

Council Meeting, July 9, 2020
Minutes of a Meeting of the Council
of the Town of Kippens, Held via Zoom & Live Streamed to Facebook
July 9, 2020 at 6:39 PM

Members Present	Mayor	Debbie Brake-Patten
	Deputy Mayor	Leon Benoit
	Councillors	Tim Alexander
		Shawn Boyd
		Wayne Howlett
		Heather Shears
Regrets		John Dawson
Also Present	CAO/Town Manager	Leonard Hann
	Town Clerk	Debbie Cormier

Motion #106/20: Motion by Deputy Mayor Benoit, seconded by Councillor Alexander, be it hereby resolved to adopt the June 11, 2020 Privileged Council Meeting Minutes.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #107/20: Motion by Councillor Boyd, seconded by Deputy Mayor Benoit, be it hereby resolved to adopt the June 11, 2020 Council Meeting Minutes.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #108/20: Motion by Councillor Alexander, seconded by Councillor Howlett, be it hereby resolved to adopt the July 9, 2020 Council Meeting Agenda.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Financial

Motion #109/20: Motion by Councillor Howlett, seconded by Councillor Alexander, be it hereby resolved to approve the accounts payable totaling \$136,860.63.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Councillor Howlett stated that the finance committee decided to defer the request from Search & Rescue for a financial contribution to an enclosed trailer until budget discussions in October.

Motion #110/20: Motion by Councillor Howlett, seconded by Councillor Alexander, be it hereby resolved to waive the permits and fees for the Youth Ventures Program, being a non-profit organization for the period inclusive of June 8th to September 4, 2020.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #111/20: Motion by Councillor Howlett, seconded by Councillor Boyd, be it hereby resolved to accept cost-shared funding as outlined in the Municipal Affairs and Environment project approval letter dated April 15, 2020 to complete New Salt Storage Facility 17-MCW-21-00028 for \$510,000. The Town of Kippens agrees to provide \$184,944 in funding for this project and authorizes the Town Manager to enter into a funding agreement with the Department of Municipal Affairs and Environment on behalf of the Town of Kippens.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

New Business

As meeting recorded through Zoom, Town Manager put Mayor Brake-Patten in “waiting room” during the vote on following agenda item.

Deputy Mayor Benoit took over chair.

Motion #112/20: Motion by Councillor Shears, seconded by Councillor Alexander, be it hereby resolved to accept the legal opinion letter regarding a development on McCarthy’s Lane.

In favour: Deputy Mayor L. Benoit and Councillors T. Alexander, W. Howlett and H. Shears

Opposed: Councillor S. Boyd

Abstaining: 0

Motion Carried

Mayor Brake-Patten returned to the meeting and took over the chair.

Permits

Motion #113/20: Motion by Deputy Mayor Benoit, seconded by Councillor Boyd, be it hereby resolved to approve an approval in principle for the development on McCarthy’s Lane by 58663 NL Ltd.

Deputy Mayor Benoit stated that there has been ample discussion, many meetings and concerns about safety issues as related to increased traffic and buffer zones regarding the proposed development. The developer has altered his application as a result.

Mayor Brake-Patten stated that she has kept an open mind regarding this subdivision. After carefully reviewing the new plan it appeared that not much had changed with respect to the initial concerns such as access of Route 460, safety, length of cul de sac, coastal erosion and water and flooding issues. In 2016 and 2017 residents presented to the Town concerns about school bus safety, in particular the intersection directly across from McCarthy’s Lane. The location of the school bus stop was moved. New information on coastal erosion, given to the Town by the town planner was addressed and led to deeper concern for coastal development. The town

planner also has concerns about this subdivision and does not recommend it. Recently 16 concerned citizens provided a formal written objection to this subdivision which included a devaluing of the already depreciating home, concerns about safety of access, and water issues. The new proposed subdivision is in a bog which currently serves as drainage for homes in the area. The public perception is that the Town of Kippens developed and provided funding for the proposed subdivision.

Councillor Boyd responded by stating that as a member of the Planning & Development Committee he supported the approval in principle for the McCarthy's Lane subdivision. There were many lengthy discussions on fire concerns, length of cul de sac, erosion, unsafe intersection. None of the concerns are sufficient enough to deny an application for approval in principle. The new proposal meets all the rules and regulations of the Town of Kippens and fits perfectly within the Town concept plan. It would provide taxes and growth for the community. The school bus issue on Oake Drive had nothing to do with McCarthy's Lane. The kids on Oake Drive were crossing the road to get to the bus shelter over by McCarthy's Lane. There is presently no flooding issue on McCarthy's Lane as they were addressed with the new road on McCarthy's Lane. The current intersection was government and engineer approved when it was put in.

Councillor Howlett has some concerns about water abatement and the ability of the Town to provide water to the new subdivision. The water abatement issues were address by an engineer's opinion that water abatement could be done without causing damage to adjacent properties.

Deputy Mayor Benoit reiterated that this was a permit in principle and government approvals will be necessary such as Department of Health and access to Route 460. That is a decision for government services if they feel there are too many vehicles on McCarthy's Lane for a new subdivision to be able to come onto Route 460. As a member of the Planning & Development Committee and having attended many meetings regarding this subdivision, it is the recommendation of the committee to approve the request for an approval in principle. The development would provide revenue for the town as well as enhance the area which already has beautiful homes. Previous problems have been reviewed by consultants and taken care of. Deputy Mayor Benoit acknowledged that the town planner has some concerns regarding erosion but was not aware that he was against this development. If approved the developer would move to the next phase of getting all other government approvals and become an asset to the town.

Councillor Shears stated that council is not against growth in Kippens or finances that this subdivision could bring. The access to Route 460 needs to be looked at as well as the traffic a new development could bring. The safety of the children using the bus stop is also an issue. Council needs to look beyond the money.

Councillor Boyd responded by stating that the bussing issue was taken care of and children are picked up down Oake Drive. Councillor Howlett pointed out that the traffic flow in this intersection would be deferred to a provincial government body for a decision.

In favour: Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett

Opposed: Mayor D. Brake-Patten, H. Shears

Abstaining: 0

Motion Carried

Motion #114/20: Motion by Deputy Mayor Benoit, seconded by Councillor Boyd, be it hereby resolved to approve a permit to operate a home-based massage business at 14 Orchard Lane, being in full compliance.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #115/20: Motion by Deputy Mayor Benoit, seconded by Councillor Alexander, be it hereby resolved to approve a permit to build a porch at 1 Bayview Heights, being in full compliance.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #116/20: Motion by Deputy Mayor Benoit, seconded by Councillor Howlett, be it hereby resolved to approve a permit to build a fence at 1 Elm Drive, being in full compliance.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #117/20: Motion by Deputy Mayor Benoit, seconded by Councillor Alexander, be it hereby resolved to approve a permit to build a front step at 129 Kippens Road, being in full compliance.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #118/20: Motion by Deputy Mayor Benoit, seconded by Councillor Boyd, be it hereby resolved to approve a permit to build a garage & house addition at 40 Island Pond Drive, being in full compliance.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Additional Business

Motion #119/20: Motion by Councillor Boyd, seconded by Deputy Mayor Benoit, be it hereby resolved to accept the May 26, 2020 Planning & Development Meeting Minutes.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Motion #120/20: Motion by Councillor Boyd, seconded by Deputy Mayor Benoit, be it hereby resolved to accept the June 3, 2020 Planning & Development Meeting Minutes.

In favour: Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears
Mayor Brake-Patten voted to oppose the minutes as she did not attend the meeting and the meetings are very ommissive. If anyone read the minutes and didn't know anything about McCarthy's Lane subdivision, they would think there are no problems that lie down there but there is a historical path of issues there.

Opposed: Mayor D. Brake-Patten

Abstaining: 0

Motion Carried

Committee Reports

Recreation

Councillor T. Alexander reported that Canada Day fireworks were held on July 5th. Kippens Recreation program started and they have everything in place for COVID. The ballfield is being well used by the BSG Vikings.

Recreation/Fire Department

Councillor H. Shears reported that the hunt is still on for an emergency vehicle for the fire department. The fireworks were awesome again this year.

Finance

Councillor Howlett reported that the finance committee is in discussion with the fire department representatives about the shortfall in their fleet. They are currently taking their emergency gear home with them in their personal vehicles and this is not an answer to this problem. The fire department has been asked to present some options regarding what they need to secure a vehicle. The deadline for taxes of June 30th has now passed.

Public Works/Planning & Development

Councillor Boyd complimented the Recreation Committee and Baseball group for getting kids out and active.

Public Works/Planning & Development

Deputy Mayor L. Benoit is pleased to see that a decision on the approval in principle for the development on McCarthy's Lane has been made. The Edwards Lane project will start on July 13th. This will be the third street completed through the Capital Works Program in four years. It may be possible to work on another street next year. It is nice to see residents doing renovations and taking pride in their properties. Lawns damaged during the winter has all be repaired now.

Mayor's Report

Mayor Brake-Patten thanked council and staff for attending the meeting

Motion #121/20: Motion by Councillor Alexander, seconded by Councillor Shears, be it hereby resolved to adjourn the Council Meeting.

In favour: Mayor D. Brake-Patten, Deputy Mayor L. Benoit and Councillors T. Alexander, S. Boyd, W. Howlett and H. Shears

Opposed: 0

Abstaining: 0

Motion Carried

Council meeting adjourned at 7:20 pm. Next regular council meeting is scheduled for August 13, 2020.

Debbie Cormier, Town Clerk

Debbie Brake-Patten, Mayor