

## **CORPORATION OF THE TOWNSHIP OF MELANCTHON**

The Council of the Corporation of the Township of Melancthon held a meeting on the 4<sup>th</sup> day of February, 2010 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor 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

- Deputy Mayor Hill - Identifiable Individual - Mulmur Melancthon Fire Board and CDRC
- Deputy Mayor Hill - New Business - establishment of a PSAB Committee
- Councillor Kumprey - announcement of her resignation from Council - Closed Session

### Deletions

- None

### Approval

S Show of hands

### Disclosure of Pecuniary Interest

Nothing at this time.

### Minutes

Moved by Hill and Crowe that the minutes of the January 21, 2010 meeting be approved as amended. Carried.

Information added to the Mayor Morrison delegation on a question asked by Joan Lever about monies spent on its Quarry application. Caledon has spent \$2 million, Peel Region has spent \$2 million and the ratepayers group has spent \$1.2 million and they are still \$250,000 short.

### Business Arising from Minutes

None.

### Point of Privilege or Personal Privilege

None.

### County Council Update

Mayor Fawcett reviewed the County Council Update of January 14, 2010 with Council. Deputy Mayor Hill reported on the court ruling regarding the sale of the rail line and Orangeville does not have a conflict as a result of the ruling.

### Committee Reports

#### **Deputy Mayor Hill**

Mulmur Melancthon Fire Board - there was a meeting two-three weeks ago and there was discussion regarding the budget.

## **Councillor Crowe**

Provincial Offences Board - January 15, 2010 - The operational statistics for 2009 were received and discussed. Both local police services were in attendance. The OPP Detachment Commander had been there the previous meeting. Total charges received from all agencies was 8950 Part I and Part III - Melancthon portion - 649. Overall charges are up by 1701. In 2009, \$82,955.00 in old fines were collected with Melancthon's share being \$4,106.75 (before admin fee). A trial disposition chart was presented showing how the charges were dealt with in 2009 as follows: guilty to a lesser charge 40%; guilty as charged - 26%; acquitted - 2%; withdrawn/quashed/stayed - 20% and adjourned - 12%. Melancthon's total revenue before administration fee - \$61,825.05. Under Bill 212 (Good Government Act) Part I set fines have increased from \$500.00 to \$1,000.00 yet to receive Royal Assent as of Dec. 31, 2009.

**Councillor Elliott** - no meetings

## **Councillor Kumprey**

Shelburne Library Board - a \$2,000 grant has been received to purchase new books. The budget had an increase of 4.1-4.5% but the Board did get it down to 2.5%.

## **Mayor Fawcett**

Shelburne and District Fire Department - January 5, 2010 - the Chair for 2010 will be Bill Cowie and the Vice Chair is Ken McGhee. Walter Benotto is pursuing the MUSH funding for the quinte truck and the budget will be prepared accordingly. He is also looking into CAF funding for the addition to the hall to house the truck.

Mulmur Melancthon Recreation Advisory Board - January 12, 2010 - the initial plans for the Beef BBQ are underway and the entertainment, promotional advertising, ticket pricing was all discussed. There is a free adult skate on Saturday evening from 7-8. The ball tournament is on the agenda for the next meeting. The Board discussed plans for the Hockey Game between the Muskies and the Norduffs on Feb. 13<sup>th</sup>.

Centre Dufferin Medical Recruitment - the Committee met at the Town Hall and issues have arisen at the Family Health Team Board resulting in the resignation of Mayor Ed Crewson from the Board. The Press was present for most of the meeting.

## Correspondence

1. Letter from the Township of Essa regarding Conservation Authorities
2. Letter from the Nottawasaga Valley Conservation Authority regarding the letter from the Township of Essa
3. Letter from Burnside and Associates regarding Drainage Superintendent Services - July 1, 2009-December 31, 2009
4. Report from the Deputy Clerk-Treasurer, Township of Mulmur regarding the 2010 Mulmur/Melancthon Fire Budget
5. Letter from Bruce Wilson, Vice President Farm Operations at The Highland Companies regarding Councils decision regarding its application for a minor exemption under the Forest Conservation By-law
6. Information from Marni Walsh - Puslinch Residents Block Gravel Pit
7. Notice from the Ministry of Environment regarding the posting of EBR Registry 010-8766 - Draft Regulation to Support the Development and Implementation of Source Protection Plans under the Clean Water Act, 2006
8. Draft Letter and Resolution prepared by Deputy Mayor Hill regarding the Green Energy Act
9. Email from Karren Wallace thanking Council for their letter of objection to the exemption to the County Tree By-law

10. Invitation from the Grand River Conservation Authority to attend its Annual General Meeting to be held Friday, February 26, 2010
11. Draft Letter to Six Nations of the Grand River Territory (prepared by Councillor Crowe) regarding the Proposed Organics Guidelines - MOE Land Application of Non-Agricultural Source Materials - Sewage Biosolids as a Nutrient Reclassified as Compost

# 1 & 2 - Moved by Hill and Crowe The Corporation of the Township of Melancthon supports the resolution of the Township of Essa (222-2009) dated October 7, 2009 in its entirety. Further, we request absolute clarification of the differing opinions of the NVCA and Township of Essa regarding the Land Acquisitions/Requests as part of the NVCA Process. Carried.

# 8 - Moved by Hill and Crowe that Whereas the Green Energy Act was proclaimed May 14, 2009 and changes the way that renewable energy projects proceed in the Province of Ontario; And whereas this Act removes Municipal and public involvement in the process And whereas the Premier has not fulfilled his promise to appoint an ombudsmen to investigate health concerns relating to wind power; And whereas on October 19 2009 a court challenge requesting a judicial review of the Green Energy Act 2009 on the Precautionary Principle as it applies to industrial wind turbine installations; And whereas a recent decision by the Assessment Review Board upheld the appeal of an individual ratepayer and reduced the assessment of his property by 50%; And whereas both of those events could have significant negative impact on host Municipalities; Therefore be it resolved that we strongly suggest that the Province of Ontario issue a moratorium on future wind power development until the court case is settled and the financial impact of reassessment can be determined; Further we encourage the Premier to keep his promise and appoint an ombudsmen to deal with the health issues suggested as a result of commercial wind farms. Carried.

#### Correspondence on File at the Clerk's Office

1. Minutes of the Mulmur/Melancthon Fire Board Meeting held on December 21, 2009
2. Notice of an Application for Consent Z10/01 from the Town of Shelburne
3. Minutes - Shelburne Public Library - December 15, 2009
4. Lake Erie Region Source Protection Committee Meeting Minutes - December 3, 2009
5. Comments from Garry Hunter regarding The Highland Companies Exemption to the County Forest Conservation By-law
6. Heads Up Alert - OGRA Welcomes Newly Appointed Ministers

#### General Business

##### Draft By-law to Amend By-law No. 29-2009 to appoint Nanci Malek and John Henderson to the Horning's Mills Community Hall Board

Moved by Kumprey and Elliott that leave be given to introduce a by-law to amend By-law No. 29-2009 and it now be read a first and second time. Carried. By-law read a first and second time and numbered 2-2010.

##### Draft By-law to amend By-law No. 8-2009 (Procedural By-law)

Moved by Crowe and Hill that leave be given to introduce a by-law to amend By-law No. 8-2009 and it now be read a first and second time. Carried. By-law read a first and second time and numbered 3-2010.

#### Accounts

Moved by Hill and Kumprey that the general accounts in the amount of \$94,376.03 be approved as presented. Carried.

### Draft 2010 Spring/Summer Newsletter

The above was reviewed. The only change would be regarding Councillor Kumprey regarding her resignation.

### GRCA Preliminary Budget 2010

Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancthon has reviewed the Grand River Conservation Authority 2010 Preliminary Budget which reflects a 7.93% increase over 2009. We find that this increase is unacceptable considering the difficult financial climate all municipalities are operating under. We therefore recommend an increase no greater than 2.5% which represents the 2009 cost of living increase. Carried.

### Applications to Permit

Mayor Fawcett signed an application to permit a farm shed on Part of Lot 26, Concession 9 NE - S. Martin.

### New/Other Business

PSAB - Deputy Mayor Hill recommended establishing a PSAB Committee. All members of Council will sit on the Committee. A meeting date of February 18<sup>th</sup>, 2010 at 3:30 p.m. was set up for the first meeting.

### Unfinished Business

Demolition Control By-law - the Mayor acknowledged the several submissions received regarding the draft by-law and advised that she, the CAO, Township Lawyer and Planner met with John Lowndes and his Solicitor regarding the draft By-law and the Township's concerns were put forth. The Highland Companies have three outstanding permits and have agreed to stop demolition after this and she would like to see this in writing from the Highland Companies. She advised that one of the homes is going to be donated to the museum. A Report from our Solicitor regarding the meeting is forthcoming.

### Delegations

9:45 a.m. - Rick Riddall, Landfill Supervisor - absent

10:00 a.m. - Garry Matthews, NVCA Representative attended Council and spoke on the 2010 NVCA Budget. Melancthon has already advised that we do not want anymore than a 2.5% increase. There is a meeting next Friday and he intends to turn down the budget. Garry provided Council with his comments on the NVCA Streamlining Agreement and the Clerk was directed to forward same to the NVCA. There was some discussion on the Adjala Tosorontio motion requesting the NVCA to review all of its policies – Melancthon has supported this motion. This also will be discussed next week at the meeting.

### Third Reading of By-laws

Moved by Elliott and Kumprey that By-laws 2-2010 and 3-201 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

10:15 a.m. - Council took a 15 minute break and reconvened at 10:30 a.m.

### PUBLIC QUESTION PERIOD

Written questions were received as follows:

John Lowndes:

In addition to such items as reduced grants, OMB reserves proposed by Mr. Rowe and provisions under PSAB, could Council please indicate whether there are any other new issues or significant changes from last year that will have to be reflected in the 2010 Budget? **A - the Presbyterian Church property - \$60,000.00**

Michael Daniher:

Under the PSAB process, Council has indicated that the cost to replace roads with a 0 to 5 year life expectancy is \$26 million, and that the Township is expected to build something into the budget each year for this purpose. Does this mean that Council will have to allocate \$5.2 million during each of the next five years to fund the replacement of those roads? **A - the Mayor read the following which was received from Burnside and Associates regarding the "0 years" of remaining useful life: *All of the roads that have a remaining useful life of '0' have a gravel surface, The useful life for the base of the gravel road was set to the date of incorporation because there was no other reliable information that was available when the inventory was assembled. This means that in some cases even though the road has a remaining useful life of '0' it could still be in 'good' functioning condition even though the remaining life is '0'.* Deputy Mayor Hill then spoke on the PSAB process regarding amortization, depreciation, etc. and that we will have a better idea of the roads once the report is received.**

Bruce Wilson:

Would Council please indicate when its meeting with 401 Energy will be held, whether the content of that meeting will be made public, and whether Council now knows the location and local participants in the proposed 3,500 acre wind farm project? **A - 401 Energy - Paul Boreham has been booked in for a delegation on Thursday, February 18<sup>th</sup> at 7:30 p.m. and we don't know the location or participants in the project.**

The Mayor asked for questions from the gallery:

Joan Lever - Why was the Dufferin Wind Energy Project shown on the map in three locations at the Highland Companies Open House? Does Highland have any ownership of 401 Energy or Dufferin Wind Energy? **A - the Mayor advised that she had no idea and Bill French who was in attendance advised that Highland Companies does not have any ownership in the company and did not have permission to put it on the map.**

Rob Uffen - regarding the Demolition Control By-law - what was the date of the meeting with the Highland Companies and who requested the meeting? **A - the meeting was held on February 2<sup>nd</sup> and the meeting was set up as a result of our last Council meeting on January 21<sup>st</sup> when Council came out of Closed Session and directed the Mayor and Clerk to meet with them.**

Carl Cosack - asked for clarification on the demolition control by-law - we have asked them to hold off on future demolitions but what is the consequence of this if they don't? **A - the Mayor advised that she was not going to comment on this further until the Lawyer gives his report. If this report can be made public, it will be posted on the website.** Why was there a requested meeting with Highlands? **A - it was a recommendation of our Lawyer and Planner.**

Nanci Malek made a comment regarding the Highland Companies and that they are burying more trees and homes and as well as the illegal dumping of heritage homes that have been taken down.

Bart Malloy - wanted to know why Deputy Mayor Hill had so much concern regarding lower taxes and reducing of tax bills regarding turbines and felt that more effort should be put forth to make the wind turbine companies pay more money. **A - Deputy Mayor Hill spoke on the concerns regarding reduced assessment and said that if everyone (in the vicinity of a wind turbine) gets a reduction in assessment, it will have a grave financial impact. The door has already been opened on this issue. If all the**

**assessments are reduced by 50% – we have a major problem on our hands. There are new rules in place that we will not get notified and municipalities are no longer able to negotiate amenities agreements – our powers have been taken away. He also spoke on the issue relating to the Highland Companies property assessment/tax class which was touched on at an earlier Council meeting. Would Melancthon pursue the wind companies to get back the lost revenue (from taxes)? A - it was felt that the government should enter into an agreement to do this because there are no longer amenities agreements and they should pay the loss in taxes.**

**Demolition Control By-law** - At this time, Deputy Mayor Hill spoke on Andrew Fyfe who prepared the Demolition Control By-law. He advised that he is not a new Planner and he was working in the place of Jerry Jorden who was off because of surgery. The by-law was prepared because of a recommendation received from Mr. Jorden on the questions that Marni Walsh and Carl Cosack asked at an In-House Planning appointment. The advice was to seek a legal opinion, which we did and that is why the draft By-law was prepared. Mr. Fyfe has worked with Jerry Jorden in the past and has also worked on the Township's new Official Plan. He also advised of the oversight and why the January 21, 2010 letter of Andrew Osyany did not get put on the website – the basis of the letter is that the By-law has to be based on sound planning.

Also, Deputy Mayor Hill advised of information the Clerk provided to him regarding the loss in taxation due to the homes being demolished by the Highland Companies (if they apply to have the assessment reduced).

#### Delegations - Cont.

11:00 a.m. - Mary Jane Weir attended Council to discuss the Township's draft demolition by-law and presented information on her home which has had an Architectural Evaluation done on it. She suggested that Council set up a Heritage Committee and will be advising Mulmur Council of the same.

At this time, Joan Lever advised of a meeting in Tara regarding Wind Energy and a meeting in Orangeville regarding the DEEP Project. She had a submission for the DEEP meeting and Mayor Fawcett advised that she would take it and submit it but could not guarantee they would discuss it.

Also, during this time, dialogue between a member of the gallery and the Mayor took place and the Mayor took a break at 11:13 a.m. and returned to the Council Chambers at 11:16 a.m.

#### New/Other Business - Cont.

The letter of resignation from Councillor Kumprey was read by Mayor Fawcett. This will be further discussed in Closed Session.

#### Road Business

Allen Braiden, Road Superintendent attended Council and presented the road accounts. Moved by Kumprey and Elliott that the road accounts in the amount of \$234,898.45 be approved as presented. Carried.

The letter from Bart Malloy regarding 2010 Draft Budget Planning was received and deferred to the Budget Meeting scheduled for February 9, 2010.

The Report of Trevor Lewis, Director of Public Works - County of Dufferin regarding the Plowing of the 3<sup>rd</sup> Line when County Road 124 was reviewed. Allen was asked to put his concerns in writing for the next Road's Committee meeting.

Closed Session

11:30 a.m. - Moved by Hill and Crowe 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; a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before an administrative tribunal, affecting the local board and the receiving of advice that is subject to Solicitor/Client privilege, including communications necessary for that purpose. Carried.

12:05 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 has received a letter of resignation from Councillor Beverley Kumprey and hereby accepts same with regret. We sincerely thank her on behalf of Council for her twenty-six years of service to the Township. Now therefore in accordance with Section 259 of the Municipal Act, we declare Councillor Kumprey's office of Councillor to be vacant. Carried.

The CAO was directed to advertise the position in the local papers and on the website. Applications to close February 26<sup>th</sup>, 2010 at 4:00 p.m.

Adjournment

12:20 p.m. - Moved by Kumprey and Elliott that we adjourn Council to meet again on Thursday, February 18, 2010 at 6:00 p.m. or at the call of the Mayor. Carried.

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MAYOR

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CLERK