

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 2nd day of July, 2009 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor B. Hill, Councillor J. Crowe, Councillor J. Elliott and Councillor B. Kumprey were present. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

Additions

- fence issue on East Part of Lot 6, Concession 2 OS - Shelburne Tire and Towing
- email from MOE regarding Nutrient Management Sessions
- Mayor Fawcett - follow up letter to the NVCA regarding the resolution passed at the last meeting regarding GRCA's report on the "Cumulative Impacts of Aggregate Extraction Below the Water Table"
- Rick Riddall, Landfill Supervisor - Delegation for 9:45 a.m.

Deletions

- None

Approval

S Show of hands

Minutes

Moved by Kumprey and Elliott that we approve the minutes of the Council meeting held on June 18, 2009 as circulated. Carried.

Business Arising from Minutes

NDACT invitation - June 20, 2009 meeting - Deputy Mayor Hill advised that he spoke with Ted Oldfield after the meeting and Mr. Oldfield thinks that because Mr. Daniher sits in on our meetings that things are happening behind the scenes. Deputy Mayor Hill said he advised Mr. Oldfield that if he thought that's what was happening, that he should provide information to substantiate that claim. Deputy Mayor Hill was very displeased with his comment.

Point of Privilege

Councillor Kumprey advised that she has received two more letters in the package today regarding comments made about the Highland Companies. She reiterated that she "personally" has never received a phone call from anyone about them.

County Council Update

Mayor Fawcett reviewed the County Council Update for June 11, 2009.

Committee Reports

Mayor Fawcett

Southgate Recreation Advisory Committee - no smoking signs installed, the recreation calendar has been posted on the website, new ball screen has been installed at the Hopeville Park, seniors pepper tournament, the next meeting will be September 24th, pool heater has not been installed yet, RINC application for BMX skate board park, Melancthon's letter regarding capping was discussed – the CAO's to meet and work out details of the Dundalk Agreement.

North Dufferin Recreation Board - the local catering group was a delegation at the meeting and they were acknowledged for what they have done; Manager Richardson gave his report; the BBQ pits are in need of repair and the insurance carrier advises that the BBQ pit needs to be fenced. The summer program of hiring a student will not be pursued. BBQ posters are being distributed. RINC Application has been submitted and the Rec Master Plan was discussed.

Shelburne Fire Board - had a guest speaker regarding the role of a Fire Prevention Officer and Inspections.

Deputy Mayor Hill

CDRC - there will be a meeting tomorrow night where the tenders will be opened for an Engineer on the project. There were 38 requests received.

Councillor Crowe

POA meeting - June 19, 2009 - item's discussed:

- staff asked to track tickets that go to trial as fines are actually being reduced by the presiding justice
- Court Collection Agency still doing a good job collecting old unpaid fines
- pay tickets still working well – POA has to pay the credit card percentage
- still working on getting fines increased
- extra court time allotted – 2 full days a month and will be held at the Orangeville Town Hall
- from 2004 - 2008, fines have decreased approximately \$200,000.
- due to a shortfall of \$29,520.00 in the 2008 budget, the Board approved a 50% administration fee for the 2nd half of 2009 to try and offset this amount – Melancthon's share will be \$2,412.15. The Caledon accounting staff had recommended 55%. Board members recognize that the rising admin costs are directly related to the sharp decline in fines assessed. The local Police Chiefs and Detachment Commander are going to be invited to the next meeting to try and get their perception on how this all plays out and what initiatives may have to be planned.

Councillor Kumprey

Shelburne Library Board - problem at the library with pornography access on the internet. Province has introduced Bill 128 but the library is not supporting it as the library has its own policy in place. Six new computers were installed and are working.

Councillor Elliott

No meetings.

Correspondence

1. GW Jordan - Specialty Crop Designation - Council Information Request
2. NDACT News Release - Highland Companies Will File An Aggregate Application Within 3 - 6 Months
3. GRCA Minutes - June 2009
4. GRCA - Appointment of Member
5. Letter from Janet Anderson, Melancthon Resident, regarding Wind Turbines
6. Email from Diane Volgyesi and Angelo Zaccheo addressed to Councillor Kumprey regarding the Highland Companies
7. Letter from Exio and Cindy Bobbato addressed to Councillor Kumprey regarding the Highland Companies
8. Letter from Janet Le Clair regarding the use of a trailer on the East Part of Lot 31,

Concession 2 OS

9. NVCA Highlights - June 12, 2009
10. Resolution from the Town of Innisfil regarding Ontario's 2009 Budget - Harmonized Sales Tax Affects Electricity Rates starting July 1, 2010
11. Letter from NDACT addressed to Mayor Fawcett regarding an article that appeared in the June 23, 2009 edition of the Orangeville Banner re: Highland Companies intent to file an extraction application
12. GW Jordan - Meeting Notes on the Highland Companies Pre-Application Consultation Meeting held on June 24, 2009

Addition;

1. An email from MOE regarding Nutrient Management Sessions

#4 - Moved by Kumprey and Elliott that we re-appoint Tom Nevills as the representative for Melancthon to the GRCA to Dec. 31, 2010. Carried.

8 - A letter was submitted last year and Mrs. LeClair was advised to submit her letter this year. Council has no problem allowing her mother to stay in the trailer. She will have to fill out the appropriate application and the Township will enter into an Agreement. The trailer will only be used for the summer months.

#10 - Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancthon has reviewed a motion by the Council of the Town of Innisfil dated June 3, 2009, relating to the Harmonized Sales Tax Affects Electricity Rates starting July 1, 2010 and we hereby support the motion in its entirety as this will be a further burden on the ratepayers of this municipality. Carried.

General Business

Draft Short Term Disability By-law

The by-law was presented and reviewed. A couple of clarifications are required. The first one pertains to whether or not the disability is a result of an occupational hazard as this would be covered under WSIB. Also, the section where it would allow each employee to apply for up 4 consecutive working days without a doctor's certificate (not clear on what this means). It was noted that this by-law pertains to staff, only. The Clerk to bring the by-law back to a further meeting of Council.

Applications to Permit

Mayor Fawcett signed an application to permit an addition to an existing building for truck bays on the East Part of Lot 25, Concession 1 OS - D. Rutledge.

New/Other Business

Request from Marni Walsh, Report, Shelburne Free Press

A request was received from Ms. Walsh, for a press kit (agenda package) prior to the meeting, now that the information is being posted on the website. Ms. Walsh was advised that the procedural by-law was changed to allow the information to be posted in advance of the meeting so that people could print off the material before the meeting, as well as to save staff time so they are not copying attachments. Ms. Walsh was advised that she could get the information off the website and that a printed agenda package would not be provided.

Discussion - Special One-Time Reserve Fund

A special one-time reserve fund in the amount of \$12,000.00 was put in this year's

budget for any Melancthon resident that has been faced with economic hardship. Discussion ensued regarding an upper limit amount and \$500.00 was mentioned. Council felt that they will deal with each application on an individual basis. The County of Dufferin has a similar program and a resident would have to have a referral from the County for our program. Deputy Mayor Hill to work with the CAO and the County on this initiative. This information is to be put in the newsletter that will go out with the tax bills.

Discussion regarding Preparation of Information Package

After the NDACT meeting held on June 20, 2009, Deputy Mayor Hill spoke to the Chair of the Committee and thought it would be helpful that if another meeting was held, that Council make a presentation. An information package will be prepared referencing planning policies, time-lines and dates under the Planning Act for OP Amendments and Zoning By-law Amendments. Deputy Mayor Hill advised of an article by David Suzuki in the Lindsay Post titled "Lands Must Be Preserved".

Delegations

9:45 a.m. - Rick Riddall, Landfill Supervisor attended Council and gave his monthly report. In the report he advised that calcium had been applied to the laneway and a small amount by the debris catchers, the OPP were called regarding garbage bags that a resident left at the gate and Nelson Arnold Construction has almost finished stripping topsoil for future garbage burial.

10:00 a.m. - Lundy Rezoning - A public meeting had been called to consider a proposed zoning by-law amendment that would rezone property in part of Lots 282 and 283, Concession 4 SW. The amendment would rezone a newly created lot containing a farm residence from the General Agricultural Exception Zone to the Rural Residential Exception zone. Mr. Jamie Lundy attended the meeting. No comments were received.

Moved by Kumprey and Elliott that leave be given to introduce a by-law to amend the main governing zoning by-law of the Township being 12-1979 as amended and it now be read a first and second time. (Lundy - Part of Lots 282, 283, Concession 4 SW). Deputy Mayor Hill requested a recorded vote:

Deputy Mayor Hill - nay
Councillor Crowe - yea
Councillor Elliott - yea
Councillor Kumprey - yea
Mayor Fawcett - yea
Carried.

By-law read a first and second time and numbered 10-2009.

Third Reading - 10-2009

Moved by Elliott and Kumprey and By-law No. 10-2009 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Deputy Mayor Hill requested a recorded vote:

Deputy Mayor Hill - nay
Councillor Crowe - yea
Councillor Elliott - yea
Councillor Kumprey - yea
Mayor Fawcett - yea
Carried.

New/Other Business - Cont.

Shelburne Tire and Towing - Fence

The Clerk advised that a letter had been sent out in May 2009 regarding the fence that is to be constructed along the western portion of the property line but has not been started yet. The Clerk advised that there has been no response to that letter. The Clerk was directed to send another letter by registered mail requesting to know when the fence would be built?

Resident Complaint

Councillor Elliott advised that she and Mayor Fawcett had received a call on Friday evening (June 26th) from Henry Kelly, East Part of Lot 11, Concession 2 OS regarding a complaint of a horrible smell coming from Shelburne Iron and Metal. As Councillor Elliott was busy at the time of his call, she asked if he had called anyone else and his reply was that nobody else thought that there was any problem and wouldn't come anyway. Deputy Mayor Hill said that if he had of received a call, he would have responded. Both Councillor Elliott and Mayor Fawcett both attended (separately) in front of his house but did not go on the property. When each got there, neither could detect the smell. Councillor Elliott, who was unable to contact Shelburne Iron and Metal until Tuesday, spoke to someone there and they stated there had been no incident. Mayor Fawcett advised that she contacted Masonville Store and they advised that on the day of the complaint, they had their propane tanks filled and this was likely the source of the smell.

Follow-up Letter to the NVCA regarding Resolution concerning the Cumulative Impacts of Aggregate Extraction Below the Water Table

Mayor Fawcett read a draft letter that she had prepared regarding the above noted matter. The Clerk was directed to send the letter to the NVCA as well as the following agencies: MNR, OMAF, MOE, Ontario Stone, Sand and Gravel Association.

Road Business

Allen Braiden, attended and presented his road accounts. Moved by Hill and Crowe that the roads accounts in the amount of \$82,258.38 be approved as presented. Carried.

The Clerk was directed to sign the Atkinson Agreement regarding the laying of pipe on road allowance for irrigation purposes.

Allen advised that he reviewed the Plateau Wind Farms Environmental Screening Report and noted his concerns. The Clerk was directed to send a letter to Stantec noting the following:

- all cabling is to be underground and not overhead
- recommends travel route for the Shrigley Collector Line to be as follows:
North on the 4th Line NE to the 240 SR – across 240 SR to Highway No. 10
– south on Highway No. 10 to 250 SR – across 250 SR to the 2nd Line SW
- when underground cabling is completed – the ground that has been disturbed must be top-soiled and re-seeded
- the underground cabling must be buried not more than two metres off of property line
- the underground cabling must be marked with warning markers a minimum of 500 metres apart
- haul routes are to be approved by the Township and re-graveled at the end of the project
- any road widening is to be brought back to the existing condition

Discussion ensued regarding a Public Meeting for Horning's Mills Reconstruction of Main Street. The tenders are scheduled to close on July 20, 2009. A special meeting will be set to deal with these issues.

Allen advised that he received a complaint from Wayne Hannon regarding weeds in Township ditches. He has been in discussions with the County Weed Inspector. The weed is called leafy spurge. The Township is in the process of cutting the roadsides and will put some money in the budget for weed spraying next year.

10:25 a.m. - Council took a five minute break.

10:30 a.m. - PUBLIC QUESTION PERIOD

An email with questions pertaining to Council's decision to obtain a police costing from the Town of Shelburne came from Bart and Nancy Malloy:

1. What criteria will be used to determine the best proposal for Police Services in Melancthon?
2. Will the OPP and the Shelburne Police Services proposals be made known to the Public once they have been evaluated by the evaluating members?
3. Who will make the final decision of what proposal will be in the best interest of ratepayers of Melancthon Township?

Councillor Crowe answered this question because of his background in policing, as well as because he sits on the Police Services Board for Melancthon Township. He advised that the issue came up as part of our budget discussions. The cost for policing in 2008 was \$277,776 and in 2009, the budgeted costs are \$320,339 – an increase of \$42,563. The CAO was asked to contact the Shelburne Police Service as to the feasibility of preparing a policing cost. This was done by letter on March 23, 2009. The Shelburne Police Services Board responded acknowledging receipt of our letter and sent a copy of their motion outlining that the Chief of Police investigate the feasibility of same and bring back his findings. We have not received any indication as to whether they wish to do a costing or not. At the present, we have a policing contract which does not expire until 2013 and one year's notice is required to terminate the agreement. In relation to the budget impact, policing ranks 3rd behind roads and administration. We feel that although we have no issue with the OPP, we owe it to our ratepayers to explore other avenues and get a comparative cost. Councillor Crowe said that as this progresses, should the SPS submit an attractive costing option, the public will and should be very much involved and of course a very close comparison made between the two proposals. The Council of the day will have to decide whether to change or stay with the present contract. Councillor Crowe is sure that all the criteria – i.e. cost, quality, manpower ratio, and especially the ability to provide all the specialized services will be considered at that time.

An email from Marni Walsh, Melancthon Citizen was received with the following question: Are the Source Water Protection Conferences attended by the Mayor paid for by the rate payer? Yes. What would the leaders at those conferences tell you about protecting the water in Melancthon in the current situation with aggregate below the water table? What have you learned that you can apply? Mayor Fawcett advised that she did attend a half day workshop in Midland and was paid \$30.00 and did not submit for mileage. The workshops deal with municipal wellheads and is a direct result of the Walkerton Inquiry and is the recommendation of Justice Dennis O'Connor. At this point in time, the aim is to communicate and try to make people aware of the 2-year time of travel near Municipal Wells – Committees are being formed and are developing a "Terms of Reference" as well as a series of technical reports. These will be developed into an Assessment Report, then into a SWP Plan that will require implementation in 2012. We have no municipal wells ourselves but our neighbours to the North and South both have wells within the 2-year time of travel.

At this time, Ms. Walsh asked Council to reconsider its position regarding the Agenda Package as she felt that as a Reporter, being denied access to the agenda package was breaking tradition of a courtesy to a Reporter and felt it important that she have a press kit.

Discussion then ensued regarding a question raised by Ms. Walsh regarding comments/suggestions made at the NDACT meeting on June 20, 2009 concerning engaging in a 3rd Party professional review. Mayor Fawcett advised that she did not say we were going to do it, but that Council would discuss it. Ms. Walsh felt this was contradictory to what has been said for months as this particular question from a ratepayer has been repeatedly denied for several months.

An email from Rob Uffen, was received with the following questions:

1. Will Melancthon Council engage a professional expert in all areas of quarry applications, to conduct a third party peer review of all details regarding any applications that the Highland Companies may make to Melancthon Township to be paid for completely by Highland Companies? **Answer:** Yes

If so,

- (A) has the search process for the professional expert begun? **Answer:** Yes
- (B) has Highland Companies been contacted regarding paying for the review and, if so, what was the response? **Answer:** No
- (C) will Melancthon ratepayers be able to interact with the professional expert during the review in the interest of completeness – if not, why not? **Answer:** Melancthon ratepayers will be able to review the studies of the professional experts at the Public Meetings/Open Houses.

Mr. Uffen requested the answers to his questions be in writing.

At this time, Mr. Uffen provided Council with information that he had been researching regarding the AEMOT study.

Marni Walsh - asked if Council was going to hire an agrologist as recommended by Jerry Jordan in his correspondence discussed today? Council advised that there was no money in the budget for this and we don't know how much it will cost. Council would invite a member from OMAFRA to a Council meeting regarding the Specialty Crop Designation.

Garry Matthews - wanted to know why staff were having meetings with the Highland Companies and said that all meetings should be taking place in the Council Chambers. He went on to say that when he was Mayor, he was not allowed to have meetings with anyone. The CAO advised that it was a Staff meeting with herself and the Planner to advise what studies were required when the planning applications were filed (as per the new regulations under Bill 51). What was discussed in that meeting was made available to the Public, through the Planner's report.

As the time had gone over for the PQP, Council advised that it would continue for those who did not get a chance to ask questions at 1:00 p.m. for a half hour.

Delegations - Cont.

11:15 a.m. - Opening of Tenders - T-2009-02 for a Tandem Diesel Truck Cab and Chassis - 68,000 GVW complete with Plow/Sand Combination Unit. Five tenders were received:

1. Currie - \$233,797.00 (taxes included)
2. Lewis - \$231,311.00 (taxes included)
3. Complete Western Star - \$241,056.12 (taxes included)
4. Highway Sterling - \$239,454.91 (taxes included)
5. Bramhill Truck Centre - \$243,533.08 (taxes included)

Allen to review the tenders and report back to Council on his recommendation.

11:35 a.m. - Andrew Osyany, Township Solicitor, attended Council to provide Solicitor/Client Privileged Information. Moved by Hill and Crowe that we move in to Closed Session to discuss a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; the receiving of advice that is subject to Solicitor/Client privilege, including communications necessary for that purpose. Carried.

12:30 p.m. - Moved by Hill and Crowe that we rise from Closed Session with report. Carried.

Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancthon hereby retains Mr. Andrew Osyany as its lead legal representative pertaining to the anticipated filing of appropriate and related applications for a below the water table aggregate extraction project in Melancthon Township and he assemble the team of experts required to peer review the said anticipated applications and he is to draft an agreement to be presented to the potential applicant covering cost related items not covered by the Planning Act. Carried.

Council adjourned for lunch.

1:00 p.m. - Council reconvened.

Public Question Period - Cont.

Dave Vanderzaag wanted to know if the Planner and CAO had signed off on the list of reports that are required to be submitted at the time of the Highland applications?

Answer: No.

He advised that Council has the Power under the Planning Act to undertake its own studies at the applicant's expense and felt that a report from an independent agrologist should be added to the list. He suggested not rushing into the studies and asked Council to take the opportunity to slow the process down.

Carl Cosack asked Council to take the necessary steps to have the agricultural land protected and to take the steps to file an application to do so? Discussion ensued and it was felt that all landowners in that area need to be contacted for their views on this. The CAO was directed to contact the Planner to find out how to get the process going and to lay out the criteria to do so.

Kate Armstrong - she sent an email to the Mayor and never received a reply. As per the Mayor's opinion in an article that appeared in the Banner newspaper, Ms. Armstrong wanted to know what her (Mayor) reason's were for thinking it cannot be stopped and asked for her reply in writing. Mayor Fawcett advised that she would respond to her question in writing.

Karren Wallace asked why there hasn't been anything in the budget to defend this issue and wanted to know what the Canadian Hydro Developers Betterment of the Community monies were used for? She was advised that they were used for the Horning's Mills Reconstruction Project, having the Planner in the office one day per month, Road Department Extended Service, Special Reserve Fund and Physician Recruitment.

Mary-Lynne Armstrong wanted to know if the Hall Board minutes were available to the Public? **Answer:** Yes.

At this time, Michael Daniher addressed some of the concerns that were presented at the meeting and advised that they have been on the record for the past 10 months saying Highland Companies were going to be exploring aggregate and other land uses, he spoke on the peer review process, the planning meeting and the specialty crop

designation request.

Road Business - Cont.

Allen returned after reviewing the tenders and advised that the only tender that complied with the specifications was Bramhill Truck Centre and recommended that Council accept that tender.

Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancthon has reviewed tenders for the supply of a tandem diesel truck cab and chassis 68,000 Gross Vehicle Weight, complete with plow/sand combination unit and we hereby award the tender to Bramhill Truck Centre for a Volvo 2010 that meets all specifications specified at a price of \$243,533.08, including applicable taxes - \$1200.00 and tax to be deducted on delivery of the cab and chassis - build date week of September 28, 2009. This purchase complies with the Melancthon Township Procurement Policy. Carried.

General Accounts

Moved by Hill and Kumprey that the general accounts in the amount of \$126,309.04 be approved as presented. Carried.

Adjournment

Moved by Hill and Crowe that we adjourn Council to meet again on Thursday, July 16, 2009 at 6:00 p.m. or at the call of the Mayor. Carried.

MAYOR

CLERK