

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 4th day of March, 2009 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor B. Hill, Councillor J. Crowe and Councillor J. Elliott were present. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

Additions

- Letter from Jerry Jorden regarding the new draft Official Plan
- Submissions regarding the Demolition By-law Report prepared by A. Osyany and A. Fyfe
- Deputy Mayor Hill - comment on PSAB
- Deputy Mayor Hill - short report on Planning Services in the County

Deletions

- None

Approval

S Show of hands

Disclosure of Pecuniary Interest

Nothing at this time.

Minutes

Moved by Elliott and Hill that the minutes of the February 18, 2010 meeting be approved as circulated. Carried.

Business Arising from Minutes

Discussion regarding the maintenance of the Horning's Mills Ball Park as Councillor Crowe was not in attendance at the last meeting and he is Chair of that Board.

Point of Privilege or Personal Privilege

None.

County Council Update

Deputy Mayor Hill commented on the Nuisance Coyote By-law that was passed at the last meeting and because the by-law was not approved by the Ministry of Natural Resources, it will have to be changed.

Committee Reports

Councillor Crowe

Horning's Mills Hall Board - February 9, 2010

The Chairperson will not change for 2010. Two new members were welcomed to the Board – Nanci Malek and John Henderson. Fundraisers for 2010 were discussed – Treasure Sale on April 17th and Heritage Day in Horning's Mills in the Fall. Goals and objectives were discussed and volunteers identified to do light repairs and painting. At meeting time, we still needed one quote for the front door accessibility. The secretary is working on this and then the Trillium Grant can go in. One quote was received to

repair the eavestrough—trying to get another. Nothing will happen until Spring. Pricing to repair the back roof was also discussed and this will need professional repair. Secretary still working on dishwasher repair/replacement issue.

Councillor Elliott

SRAC - Feb. 4, 2010

The Committee has asked Southgate Council to use their discretion as to filling present vacancy as their term will be over in the fall and they may wish to wait until that time. The Facilities Manager updated on the success of the public skate initiative. There is a full roster of sponsors and attendance is increasing all the time. The Facilities Manager gave his December/January monthly report and presented a draft budget for 2010. They are anticipating a 0% increase with no major capital expenditures for the coming year as many were incorporated into the two grants received over the past year. The Memorial Park project is moving along on schedule and is within the original budget presented. The Township is questioning the feasibility of the auditorium due to the decreased revenue and increased expenditures required to meet accessibility standards and this will require more discussion in the near future. The Committee approved the purchase of a monitor for the lobby of the arena. This will be an information source as to dressing rooms and possibly advertising, etc. Family day activities will be ongoing at the Arena this year which includes crafts and activities upstairs and ice painting followed by a family skate on the ice surface. The correspondence on file will be reviewed at the next meeting as copies were not available.

SRAC - February 25, 2010

The TV monitor in the arena was discussed as well as the success of the family day program. Facilities Manager presented his monthly report which included the awarding of the tender to Canada Pools for the Memorial Park pool upgrade that is included in the grant received last summer. He also mentioned that the pressure tank at Swinton Park Hall was replaced and the ceiling tiles and heating issues are still being looked into. The updated budget report was presented with a final figure of \$5,000.00 over projected budget. The 2009 operating deficit is \$63,586.00 with Melancthon's share being \$7065.00 according to the terms of the current agreement. Melancthon residents are invited and encouraged to use all of the Southgate Recreation facilities such as the upgraded Memorial Park.

SDFD - February 2, 2010

The staffing review committee update was deferred to the next meeting. The 2010 budget discussions ensued including a tabled motion on the quint truck/hall expansion. We are still waiting to hear the details from the MUSH Capital Corporation on the details of the programs and whether we qualify. A combined effort of Board Members and the Town of Shelburne was not successful as they were unable to make the deadline for intake two of the CAS program as it was quite an involved process and the deadline was January 18th. Insurance receivables were discussed and it was suggested that we contact an underwriter and establish who and whether we can invoice for costs when one of the involved has no insurance. The Board reviewed SOG 201 concerning the wearing of appropriate levels of protective clothing and it was added that all personnel on scene will wear the orange traffic vests supplied. SOG 801 dealing with the transfer of command will be reworded and brought back to a future meeting. The Fire Chief gave his monthly report and accounts and payroll were reviewed and accepted.

Deputy Mayor Hill

Mulmur Melancthon Fire Board - the meeting date was changed and that is why there is no report.

Mayor Fawcett

CDRC

Went to this meeting in the place of Deputy Mayor Hill and the main topic was the tenders for the renovation project. There are discrepancies in the tenders as they are not comparing apples to apples.

Garry Matthews, NVCA Rep

He advised that he really doesn't have much more to report than what is contained in the NVCA Highlights which are in the correspondence.

Correspondence

1. Report to Council from Andrew Fyfe and Andrew Osyany regarding the Draft Demolition By-law
2. Copy of the City of Hamilton's Economic Development and Planning Committee Report 10-002 respecting NDACT - Controversy over Competing Land Uses in North Dufferin where a new quarry may mean the loss of agricultural lands
3. AMO Report to Members on January 2010 Board Meeting
4. Resolution from the Township of Mulmur supporting resolution from County of Grey and Municipality of West Grey regarding their efforts for a moratorium on the installation of wind turbines in areas where people live in close proximity
5. Annual Report 2009 for the Dufferin County Forest
- <http://www.dufferincounty.on.ca/documents/annual09.pdf>
6. NVCA Highlights from Board Meeting of February 12, 2010
7. NEC - Request for Comments - Part of Lot 16, Concession 2 OS
8. Email from Tom Nevills regarding the GRCA Budget
9. Copy of a letter that the Township of Amaranth sent to the GRCA regarding the 2010 Budget

1 - submissions were received from Marni Walsh, Kathleen Chung, Lyle Parsons and Ezio Bobbato. Concerns raised because in the report it states that there was only one submission received and that was from the Highland Companies but in fact at the time that this issue was discussed at the January 21st meeting, there were two other submissions received from Marni Walsh and Carl Cosack. Because Council had asked for submissions for the February 4th meeting, the lawyer and planner were not aware of these submissions. As well, the CAO to advise Mr. Fyfe on the procedure for handling demolition permits as they are controlled at the County, not at this level. The CAO also to inquire with Mr. Osyany and Mr. Fyfe as to where the Township goes from here with respect to developing policies and do we include the County in this and what is this going to achieve in the long run?

2 - received as information and keep it on file.

#3 - CAO to get the Report on Joint and Several Liability Paper

7 - Council had no objections on the application. The CAO to advise NEC of same.

8 - the CAO to send a letter of thanks to Tom Nevills, GRCA Rep.

Correspondence on File at the Clerk's Office

1. Thank you card from the Braiden Family
2. Draft Minutes - Mulmur Melancthon Fire Board - January 13, 2010
3. Draft Minutes - North Dufferin Recreation and Community Centre Committee - February 9, 2010
4. Email from Garry Hunter regarding the Museum Board Meeting - Draft Forest

- Conservation By-law
5. Email from Marni Walsh regarding the OGRA/ROMA Conference
 6. Email from Marni Walsh regarding the WAIT meeting on March 6, 2010 in Creemore

General Business

By-law to Execute an Amendment to the Municipal Funding Agreement for the Transfer of Federal Gas Tax Revenues

Moved by Elliott and Crowe that leave be given to introduce a by-law to execute an amendment to the Municipal Funding Agreement for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities between AMO and the Township of Melancthon and it be hereby read a first and second time. Carried. By-law read a first and second time and numbered 6-2010.

Moved by Hill and Crowe that By-law No. 6-2010 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

Accounts

Moved by Elliott and Hill that the general accounts in the amount of \$102,842.07 be approved as circulated. Carried.

Draft Official Plan

A letter received from Jerry Jordan (addition to agenda) was read by the CAO outlining the procedure. Council will start the review of the draft Official Plan at its next meeting and the CAO was asked to post the plan on the website and to ask for comments/questions in advance of the meeting. GW Jordan will be asked to attend that meeting to commence the review.

Applications to Permit

An application to permit a cattle barn, manure storage, feed room, two tower silos, sow barn and manure storage and barn entry on Part of Lot 35, Concession 6 NE (Paul Martin) was reviewed. The CAO advised that there differences in the figures between the MDS calculation form and the application forms and she recommended deferral until these numbers can be clarified by Mr. Martin.

New/Other Business

PSAB - Deputy Mayor Hill advised that there was further clarification regarding the PSAB report that had been reviewed at a meeting held on February 18th. Due to an error in the measuring of roads, there is actually a difference of \$49 million in the total cost – but this is to our benefit. The original figure was \$72 million but with the amendment, the actual cost is \$23 million. We need to go back and make sure that this is absolutely correct.

Planning Report Information - Deputy Mayor Hill advised that he contacted the lower tier municipalities in Dufferin regarding the planning services they have and found out the following:

- Orangeville - full time planning with a technician that basically deals with mapping, an administrative person to deal with general inquiries and a planner
- Mono - has a Planner that spends about 80% of his time with the planning work and 20% in his role as Deputy Clerk
- Amaranth and East Garafraxa - share a Planner that works full-time
- Mulmur - at their Council meeting this week approved the renewal of their

- Planner's Contract that has services on an as needed basis with a minimum of one day per week
- Shelburne - has a Planner as needed but with an 8 hour day (Monday) per week minimum. Sometimes the work is done at the Shelburne Town Hall or in his office. If Shelburne requires a Planner to be at a Council meeting which is held on Mondays, the hours are adjusted (he'll start later in the day).
 - East Luther Grand Valley - have a contracted Planner as needed but is usually one day per week minimum

Unfinished Business

Vote By Mail

The CAO advised that she is going to be doing a webinar with Data Fix. The CAO was asked to prepare a report listing the pros and cons of Vote By Mail.

Delegations

9:45 a.m. - Rick Riddall, Landfill Supervisor attended Council and presented his monthly report. It was discussed about a new hauler that may be coming in to recycle our bale wrap. We can now recycle 5 gallon pails. The tires coming into the landfill have slowed down to a trickle and the hauler did not get in before winter but hopefully he can get them in the Spring.

10:00 a.m. - Carl Cosack, on behalf of NDACT, attended Council regarding a made in Melancthon Tree Conservation By-law and to raise the need for a Melancthon Demolition Control By-law. (Note - Mr. Cosack provided his written presentation to Council and it is being kept on file).

Council will be responding in writing to Mr. Cosack.

10:15 a.m. - Carl Cosack on behalf of many citizens, Karren Wallace and Marni Walsh, attended Council and raised concerns regarding the lack of planning in the Township concerning the pending quarry application. He cited 16 actions that have been requested of Council in light of this pending application, that has had no action from Council. He also raised an issue regarding a planning appointment he and Ms. Walsh had with Mr. Jorden on November 25, 2009 and provided information from Ms. Wallace and Ms. Walsh in his presentation. (Note - Mr. Cosack provided his written presentation to Council and it is being kept on file).

Council will be responding in writing to Mr. Cosack.

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

PUBLIC QUESTION PERIOD

Written Questions:

Marni Walsh:

Quoting the Source Water Protection Plans under the Clean Water Act: "Draft regulation proposes that activities that are or would be a significant drinking water threat either cease to be or never become a significant drinking water threat. Part IV of the Clean Water Act provides Municipalities with additional authorities to regulate activities that are significant drinking water threats where such activities are located in intake protection zones or well head protection areas." Question in reference to the above: What specific steps will Melancthon Council take to make sure full advantage is taken of the proposed powers given to Municipal Government by the Source Water Protection Act to "never let a proposed activity", such as mining below the water table, become a

drinking water threat? The deadline for comments on Source Water Protection Plans under the Clean Water Act must be made by March 26th: will those comments made by Council be available to the public before the 26th and will any of them be specific to our concerns with the Highland mine?

A. Jerry Jorden, Township Planner is going to be providing comments on the EBR. They will be public.

Bart Malloy:

At the Feb 18 meeting Rob Uffen had asked what the process was to appoint a new councillor.

The Mayor responded stating that during the appointment of the last councillors position, each candidate was asked a question and given the opportunity to answer it. Each candidate was asked a different question. Then the selection process was made. I would like to clarify the process as outlined in the Oct 16 minutes.

A review of the minutes from Oct 16,2008 found that each candidate was given the opportunity to give a brief overview of themselves and then were to answer 2 specific questions relating to the township. The candidates then closed identifying their expectations of the position. Then council later went to closed session and selected a new councillor.

I assume the process will be the same for the upcoming appointment. therefore my question is: Can council please explain how the 3 categories (delegation, questions & closing remarks)are weighted to select the up-coming new Councillor, thus ensuring the candidates opening delegation, answers to the questions and closing remarks are evaluated fairly.

A - We will prepare an evaluation sheet and they (applicants) will be rated on a scale of 1-5. Each Council member will rate them on opening remarks, closing remarks and each question that is answered. The one who rates the highest, will be deemed to be the new Councillor.

Dennis Sanford:

I do not understand how it is that you would agree to a secret meeting (closed session: January 21, 2010) with The Highland Companies to discuss and arrange a deal in regards to the Demolition Control Bylaw which you have dragged your feet on approving. **I am absolutely outraged that Council would submit to the bullying tactics of the Highland Companies and their lawyers**, and to deal with them in this clandestine way without members of the public being present to witness and comment. The overwhelming response from your constituents (as evidenced by the letters received, and delegations made, regarding the proposed bylaw) was in favour of the bylaw being passed post haste. To negotiate with an affected individual or company is a bizarre and unthinkable concept for a municipality, who, through its "wisdom", paid consultant advice and citizen input, has decided to take legal action to protect the well-being of its constituents. Are you truly working for the people who you represent, or for the companies with big bank accounts who send threatening letters? (I, like many others, think I already know the answer to that question.) And to Mayor Fawcett: we are not "children" because we want answers to the hard questions that we are asking.

A - First of all this was not a closed meeting, it was a staff meeting directed by Council. We are working for all the ratepayers and residents of Melancthon Township and that includes each and every one.

From Gallery:

Rob Uffen: Asked a question about the guidelines Council is using to determine the new Council position and what examples or policies have we used to come up with the

process? A - the Municipal Act, Section 259 is the driving force. Council has the power to appoint or have a by-election and we chose to appoint. We have seven applications and we will be reviewing in Closed Session because they are identifiable individuals. The names of the individuals will be made public when we rise from Closed Session. We will set up interviews and the interviews will be public. When the interviews are over, Council will go back into Closed Session and choose the applicant. That person will be sworn in on March 18, 2010.

Ellen Papenburg asked Council for consideration to increase PQP to one hour or if a question is going to be lengthy to provide it in writing to speed things up.

Putli Mirza asked if the Council interviews would be held in the evening. A - probably but we are trying to organize this for seven people.

Bart Malloy wanted to know why when there was more than seven applicants the last time why Council isn't taking all of them? A. We don't know what we are doing yet. We have to make sure they meet the criteria – some may not be eligible.

Rob Uffen advised that he arrived early today to videotape the meeting and wanted the Mayor to advise why he couldn't. There are a number of municipalities in Ontario that permit it and encourage it and even the OMB permits this. His video would be clear, unedited and would not be used for commercial purposes. It would be on a social networking site and strongly disapproves of the decision. A - Mayor Fawcett read an opinion letter received from the Township's Solicitor regarding the videotaping of meetings and advised that Council is not comfortable with the meetings being videotaped.

Harvey Lyon wanted to know if Plateau has had a meeting with Staff? The CAO advised that a staff meeting was held on February 24, 2010 (this meeting was requested by Plateau) and the minutes of that meeting are pending.

Carl Cosack commented on the access to Mulmur's Planner and wanted to know how we could make the Township's Planner more accessible as he would appreciate it. A - The Planner is here one day per month. That is the issue because he is only here one day per month.

Bart Malloy asked if draft budget could be put on the website? Council advised that it could put it on.

Dianne Cowen commented about moving the Public Question Period time slot to the end of the meeting to allow more time or having the written questions somewhere else on the Agenda? A - this would be difficult if the meeting was finished ahead of time and then we would be sitting around waiting for PQP.

Delegations - Cont.

11:00 a.m. - A public meeting had been called to consider a proposed zoning by-law amendment that would change the zoning on a portion of property in part of Lot 26, Concession 7 NE from the General Agricultural to the General Agricultural Exception Zone for a machine shop. Mr. Isaac Martin attended the meeting and advised that he had made an error when measuring the distance from the corner of the property to the proposed rezoning and that it should be 342 metres instead of 289 metres. The CAO left the meeting to call the Planner to see if the application would have to be re-circulated because of the change and his recommendation was yes. Mr. Martin to submit a new sketch to the Township.

11:15 a.m. - A public meeting had been called to consider a proposed zoning by-law amendment that would change the zoning on a portion of property in part of Lot 27, Concession 10 NE. The purpose of the proposed by-law is to change the current

General Agricultural Zone to the General Agricultural Exception zone for a woodworking shop. Mr. George Martin attended on Eli Sherk's behalf. Comments from the NVCA were read.

Moved by Elliott and Hill that leave be given to introduce a by-law to amend the main governing zoning by-law of the Corporation being 12-1979 as amended and it now be read a first and second time. (George Martin/E. Sherk - Part of Lot 27, Concession 10 NE) Carried.

Closed Session

11:20 a.m. - Moved by Hill 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; litigation or potential litigation, including matters before administrative tribunal, affecting the local board; and receiving advice that is subject to Solicitor/Client privilege, including communications necessary for that purpose. Carried.

11:46 a.m. - Moved by Hill and Crowe that we rise from Closed Session with report. Carried.

The CAO to contact the candidates for the Councillor vacancy and to post the names on the website as well as the date and time of the interviews.

The CAO to speak to Andrew Osyany regarding the CHD Road Widenings and the Draft Demolition Control By-law Report.

The CAO to speak to Paula Boutis regarding the Biosolids By-law.

Third Reading - By-laws

Moved by Elliott and Hill that By-law No. 7-2010 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

Road Business

Allen Braiden, Road Superintendent, attended Council and presented the accounts. Moved by Elliott and Crowe that the road accounts in the amount of \$57,912.19.

Allen presented quote for the CAT Grader - Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancthon has reviewed quotes from Tormont CAT to attend the Melancthon Township Garage and perform repairs to the CAT grader blade shims and turntable for a quoted price of \$4,017.15 including travel and taxes. This expenditure complies with the Melancthon Township Procurement By-law (subject to clarification of costs). Carried.

Allen will be signing the form from DA-LEE to get the same price for calcium as last year.

Horning's Mills Main Street issue to be discussed during budget.

12:10 p.m. - Moved by Hill and Elliott that we adjourn for lunch. Carried.

1:00 p.m. - Council reconvened for budget discussions.

2010 Draft Budget

The 2010 Operating and Capital Budgets were presented. The draft budget was prepared on the Keystone Tax System that staff are now using. The proposed budget shows an increase of approximately \$485,537.00 or 37%. The Treasurer advised of

contributing factors to the increase and then went through the budget line by line. Revisions were made to the budget and the Treasurer was asked to make the revisions and bring back to the next meeting.

The CAO/Clerk-Treasurer was asked to email the budget to Bart Malloy as there were several revisions to it, Council felt that they didn't want it posted on the website at this time.

Adjournment

2:35 p.m. - Moved by Hill and Crowe that we adjourn Council to meet again on Thursday, March 18, 2010 at 6:00 p.m. or at the call of the Mayor. Carried.

MAYOR

CLERK