

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 13th day of August, 2009 at 6:00 p.m. in the Council Chambers. Mayor D. Fawcett, Councillor J. Crowe, Councillor J. Elliott and Councillor B. Kumprey were present. Deputy Mayor Hill was absent (prior notice given). Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided. The Mayor advised at this time that the Road Business would be dealt with before correspondence.

Additions

- Resolution to accept offer on 1994 Plow Truck

Deletions

- None

Approval

- S Show of hands

Disclosure of Pecuniary Interest

Nothing at this time.

Minutes

Moved by Elliott and Kumprey that the minutes of the July 16, 2009 Council meeting be approved as circulated. Carried.

Moved by Crowe and Elliott that the minutes of the Special Meeting of Council held on July 21, 2009 be approved as circulated. Carried.

Business Arising from Minutes

None.

Point of Privilege or Personal Privilege

None.

Road Business

Accounts

Allen Braiden, Road Superintendent presented the road accounts in the amount of \$90,792.45. Moved by Kumprey and Elliott that we approve the road accounts as presented. Carried.

Sale of 1994 Freightliner

Three offers were received for the truck:

1. Creative Recycling - \$3,737.37
2. J. Lemos - \$9,000.00
3. Hanna and Hamilton - \$9,450.00

Moved by Crowe and Kumprey that the Council of the Corporation of the Township of Melancthon has reviewed quotes for the sale of a 1994 Freightliner truck with sanding and plow equipment and hereby accepts the bid from Hanna and Hamilton Construction

in the amount of \$9,450.00. Carried.

Repairs to the Loader

Moved by Kumprey and Crowe that we accept the quote from Tormont in the amount of \$5,805.17 includes GST and PST for repairs on the loader. Carried.

Truck Tires

Three quotes received:

1. Holmes Tire (formerly Fred's Tire) - \$4,782.60
2. McKee Tire - \$4,784.30
3. MacArthur - \$5,580.00

Moved by Elliott and Kumprey that we accept the quote from Holmes Tire Inc. for 425/65R22.5 Michelin XZY-3 & 11R22.5 Michelin XDSH tires totalling \$4782.60 including all applicable taxes and installation. Carried.

Repairs to Grader

Moved by Elliott and Kumprey that we accept the quote from Tormont Cat in the amount of \$1,563.92 for repairs to the grader. Carried.

Sand Quotes

Two sand quotes were received and reviewed:

1. Strada Aggregates - \$6.86/metric tonne - taxes extra
2. CBM - \$7.61/metric tonne - taxes extra

Moved by Crowe and Elliott that the Council of the Corporation of the Township of Melancthon has reviewed sealed quotes to supply and deliver approximately 2500 tonnes of screened winter sand meeting OPSS specifications to the Township's works yard. The Road Superintendent will independently have the tests done to ensure compliance. The successful bidder is Strada Aggregates at a quoted price of \$6.86/metric tonne not including applicable taxes. Carried.

5 Sideroad Bridge

Allen reported that the bridge has been temporarily fixed and some bridge pylon marking signs have been put on the bridge as well as some warning signs ahead for the bridge.

Correspondence

1. GRCA Minutes - July 2009
2. Conservation Corner - July 2009
3. Email from Karren Wallace concerning information on the Lobbyist for Highlands Company
4. Invitation from the Headwaters Arts to attend its Annual Headwaters Arts Festival from September 25 - October 12
5. Letter from Heather Van Heemst resigning her Position on the Horning's Mills Cemetery Board
6. Letter from the Minister of Energy and Infrastructure regarding the Township's request for an extension to the deadline to bring the Township of Melancthon's Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe, 2006
7. Email from Karren Wallace regarding articles pertaining to aggregate issues
8. Letter from RJ Burnside and Associates regarding The Highland Companies Stated

- Concern of a Burnside Conflict
9. Letter from GW Jordan, Township Planner regarding Aimpowergen Wind Power Related Applications
 10. Resolution from the Township of Huron-Kinloss regarding Giant Hogweed
 11. Request from Penny Way-Clements for a donation towards to the Shelburne Baseball Tournament for Epilepsy
 12. Letter from GW Jordan, Township Planner regarding EBR Registry Number 010-6516 Proposed Ministry of the Environment Regulations to Implement the Green Energy and Green Economy Act, 2009
 13. Letter from RJ Burnside and Associates regarding the Shier Drainage Works - Maintenance and Repair - 2009
 14. Request for Comments from the NEC - Part of Lot 13, Concession 1 OS -1430990 Ontario Limited
 15. Letter and draft Resolution from NDACT regarding the demolition of homes in Melancthon Township
 16. Copy of emails that Peter Curtis has sent to Canadian Hydro Developers, Inc. regarding flooding concerns - Wind Turbines 138 & 139
 17. Email from Karren Wallace providing Council with information regarding Aboriginal Consultation - <http://www.mah.gov.on.ca/Page6054.aspx>
 18. GRCA Minutes - August 2009

5 - send a letter accepting her resignation and thanking her for her many years of service

9 - send Mr. Jordan's comments to Aimpowergen

10 - Moved by Crowe and Elliott that the Council of the Corporation of the Township of Melancthon has reviewed Resolution #224 from the Township of Huron Kinloss dated July 20, 2009 concerning the giant hogweed and we support the resolution in its entirety. Carried.

11 - Moved by Kumprey and Elliott that we donate \$100.00 to the Shelburne Baseball Tournament for Epilepsy to support their event. Carried.

13 - Moved by Elliott and Crowe that the Township of Melancthon retain Hamilton and Hanna Construction on an hourly basis to clean Branches A and B to the original grade and depth as required from lot line 261-262 upstream to the top end at an estimated cost of \$12,500.00. This amount is assessable to the drainage area pursuant to Section 74 of the Drainage Act. All affected owners will be forwarded the enclosed form letter and plan. Shier Drainage Works - File No. D-ME-SUP. Carried.

14 - advise NEC that there are no objections to the application

16 - forward emails to Canadian Hydro Developers, Inc. requesting an update on the situation.

Correspondence on File at the Clerk's Office

1. OPP 2008 Field Operations Annual Report
2. Town of Shelburne - Notice of Application for a Zoning By-law Amendment - St. Paul's Anglican Church
3. MPAC News - Spring/Summer Edition 2009
4. Copy of a letter that the County of Dufferin sent to the Ministry of Energy and Infrastructure concerning Growth Management Alternative Density Targets
5. AMO Member Communication Alert - Government Releases Draft Built Environment Standard Under the AODA for Public Review
6. Mulmur Recreation Committee Meeting Minutes - July 7, 2009
7. NEC - Comments submitted regarding the Proposed Regulations to Implement the Green Energy and Green Economy Act, 2009

8. Notice of Pre-hearing Conference and Hearing from the NEC regarding Applicant - Watersmeet Corporation - Part Lot 14 (Lots 109-110, Plan 34A), Concession 2 OS
9. Notice of Decision with respect to the Township of Amaranth's OP Amendment No. 3
10. Town of Shelburne - Application for Site Plan Approval - Fines Home Hardware Expansion
11. GRCA - Revised GRCA Policies and New Policies and Procedures for Compliance for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation

#10 - letter to be sent that the Township of Melancthon has no objection to the application or concerns regarding the existing entrance to the former OPP station.

Delegations

6:30 p.m. - Steve Smith, Frank Cowan and Company and Russell Poste, Noble Insurance attended Council and presented the 2009/2010 Insurance Program. The increase to the Township's insurance this year is 3%.

General Business

Short Term Disability Plan

Moved by Crowe and Elliott that leave be given to introduce a by-law to provide for a Short Term Disability Plan for Employees of the Township of Melancthon and it now be read a first and second time. Carried. By-law read a first and second time and numbered 13-2009.

Draft Information Package Prepared by Deputy Mayor Hill and Councillor Elliott regarding Planning Act Procedures

The draft was reviewed and the CAO was directed to send it over to the Planner for his review and comments.

Draft County of Dufferin Forest Conservation By-law

This draft by-law is to be dealt with at the next County meeting in September. Council had no comments to make at the present time on the draft by-law.

Accounts

Moved by Kumprey and Elliott that we approve the general accounts as presented in the amount of \$103,449.71. Carried.

Applications to Permit

Mayor Fawcett signed the following applications to permit:

- an insulated pole frame structure for storage of hay, machinery and potatoes on the West Part of Lot 11/12, Concession 2 OS - G. Squirrell
- a livestock yard and manure storage on Lot 253-255, Concession 2 SW - D. Smiljanic
- a machinery shed and addition to pack house on the East Part of Lot 28, Concession 1 OS - A. Tupling

The CAO advised that she had signed the following applications to permit:

- shed for tools and equipment on the East Part of Lot 6, Concession 3 OS - H. Harff
- a deck addition on 6 Fieldway Court in Horning's Mills - T. Prentice
- a garden shed for storage on Part of Lot 7, Concession 5 NE - K. Kamstra

An application from Reuben Martin for a wood pellet shop, office, lunchroom, washroom, power room, coverall building and two tower silos was also reviewed. As Mr. Martin has not provided all the required information (side yard measurement is missing), the CAO was given permission to sign the application once the information was received.

7:00 p.m. - PUBLIC QUESTION PERIOD

Written questions were received from Bart and Nancy Malloy as follows:

1) Is tax revenue being received from Phase 1 and Phase II of the Melancthon windfarm or just Phase 1? **A - For both - \$45,000.00 for Phase I and \$264,000.00 for Phase II for a total of \$309,000**

a) How much revenue is Melancthon township receiving from the windfarm taxes? **A - turbines are assessed at approximately 93,000 each and multiplied by the Industrial Tax Rate sees the Township receiving approximately \$886.60 per turbine. The 2009 taxes that the Township receives for the 45 turbines is \$39,897.00. The turbines in Phase II have not been supplemented yet as we are waiting to hear the outcome of a pending ARB appeal. The total taxes per year will fluctuate depending on the tax rate.**

b) What capital projects is or has the money been allotted to for the betterment of the community? **A - Extended Road Service Program, Planner in the Office one day per month, Special One-time Emergency Relief Reserve Fund, Horning's Mills Main Street Project and Physician Recruitment**

c) Can any revenues from the windfarm taxes be used to fund technical consultation of the impact that the proposed quarry may have on Melancthon's water system and environmental impact. **A - that would be up to Council as to whether or not they felt it would be a benefit to the Community.**

2) Has Strada Aggregate been excavating below the water table? **A - No.**

a) What is the current status of the Strada application to expand aggregate extraction within Melancthon Township? **A - no new information since the Open House last fall.**

Question from Rob Uffen

What is the status regarding all aspects of the third party professional expert peer review? **A - We have retained Andrew Osyany as our lead lawyer on this matter and the CAO has contacted our Planner to get names of Professionals to peer review studies.**

Questions from the Public

Harvey Lyon asked what the direction was regarding Jerry Jordan's letter regarding Aimpowergen Applications? **A - The CAO advised that she was directed by Council to send Mr. Jordan's letter to them outlining what was required by the Township in order to process the applications.**

Bart Malloy asked how it is determined what a Community Benefit is and what the public would like to see the money spent on? **A - he was advised to send his suggestions into the office in writing.**

Marni Walsh asked if Council will be attending the GRCA forum on Grand River and Lake Erie on September 18th? Could Council request a delegation on the possible effects of the Highland Companies 200 foot deep mine be presented at this forum? **A - the Mayor advised that the information was just received in the meeting's agenda and there had been no decision. She feels it's a good idea.**

Gerald Gordon asked what actions Council is taking to ensure that the Highland Companies are responsible? **A - the Mayor advised that there will be constant monitoring and there will be information written right into an Agreement that they are financially responsible.**

Karren Wallace asked how you can write something into an Agreement? **A - the Mayor advised that we would ask for Letters of Credit to be held on file.**

Willie Platzer said that his capped spring has been deteriorating and he wanted to know why? He wondered if it could be something to do with Highland Companies? **A - the Mayor advised that she did not know why and suggested he contact the Conservation Authority.**

7:25 p.m. - Council took a five minute break and reconvened at 7:30 p.m.
Delegations

7:30 p.m. - Dennis Sanford attended Council with his concerns relating to the proposed quarry applications. He added his voice to the discussion by offering a critique and raising questions about the promotional package received at the Highland Companies Open House on July 25, 2009. He went through the handout with his observations of what he felt was a one-sided presentation. In concluding with his presentation, he asked Council to declare their position on the matter. If Council feels it's a good idea – then declare yourselves and work to convince the public. If you think it's a bad idea, then have the courage to declare it and work with the Community to defend against it. The Community is looking for strength of conviction and strong leadership. He went on to say that this project can be stopped – this project must be stopped and only the strength of a united community will succeed.

7:45 p.m. - Kelsey Phillips, in the place of Kate Armstrong who was unable to make it to tonight's meeting, attended Council with her concerns on the demolition of homes/barns in Melancthon Township. During her presentation, Ms. Phillips spoke on the community and social fabric, recreation, health and safety, and financial problems pertaining to the demolition of these buildings. In concluding with her presentation, Ms. Phillips asked Council to pass a resolution with a by-law for the purpose of designating the whole of the Township as a Demolition Control Area pursuant to Section 33 of the Planning Act. She asked Council to cease to issue all fire permits on structures that are to be demolished in the Township of Melancthon, and all future fire and/or burn permits, that are applied for on dwellings intended to be demolished, be processed, reviewed and dealt with in all respects as though they were a demolition permit. She asked Council to seek a heritage designation on the homes in Melancthon that a Heritage Designation Committee deems appropriate and to make a formal request to the County of Dufferin to implement any and all by-laws, orders, procedures or regulations which are required in order to further the intent of this resolution.

8:00 p.m. - Marni Walsh and Karren Wallace attended Council. They asked that their delegation be known as "No Stone Unturned". Ms. Walsh spoke on her concerns with the proposed 2400 acres quarry and asked Council to conduct a professional study to prove that a 2400 acre, 200 foot mine does not belong on the headwaters of two vital watersheds serving millions of Ontarians. She said legally these studies can and must be paid by the applicant if such requirements are in the Official Plan. She went on to say that conditions set in the OP insure the best chance for the security of the Township and costs little more than the Planner's time to implement them. She said as well as implementing these conditions, that Council must adopt the AEMOT study into their OP and to amend our planning fees and charges by-law to reflect fees and charges to reflect the true cost of processing an aggregate application. In concluding with her presentation, a resolution has been prepared so that Council can immediately move forward to implement these vital components into the Official Plan.

Ms. Wallace then continued on with her presentation. She asked Council to look at its fees and charges by-laws and provided them a copy of the City of Hamilton's 2009 Fee Structure. She went on to speak about the Township's OP and advised Council to consider an amendment to it, to list all studies that may possibly be required for an application to be complete and provided this list to Council. She spoke on the AEMOT study and incorporating it into the new OP. Ms. Wallace also provided Council with the

Zoning By-law and Official Plan Process flowcharts. In concluding with her presentation, she asked Council to use all the resources available to them – legislatively and precedent wise.

General Business - Cont.

New/Other Business

Moved by Kumprey and Elliott that we approve the Plan of Survey re: Part of Lot 16, Concession 8 SW Application B1/09 Project No. 4118A submitted by PJ Williams for his client Wayne Robson under date of July 8, 2009. Carried.

By-law No. 13-2009

Moved by Kumprey and Elliott that By-law No. 13-2009 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

Closed Session

8:15 p.m. - Moved by Crowe and Elliott that we move into Closed Session in order to discuss a matter pertaining to: personal matters about an identifiable individual, including municipal or local board employees. Carried.

8:19 p.m. - Moved by Elliott and Kumprey that we rise from Closed Session with no report. Carried.

Adjournment

8:20 p.m. - Moved by Crowe and Elliott that we adjourn Council to meet again on Thursday, September 3, 2009 at 9:00 a.m. or at the call of the Mayor. Carried.

MAYOR

CLERK