

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 8th day of July, 2010 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor Hill, Councillor J. Crowe, Councillor J. Elliott and Councillor D. White were present. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

Additions

- Set Special Meeting regarding IPC Agreement
- Bart Malloy - question for PQP was put in as correspondence- move it out to PQP
- Closed Session - Identifiable Individual - property in Horning's Mills
- Deputy Mayor Hill - Closed Session - Identifiable Individual
- Deputy Mayor Hill - release Andrew Osyany's letter regarding Arran-Elderslie By-law
- Mayor Fawcett - information on a not-for-profit workshop

Deletions

- None

Approval

S Show of hands

Disclosure of Pecuniary Interest

None disclosed at this time.

Minutes

Moved by White, Seconded by Elliott that the minutes of the June 17, 2010 Council meeting be approved as circulated. Carried.

Business Arising from Minutes

Rail line issue - the Rail Line Committee met with General Government Services to discuss the objective of the next meeting - i.e. - how the public meeting will be handled, what its all about, disposition of the asset – whether leased or sold, financial impact, etc.

Point of Privilege or Personal Privilege

None.

County Council Update

Mayor Fawcett updated on what took place at the last County meeting - biggest issue was the rail line sale.

Committee Reports

Each Council member reported on the meetings they had attended and the written reports are kept on file:

Mayor Fawcett - Not-for-Profit workshop (also attended Shelburne Fire Board which Councillor Elliott reported on)

Deputy Mayor Hill - CDRC

Councillor Crowe - St. Paul's Cemetery, Police Services Board

Councillor Elliott - Southgate Recreation Advisory Board, Shelburne Fire Board

Councillor White - Shelburne Library Board
Correspondence

1. Copy of a Letter to the Editor regarding the Rail Line from Deputy Mayor Hill
2. Letter from the Township of Adjala-Tosorontio regarding the Proposed Limestone Quarry
3. Information from the Ontario Good Roads Association regarding the Minimum Maintenance Standards
4. Resolution from the Township of Mulmur regarding the County of Dufferin Authority for Waste Management Assumption
5. Resolution from the Township of Amaranth regarding the County of Dufferin By-law 2010-29 Waste Collection
6. Letter from the Ministry of the Environment regarding the implementation of Source Protection Plans under the Clean Water Act, 2006
7. Letter from GW Jordan - Summary of the background and current processing of the Strada Aggregates Inc. Planning Applications - Part of the West Half of Lots 11 & 12, Concession 3 OS
8. Email from Joan Lever regarding Grey Highlands passing the Arran-Elderslie By-law
9. Letter from the Melancthon Township Police Services Board recommending to Council to put a separate section on the Melancthon Township website for PSB information
10. Letter from Andrew Osyany, Township Solicitor regarding the City of Kawartha Lakes letter dated May 1, 2010 (and discussed at the last Council meeting)
11. NVCA Highlights for June 11, 2010
12. Letter (and attachment) from Wayne Hannon regarding the maintenance and repair of the McNabb Drain
13. Information from Bart Malloy regarding the Waste Plasma Arc Technology

#3 - defer to the next meeting - CAO to see if there is money in the budget to contribute to this.

8 - at this time, the letter to be discussed in Closed Session regarding Mr. Osyany's opinion on the Arran-Elderslie By-law was brought into Public Session and read by the Mayor. The CAO was directed to publish the letter on the website. Discussion ensued on the opinion and the CAO was directed to send Mr. Osyany a letter advising that at the moment, Council is not interested in a detailed critique of the by-law but is wondering if there is merit in pursuing something under the Charter of Rights and Freedoms that they can pull from to be used to their benefit. Council wants a by-law that can be enforced and what the cost of that would be.

9 - Moved by Crowe, Seconded by Hill that the Council of the Corporation of the Township of Melancthon has reviewed a motion dated June 28, 2010 from the Melancthon Township Police Services Board recommending a separate section be set up on the Melancthon Township Website for Police Services Board Information. We hereby direct the CAO to initiate this program in the interest of enhancement of service to the Community. Carried.

10 - defer to the next meeting - CAO to see if there is money in the budget to contribute to this.

12 - the CAO directed to send the letter and attachment to the Drainage Superintendent. Also, a copy of Gerd Uderstadt's letter of May 28, 2009 and the email indicating the number of beaver removed from the drain to be sent to Wayne Hannon.

13 - Deputy Mayor Hill advised that a copy of Mr. Malloy's submission was sent to Trevor Lewis, County of Dufferin to keep him informed.

Correspondence on File at the Clerk's Office

1. Minutes of the Shelburne Public Library Board - May 18, 2010
2. AMO Watch File - June 17, 2010 and June 24, 2010
3. Resolution from the Town of Mono supporting Essa's motion regarding Private Members Bill 13
4. Various emails from J. Lever regarding wind turbines

Delegations

9:45 a.m. - Rick Riddall, Landfill Supervisor, attended Council with his monthly update. He reported on the recycling of bale wrap, tires that have been removed, the recycling of light ballasts and small plastic appliances and he thanked Council for the use of the Township pick up truck at the landfill.

10:00 a.m. - Meredith Cudney attended Council to request some assistance (financial or otherwise) with a summer camp for kids that is taking place in Honeywood for four weeks this summer. Ms. Cudney provided Council with information on the camp as well as the projected budget. Council thanked her for her presentation and advised that they would discuss it later in the meeting.

General Business

Amendment to Procedural By-law

Moved by Hill, Seconded by Crowe 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. **The amendment to the by-law is to have the meetings on the 3rd Thursday of the month begin at 6:00 p.m. instead of 9:30 a.m.** By-law read a first and second time and numbered 21-2010.

Draft Map Schedules

Discussion ensued about setting a special meeting to review Section 4 of the draft new Official Plan. The CAO, during the below noted break, contacted the Planner to find out his availability for a meeting and Thursday, July 15, 2010 at 6:00 p.m. the Council Chambers was confirmed.

10:25 a.m. - Council took a 5 minute break and reconvened at 10:30 a.m.

PUBLIC QUESTION PERIOD

Written questions:

Merv Parker - Melancthon Aggregate Situation/ Background - Sometime during the week of June 21-26 2010 earth moving equipment was observed relocating the required security/ safety berm, on the Strada Aggregate pit located on 4th line OS Melancthon easterly onto the St Mary Cement Co. property presently leased and farmed by Glen Squirrel of 3rd line OS, Melancthon. This property was previously know as the Moyer and Kosac, Aggregate Pit later owned by the Lockyer Aggregate Co located on 5 Sideroad of Mono but recently (two years ago) was quietly acquired by St Mary's Cement company with the only public notification being the installation of "No Trespassing" signs on the fence line. This easterly expansion by Strada has already resulted in the destruction of a mid concession tree line on the property - boundary which acted both as a dust and noise filter for neighbours to the east from Strada operations. Based on previous discussions during the approval process for the Strada Pit it was revealed that the Kosac pit operations had been terminated by the previous owners due to the poor quality of aggregate which towards the end of production was being trucked to 5 Sideroad of Mono where it was mixed with their aggregate. This practice was soon deemed uneconomical and was terminated approx. 5 years ago. The pit has remained dormant since that time.

I understood during Strada deliberations with the Melancthon Council that the Kosac pit had been created under former provincial aggregate legislation and was therefore excused from requirements & regulations of the current Provincial Aggregate Act.

Is it possible that this status can be transferred to a new owner without public notice upon change of ownership? Given this preamble, I therefore submit without prejudice the following questions related to this situation for your consideration and response. **A - the CAO will contact the Ministry of Natural Resources to find out.**

Who is the current registered owner of the property located on 3rd line OS Melancthon formerly known as the Moyer & Kosac Aggregate /Gravel Pit? **A - St. Mary's Cement Inc.**

Has Strada notified the town of a change in their eastern property line which increases the size of their original aggregate extraction plan approved by council? **A - not to our knowledge**

Has Strada made application to the necessary authorities for the expansion of their initial permit to now include extraction of aggregate from the St Mary's Cement property to the east? **A - not to our knowledge**

What are the regulations governing Strada concerning the extraction of aggregate from the former St Mary Cement property on 3rd line OS Melancthon? **A - would be through Ministry of Natural Resources**

Will Strada extraction operations on the St Mary Cement Company, be governed by the current Provincial Aggregate Act, or will they be able to operate under the former outdated and unrealistic legislation, which applied to Moyer & Kosac operations? **A - we do not know, but can find out.**

Bart Malloy - Directed to councillor John Crowe. The jurisdiction of Mono, Caledon and New Tecumseh are just a couple of areas that have initiated the Road Watch Program for several years now.. I have tried to schedule a meeting with Detachment Commander Steve Sills to discuss the Road Watch Program and have been unsuccessful in getting a response. Question: Does the Melancthon police services committee or the local OPP detachment have any statistics on the success of this program. Please provide the residents of Melancthon with these statistics and if it has ever been proposed for Melancthon. **A - Councillor Crowe advised that he is familiar with the program because he was involved with it when it was adopted in New Tecumseh. As far as he knows, it has not been discussed by either the previous Police Advisory Board or the Police Services Board. He said he is sure that information can be obtained from Mono on its program by contacting them direct or going on their website. If there is interest in adopting it here, it can become an agenda item for the next PSB meeting in September.**

Marni Walsh - comment - asking Council to be really diligent in the opportunity to work with the Committee on Source Water Protection and to take full advantage regarding a presentation to Council. She asked the name of the Planning Firm that went bankrupt that was doing the official plan maps? How long did they work for Mr. Jorden, was all work transferred to the new people and do we know the difference in what they were being paid as opposed to the new people? **She was advised that we did not know this information because they were hired by Mr. Jorden.**

Wayne Hannon asked about the site plans for gravel pits and can these be made available to the public? **The answer was yes, you can come into the office and have a look at them.**

Joan Lever - recommended that Council see what the Grey Highlands and Arran-Elderslie lawyers said about the by-law and then all three (municipalities) could get together to defend a court challenge.

Merv Parker - regarding the questions he submitted - he says that it is Strada's equipment that is working in the pit and removing the berms. **He was advised that the**

CAO would look into it.

Bev Parker wanted to know if anyone had driven down the 3rd Line to see this and Mayor Fawcett and Deputy Mayor advised that they had.

Joan Lever - comment regarding Section 7 of the Charter of Rights and Freedoms which was read and she wanted to know why our health is not of concern – don't we deserve this. Is there any Council who does not support the by-law because she will remember this at election time? **She was advised that we had already discussed this and said what we were going to do earlier in the meeting..**

Wayne Hannon wanted to know the location of the repairs on the McNabb Drain back in 2007 (the repairs that the County came in and made). **Harvey Lyon spoke to this and showed the CAO on the drainage map where the clean out was. It was from the box culvert on County Road 21 to the box culvert on the 4th Line NE.**

A question came from the gallery asking if Joan Lever could present the map on the 401 Energy Limited so that everyone can look at it. The map was left in the Council Chambers.

Michael Daniher asked Council to please take note that the map is inaccurate and that the Highland Companies are not involved with the project. This will also be drawn to 401 Energy's attention.

Wayne Hannon asked where the consistency was in the Township for Health and Safety of all of the residents for all issues in the Township and spoke about an issue of smoke created by a neighbour's burn barrel that caused his father health issues. **He was advised that the Township has a By-law Enforcement Officer that we call on. We don't have any specific by-law dealing with just Health and Safety and said this may be a Health Unit issue.** Wayne advised that if it is dealing with one individual they won't touch it but maybe if it is several people they would.

Delegations - Cont.

11:00 a.m. - Garry Hunter, Hunter and Associates attended Council regarding the continuation of his delegation which he made a couple weeks ago. He provided Council with mapping which consisted of Bedrock Aggregate Resources, Groundwater Elevations (Water Table) ARIP December 15, 2009 Mapping - Test Pit, Boreholes and Outcrops and Specialty Crop Areas and Infrastructure and explained the maps to Council. He advised Council that he has made a request to the Ontario Geological Survey to temporarily withdraw the mapping (Bedrock Aggregate Resources) as he feels this will end up at an OMB Hearing and he doesn't want to be arguing about a lot of technical things.

After Mr. Hunter's presentation, it was asked if it would be worthwhile to have Mr. Hunter here for the presentation on Source Water Protection and will Council consider it? Council felt that it was a good idea.

General Business - Cont.

Accounts

Moved by White, Seconded by Elliott that the general accounts in the amount of \$809,310.99 be approved as presented. Carried.

Applications to Permit

Mayor Fawcett signed the following applications to permit:

- a manufacturing and painting shop and dwelling on Part of Lot 28, Concession 4

NE - J. Martin - Applicant - EMS Construction. An application for a barn was also submitted but required an MDS spec sheet and therefore was not approved.

- a garage on the East Part of Lot 11, Concession 2 OS - L. Bye
- a single family dwelling on Part of Lot 260, Concession 1 SW - L. Annable
- a single family dwelling on Part of Lot 270, Concession 4 SW - A. Niedzwiecki

An application from J. Prins for a garage on the West Part of Lot 8, Concession 2 OS was not approved as the sideyard set back under the zone General Agriculture Existing Lot, is to be 26.25 feet and he only had 20 feet indicated on the application.

Streetlight Maintenance Quotes

The CAO advised that three quotes were requested but only two were received:

- Minnings Electrical Service Limited, Elmvale - \$125.00/hour for bucket truck and Operator and Ground Man
- CID Powerline, Orangeville - \$130.00/hour for bucket truck and 2 men

The CAO recommended that the quote be awarded to CID because they are in the area and they also service the streetlights for Shelburne, Mono, Amaranth, East Garafraxa and East Luther Grand Valley.

Moved by Crowe, Seconded by Hill that the Council of the Corporation of the Township of Melancthon has reviewed quotes submitted for streetlight maintenance and we hereby award the work to CID Powerline of Orangeville. This quote dated June 22, 2010 provides for an hourly rate of \$130.00 for bucket truck and 2 men plus material used to repair lights in the short term. This complies with the Melancthon Township Procurement By-law. Carried.

New/Other Business

Third Reading By-law

Moved by White, Seconded By Elliott that By-law No. 21-2010 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

Honeywood Summer Camp

Discussion regarding the above program ensued and the CAO was asked to contact Ms. Cudney to find out what specific items are required for the camp and report back at the July 22nd meeting.

Unfinished Business

Five Year Review of the Provincial Policy Statement 2005 - Comments

Each member provided their concerns with respect to the policy. These concerns will be submitted to the Ministry of Municipal Affairs and Housing by the deadline of August 31, 2010 as well as the comments received from GW Jorden.

Councillor Crowe - Resignation from the Horning's Mills Hall Board

Moved by Hill, Seconded by Elliott that we accept the resignation of Councillor Crowe from the Horning's Mills Hall Board with regret and appoint Darren White as the Council representative to complete the term of Council. Carried.

County of Dufferin - Trails Master Plan - Comments

Discussion ensued and the consensus of Council was to wait until after the issue of the

rail line has been dealt with. It was noted that if Council does not support the 'trails by rails', we have to say this.

DEEP Project - County of Dufferin By-law 2010-28 - Waste Assumption

Councillor Crowe has offered to draft up the resolution regarding the above and will put all of the Township's concerns mentioned at the meeting in March, in the resolution. Deputy Mayor Hill is going to ask that there be a special meeting at County called in August to deal with this issue. The By-law was reviewed and concerns regarding the rates which Deputy Mayor Hill would like clarified. It was also felt that with respect to Section 3.d in the By-law there needs to be a sentence added that states "*any such contracts will be area rated and the responsibility of that municipality*". The members will advise at tonight's County meeting that Melancthon is in the process of preparing a motion on this and that its position will be known.

City of Kawartha Lakes Letter regarding Standard Operating Procedures of the MOE

Deferred to next meeting.

Road Business

Allen Braiden, attended Council and presented the road accounts. Moved by White, Seconded by Elliott that the road accounts in the amount of \$260,638.91 be approved as presented. Carried.

Quote for Fuel Storage Tank

Moved by White, Seconded by Elliott that the Corporation The Corporation of The Township of Melancthon accepts a bid from Arthurs Fuel in the amount of \$3886.00 plus HST + \$500.00 + HST for a total of \$4,386.00 + HST for the supply, delivery and installation of a 1000 gallon double walled fuel tank. This complies with the Township of Melancthon's procurement by-law. Carried.

Quote for Line Painting

Moved by White, Seconded by Elliott that The Corporation of The Township of Melancthon accepts a bid from Midwestern Line Striping Inc. for pavement marking of 2.8 km. of roadway in Horning's Mills for the amount of \$840.00 plus tax plus \$300.00 plus tax for premarking. This quote specifies single yellow line on new paint. This complies with the Township of Melancthon's procurement by-law. Carried.

Quote to Repair 5th Line OS South of 20 SR

Moved by Crowe, Seconded by White The Council of The Corporation of The Township of Melancthon has identified the need to repair (remove and replace asphalt at culvert) specifically 7m x 17m at 65 mm HL3 asphalt at a cost of \$3,684.00 plus HST on 5th O.S. We hereby accept the work of GCCL, as quoted on July 7, 2010. This complies with the Melancthon Township procurement by-law. Carried.

There were quotes reviewed for repairs to the shop doors, pressure washer and bridge inspections. These required more information before a decision could be made on them.

Allen asked if the Road employees could use some of the banked time and take Fridays off in August. Council agreed to this.

5th Line OS - North of Highway 10

The request from the Greenfield's to fix the 5th Line OS was again reviewed. Allen

indicates that it will cost between \$12,000-\$15,000 to fix the road properly and there is no money in this year's budget to do it. This will be put in next year's budget.

Allen advised that Jim Wilgar of IPC (Plateau Wind Project) wants to use the old right-of-way by Ray Hunking's property to gain access to a tower and wondered if this would be ok? Allen was advised to contact Andrew Osyany and Gord Feniak about this.

Closed Session

2:28 p.m. - Moved by Hill, Seconded by 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 and labour relations or employee negotiations. Carried.

2:41 p.m. - Moved by White, Seconded by Elliott that we rise from Closed Session with report. Carried.

Moved by White, Seconded by Elliott that that the Report of Denise Holmes, CAO/Clerk-Treasurer dated June 29, 2010 with respect to LTD premiums be received; And that Council approves the payment of LTD premiums on behalf of its employees enrolled in the Township Benefit program commencing July 1, 2010. And that the cost of each employee's LTD premium be added to Box 14 of the employee's T4 slip as a taxable income. Carried.

The CAO to advise the By-law Enforcement Officer to send a letter by registered mail to the property owner in Horning's Mills.

New/Other Business - Cont. (Addition)

Special Meeting regarding IPC

A date of Tuesday, July 13th was selected. The CAO to advise of the time of the meeting once she confirms the lawyer's availability.

Adjournment

2:45 p.m. - Moved by Hill, Seconded by Crowe that we adjourn Council to meet again on Thursday, July 22, 2010 at 6:00 p.m. or at the call of the Mayor. Carried.

MAYOR

CLERK