbouring property. He said it will be six weeks on Thursday since the activity started. Staff reported that the situation has been investigated and there are currently no Zoning by-law violations. Moved by Deputy Mayor Crossman and seconded by Councillor Behr that correspondence #12-116 be referred to Staff to monitor the situation adjacent to 40 Walker Crescent. Motion Carried
12-117	Sharon Wood, President and CEO, Kids Help Phone	Request for Donation	Moved by Councillor Behr and seconded by Deputy Mayor Bond that the Town of Hampton donate one hundred dollars (\$100) to the Kids Help Phone. Motion Carried
12-118	Chris Donovan	Thank you card for donation to Encounters With Canada trip	Moved by Deputy Mayor Crossman and seconded by Councillor Behr that correspondence #12-118 be received and filed. Motion Carried
12-119	Raymond Murphy, UMNB	Email regarding Governance Committee meeting	Moved by Councillor Behr and seconded by Deputy Mayor Bond that correspondence #12-119 be received and filed. Motion Carried

12-120	Mylene Freeman, MP Argenteuil-Papineau- Mirabel	Asking Council to pass a motion in support of her private members motion M-400 re: program to assist homes with substandard septic systems	Moved by Councillor Behr and seconded by Deputy Mayor Crossman that correspondence #12-120 be referred to the Utilities Commission. Motion Carried
12-121	Heather Hughes, Coordinator, 2012 Provincial Walk and Roll	Request for proclamation and request to hold a 2013 Walk and Roll event.	Moved by Deputy Mayor Crossman and seconded by Councillor Behr that correspondence #12-121 be referred to Leisure Services. Motion Carried
12-122	Stephen Davidson	Concerns with activity on property.	Moved by Councillor Behr and seconded by Councillor Doucet that correspondence #12-116 be referred to Staff. Motion Carried
12-123	Deborah Apps, President and CEO TransCanada Trail	Approval of grant request for Hampton Off-Road Engineering Study	Moved by Councillor Bond and seconded by Councillor Behr that the Town of Hampton hire BDA Landscape Architects to complete the Hampton Off-Road Trail Assessment at a cost of \$7,337.50 plus HST with Trans Canada Trail providing a grant in the amount of \$4,145.69 to cover one half the cost. Motion Carried
12-124	Bridget Coughlan	Request to remove her name from the petition that the residents of her subdivision had put together regarding the development of land by Matt Hughes across from St Paul's St as it has created a conflict within her family as Matt Hughes is my step brother.	Moved by Councillor Bond and seconded by Councillor Behr that the Town of Hampton remove Bridget Coughlan's name from the petition as requested. Motion Carried

10. APPROVAL OF ACCOUNTS

- 10.1 **Moved by Councillor Bond and seconded by Deputy Mayor Crossman that the Town of Hampton approve the General and Utilities Fund Paid Invoices from August 1 to August 31, 2012 for the amount of four hundred and forty-four thousand three hundred and thirty-seven dollars and sixty cents. (\$447,337.60).**

Motion Carried

11. REPORTS FROM COMMITTEES

11.1 Environment Committee

Councillor Behr reminded the public about Naturefest taking place on Thursday, September 20th until Sunday, September 23rd. There is a full schedule on the Town website and in next week's Hampton Herald. Locavore tickets are still available and can be purchased at the Visitor Information Centre.

11.2 Leisure Services

Councillor Doucet noted that the Town was awarded a Heritage grant from a daffodil planting project for the Queens Jubilee celebrations.

Council commented on the success of the PC BBQTown event and on the quality of the work of the department and their summer students.

11.3 Planning Advisory Committee

Deputy Mayor Crossman provided an overview of the application of John Smith and of the concerns of the residents in the area. John Smith has been approved for 13 semi-detached dwellings (26 units) on Walker Crescent. This was based on water, traffic concerns, etc. in the area. He would like to keep the number of units at 26 on Walker Crescent, but would like to reconfigure them to allow for terrace dwellings.

Councillor Bond felt that if Mr. Smith did not increase the number and if the building is designed to fit the continuity of the semi-detached dwellings. He did not want to turn down development if there was a way to make it fit.

Councillor Behr felt if you buy a house in a subdivision and you are told that it is a semi-detached development then it should remain a semi-detached dwelling development.

Councillor Doucet agreed with Councillor Bond.

Deputy Mayor Crossman stated the existing residents were not interested in terrace dwellings for the street.

Moved by Councillor Bond and seconded by Councillor Doucet that the Town of Hampton amend John Smith's developer's agreement to allow for the construction of terrace dwellings in Walker Estates Subdivision conditional on the total number of units for the subdivision not exceeding twenty-six, exterior design with the new buildings to be consistent with what already has constructed and a garage be incorporated for each unit, the new design to be available to residents of Walker Crescent to allow for their input and concerns and the new design to be approved by Council.

Motion Carried

Moved by Deputy Mayor Crossman and seconded by Councillor Bond that the recommendation of PAC to explore the possibility of having water pipes installed in new subdivisions for future use be forwarded to the Utilities Commission for their consideration.

Motion Carried

11.4 Fire-Rescue

Council did not comment further on this report.

11.5 RCMP

Council did not comment further on this report.

11.6 Utilities Commission

Council did not comment further on this report.

11.7 Health Care

Mayor Chorley announced that Dr. Anningson will be doing a locum for Dr. Adeyeye while she is furthering her training.

11.8 Public Works

Moved by Councillor Bond and seconded by Councillor Doucet that the Town of Hampton pipe one side of the ditch on St. James Street as recommended by the Public Works Advisory Committee.

Motion Carried

2013 – 2017 Five Year Provincial Designated Highway Plan

Moved by Deputy Mayor Crossman and seconded by Councillor Bond that the Town of Hampton, as recommended by the Public Works Advisory Committee, approve the 2013-2017 Five Year Designated Highway Plan as follows:

- 2013 Main Street Route 100 – widen the road to include a turning lane. Work includes milling, catch basin relocation, paving and curb replacement from the Hall Road intersection to Keirstead Avenue. The Town of Hampton will replace the sidewalk and install decorative lighting as part of the Main Street Beautification Plan for the area.
- 2014 Route 121 Main Street – milling and paving from 668 Main Street (Railway Tracks) to 845 Main Street (Firehall).
- 2015 Route 121 Main Street – milling and paving from 845 Main Street (Firehall) to Kennebecasis River Road.
- 2016 Route 121 Main Street – milling and paving from the Kennebecasis River Road intersection one kilometer eastbound.
- 2017 Route 121 Main Street – milling and paving. Pickup from 2016 and one kilometer eastbound.

Motion Carried

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

Motion Carried

12. APPROVAL OF REPORTS

12.1 Building Inspector Report

Council noted that the amount of building permits were up significantly from this same point last year.

12.2 Dog Constable

Council reviewed the report and did not comment further.

12.3 Tourism Manager

Council noted that there were a significant amount of wedding bookings.

12.4 Financial Statements

Council did not comment on the report.

Moved by Councillor Doucet and seconded by Councillor Behr that the Town of Hampton approve the Building Inspector, Dog Constable Report, Tourism Manager, and Financial reports as presented.

Motion Carried

13. BY-LAWS

None

14. NEW BUSINESS

14.1 Application for Re-Financing - Service New Brunswick Building

Moved by Councillor Bond and seconded by Councillor Behr to resolve that the Treasurer and Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation, a Municipality of Hampton, to refinance a debenture in the principal amount of \$494,000.00 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Hampton agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

<u>General Revenue Fund – Purpose</u>	<u>Amount</u>	<u>Term</u>
<u>General Government</u>		
<u>Service New Brunswick Building</u>	<u>\$ 494,000</u>	<u>10 Years</u>

Motion Carried

14.2 Application for Financing - Works Garage Expansion

Moved by Councillor Bond and seconded by Deputy Mayor Crossman to resolve that the Treasurer and Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation, a Municipality of Hampton, a debenture in the principal amount of \$250,000.00 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Hampton agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

<u>General Revenue Fund – Purpose</u>	<u>Amount</u>	<u>Term</u>
<u>General Government</u>		
<u>Transportation - Works Garage</u>	<u>\$ 250,000</u>	<u>15 Years</u>

Motion Carried

14.3 Annexation Feasibility Report

Moved by Councillor Behr and seconded by Deputy Mayor Crossman that the Town of Hampton approve the Report entitled: *Annexation of a Portion of the LSD of the parish of Hampton to the Town of Hampton Feasibility Report* dated July 2012, allow PID #30297006 to be annexed to the town of Hampton.

Motion Carried

15. OUTSTANDING ISSUES

There are none.

16. ADJOURNMENT

There being no further business for session, the regular meeting of Council was adjourned at 9:55 p.m. Council went into a second closed session at 10:00 p.m.

Moved by Councillor Behr that the Town of Hampton adjourn the regular Council meeting of September 11 , 2012.

Motion Carried