

## CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 9<sup>th</sup> day of September, 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

- Deputy Mayor Hill - item for New Business
- Mayor Fawcett - item for New Business
- Denise Holmes, CAO - two items for correspondence not in package

### Deletions

- None

### Approval

S Show of hands

### Disclosure of Pecuniary Interest

Nothing at this time.

### Minutes

Moved by Hill, Seconded by Crowe that the minutes of the Council meeting held on August 11, 2010 be approved as circulated. Carried.

Moved by White, Seconded by Elliott that the minutes of the Special Meeting of Council held on August 9, 2010 be approved as circulated. Carried.

### Business Arising from Minutes

None.

### Point of Privilege or Personal Privilege

None.

County Council Update - the correspondence of July 8, 2010 was reviewed.

### Committee Reports

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

**Mayor Fawcett** - is working on putting together a report for the Source Water Protection Committee meeting she attended. She also attended the Shelburne Fire Board meeting which Councillor Elliott reported on.

**Deputy Mayor Hill** - CDRC - August 25<sup>th</sup>

**Councillor Crowe** - MMFB - gave report last meeting

**Councillor Elliott** - Arran Elderslie InterMunicipal Wind Turbine Working Group - September 2<sup>nd</sup> and Shelburne Fire Board - September 7<sup>th</sup>

**Councillor White** - meetings for August were rescheduled

Correspondence Addition - not in package

1. Invitation to attend the Shelburne Economic Development Committee - Annual Golf Classic on September 16, 2010
2. Resolution from Township of Mulmur regarding County of Dufferin Waste Assumption (to be discussed later in meeting)
  
1. Letter from 401 Energy - Updated Project Description Report for Public Viewing
2. Letter from Town of Caledon - Request to the Province to cover all Appeal Costs to the Ontario Municipal Board for Growth Conformity Exercises
3. Letter from John and Maria Maka regarding the 401 Energy Wind Project
4. Copy of a letter from the Township of Amaranth that was sent to the Honourable Dalton McGuinty, Premier regarding Renewable Energy Approval Requirements
5. Copy of a letter that was sent to Warden Allen Taylor, County of Dufferin from the Minister of Energy and Infrastructure, Honourable Brad Duguid regarding the County's request for an alternative designation greenfield area density target for the County of Dufferin
6. Letter from GW Jorden, Township Planner responding to the letter from the Honourable Brad Duguid, Minister of Energy and Infrastructure
7. Letter from NVCA regarding a Land Use Council Document circulated to NVCA member municipalities
8. Invitation from the Greater Dufferin Area Chamber of Commerce regarding the Market Dufferin Summit to be held September 14, 2010
9. GRCA Minutes - August 2010
10. Email from Karren Wallace regarding comments on the Provincial Policy Statement
11. Email from Ken Phillips, President of the Shelburne Fair Board regarding the Shelburne Fall Fair
12. Letter from GW Jorden, Township Planner regarding the Strada Aggregates Planning Applications - West Parts of Lots 11 & 12, Concession 3 OS
13. Letter from Gerd Uderstadt, RJ Burnside and Associates regarding the McNabb Drainage Works - Wayne Hannon - Maintenance
14. Letter from the Municipality of Huron East regarding Wind Turbines
15. Letter from 401 Energy regarding the Melancthon Township's comments and questions regarding the Farm Owned Power (Melancthon) Project
16. Letter from Harvey Lyon resigning from the Wind Energy Committee
17. Resolutions from Township of East Garafraxa regarding Waste Management
18. Resolution from the Town of Mono regarding Assumption of Waste By-law

# 2 - Moved by Hill, Seconded by Elliott that The Township of Melancthon supports the resolution from the Town of Caledon dated August 10, 2010 regarding their request to have the Province of Ontario to cover all appeal costs to the Ontario Municipal Board for Growth Plan Conformity Exercises. Carried.

# 3 - letter to be sent to 401 Energy

# 7 - request NVCA Rep to look into this

# 14 - letter to be sent to Huron East - Council interested in By-law and should be dealt with at the InterMunicipal Committee

# 15 - to be forwarded to Andrew Osyany and Jerry Jorden

# 16 - CAO to inquire with OMB as to whether it is necessary to keep Wind Energy Committee due to Green Energy Act now in effect

### Correspondence on File at Clerk's Office

1. Thank you card from Osborne Family
2. Resolution from the Township of Mulmur regarding the WSI Act
3. Minutes of Mulmur Melancthon Fire Board August 10<sup>th</sup> and August 12<sup>th</sup>
4. Resolutions from the Township of Amaranth supporting the PSB Website
5. AMO Watch File August 19, 2010

### General Business

#### Accounts

Moved by White, Seconded by Elliott that the general accounts in the amount of \$131,711.98 be approved as circulated. Carried.

#### County of Dufferin Waste Assumption

The Resolution from Mulmur was read. Discussion ensued regarding the County's By-law. Melancthon has no problem giving its solid waste to the County but does not want to give up ownership of its landfill and Council has no idea what is going to happen after December 31, 2012. There are many unanswered questions and we would like to know if we can keep running the programs at our landfill (ie - bale wrap, scrap metal, tires, etc.) if this goes through. Triple majority is required for the by-law to pass which means the County needs five municipalities totalling over 50% of the population to pass it. The consensus of Council is that it is prepared to give the County our solid waste in the event that it goes ahead but we want to keep our landfill to conduct our current programs.

Moved by Crowe, Seconded by Hill that the Council of the Corporation of the Township of Melancthon consents to the County of Dufferin assuming the delivery of household waste collection and treatment programs and services subject to the following conditions:

1. That the Certificate of Approval presently in force at the Township Landfill Site not be compromised by the County taking over the household solid waste stream.
2. No premium on tipping fees as this should be a competitive bid process.
3. That the Township of Melancthon has the right to re-assume the authority for its own waste if the proposed 'Energy From Waste Facility' does not come to fruition.

Carried.

#### Delegations

9:45 a.m. - Rick Riddall, Landfill Supervisor attended Council and advised that the scrap contractor is going to clean up all steel, appliances, etc. before first snowfall. He still will not take the wire but Councillor Crowe to work with Mr. Riddall to find a place for it. The bale wrap recycling bin is there but not receiving a lot lately. Discussion regarding the process when someone puts something in a pile that it is not supposed to go in.

#### General Business - Cont.

#### Draft Agreement between Township of Melancthon and Township of Southgate regarding Recreation Agreement

The Agreement was reviewed. The CAO was to get further clarification on the capped amount in Section 6.

#### Strada Aggregates - Various Letters

Received as information.

### Delegations - Cont.

10:00 a.m. - A public meeting had been called to consider a proposed zoning by-law amendment that would rezone a portion of property on Lot 32, Concession 3 and 4 NE from the General Agricultural Zone to the General Agricultural Exception Zone to permit a welding shop with gross floor area of 8,019 square feet. Eli Sherk (Applicant), Harvey Lyon, David Henry and Ernie Hawton were in attendance. The Clerk read the correspondence received from Harvey Lyon and the Grand River Conservation Authority. Mr. Lyon had several concerns and felt that Council should defer any future rezonings until it establishes appropriate criteria on how to proceed with them.. Mr. Hawton raised concerns because the welding shop would be for the manufacturing of equipment and not the repair of farming equipment. Mr. Henry raised concerns regarding traffic. Discussion ensued and Council will have an on-site at the property on September 23, 2010 at 4:30 p.m. Mr. Sherk was asked to answer some of Mr. Lyon's questions in his letter.

### Applications to Permit

Mayor Fawcett signed the following applications to permit:

- a single family dwelling on Part of Lot 270, Concession 1 SW - B. McLean Construction
- a residential addition on Part of Lot 26, Concession 10 NE - R. Pochadt

The CAO advised that she signed an application to permit a water recycling holding area on the West Part of Lot 17 and 18, Concession 3 OS - Downey Potato Farm Limited/3191574 Nova Scotia Company Limited. This had been approved by the Township Planner.

### Quote for Peer Review of Specialty Crop Information

The CAO advised that she received a quote from Jerry Hagarty of Conna and his cost to Peer Review the Torrance Specialty Crop Area Report would be \$7,950.00 plus HST. Discussion ensued and the CAO was directed to contact MMAH and OMAFRA to find out when we would be receiving comments on the information that was sent to them. Council cannot move forward on the proposed applications until it has the criteria.

### New/Other Business

Addition: Deputy Mayor Hill - he advised that he has been asked by Warden Allen Taylor who sits on the Western Ontario Wardens Council to sit on a Committee they are trying to set up regarding wind turbines (best practices) and has asked Deputy Mayor Hill to sit on the Committee and he said that he would.

Addition: Mayor Fawcett - Mayor Fawcett read a letter that she had prepared on why she is not running for a position in the 2010 Municipal Election. Mayor Fawcett advised that the Highlands Companies have purchased land across the road from her and when the quarry application is submitted she would have to declare a conflict of interest every time a matter dealing with Highlands came up and she felt that it was only fair to have five people sitting around the Council table making the decision on the application.

### Unfinished Business

County of Dufferin - Trails Master Plan - Discussion ensued regarding the Plan. Council supports the Plan in principle but do not support trails by rails.

Moved by Elliott, Seconded by White that the Corporation of the Township of Melancthon support the Dufferin County Active Transportation and trails Master Plan

update in principle. We do not support the trails along the rails concept within the Township of Melancthon. Carried.

Contributions to fund OGRA Minimum Maintenance Standards and City of Kawartha Lakes

The CAO to bring this matter back later in the year to see if there is any money in the budget to contribute to these items.

10:30 AM - PUBLIC QUESTION PERIOD

Harvey Lyon asked Council to clarify its position on the Specialty Crop Designation peer review quote and wondered how in other areas they have done this without the criteria. **A - The CAO was directed to contact OMAFRA and MMAH regarding comments on the Torrence Report. Council deferred any action on the Peer Review until this has been obtained as the Ministry is to provide the criteria on the SCD. The CAO to inquire with the Ministry on how they did this in other areas without criteria.**

Rob Uffen inquired about Mayor Fawcett's delegation with the Minister's at the AMO Conference. **A - Mayor Fawcett advised that she has not done up her Report yet regarding the conference but did advise that she met with the Minister's Assistant from the Ministry of Natural Resources. She was advised at that meeting that Melancthon is very well ahead of the upcoming quarry application.** Mr. Uffen advised that he would like details of the meeting.

Nanci Malek commented that she can go down to Queen's Park and book five meetings to get answers and hopes that this Council is not ready to make a decision at County Council regarding Waste Assumption. **A - she was advised that Council will be drafting a motion to take to the meeting tonight and that both the DEEP Project and Rail line issues require triple majority, so even if Melancthon was not in favour, all it would take would be five municipalities with over 50% of the population to pass it.**

Dennis Sanford - advised of a minor issue and that is the flashing red lights of the turbines and that they are flashing out of sync. **A - the CAO to contact TransAlta about this.**

Beverley Parker - wanted to know who owns the rail line – the part in Melancthon? **A - she was advised that the County owns the rail line. There is a gifting agreement and the County doesn't have the right to sell it. Mrs. Parker was advised that she should view the Agreement. The CAO will request a copy of the Agreement from the County and send it to Mrs. Parker.**

Wayne Hannon asked if Police Services Board Member David Cowen gets paid remuneration for sitting on the Board and said that he also sits on the Dundalk District Credit Union Board and approves loans for Dundalk Credit Union. Did he get paid remuneration when he was Livestock Valuator? He then wanted to know if Mr. Cowen ever declared a conflict of interest when the matter concerning the shooting of livestock was discussed at a Police Services Board meeting? He wanted to know at one point should a conflict be declared and how does the Township deal with someone not declaring and if Council had any concerns if this did happen that it would taint future Council proceedings? **A - Mayor Fawcett advised Mr. Hannon that if your conscience dictates that you have a conflict, you should leave because you could influence another person's vote. If you have a financial interest, you would declare a conflict. Deputy Mayor Hill advised that the details are clearly laid out in the Conflict of Interest Act and if you felt that the Mayor (or any other member of Council) had a conflict, it would be up to you to pursue it. The CAO advised that yes Mr. Cowen is paid remuneration for both those items (he is no longer Livestock Valuator) and she does not recall the issue of shooting of livestock ever coming up at a PSB meeting or Mr. Cowen ever declaring a conflict during any of the meetings she recorded.**

Rob Uffen said that he was glad to hear Deputy Mayor Hill say that he opposes the sale of the rail line but asked him to clarify his comments regarding leasing it. **A - Deputy Mayor Hill said that once you sell the rail line, it is gone. He has publicly stated that if a group came along and there was a major development in the County, he could look at the potential of leasing it as a lease can be tightened up for control. The development would have to be a benefit of the County of Dufferin and the communities. Social responsibilities are important.** Mr. Uffen wanted to know what is the benefit? **Deputy Mayor Hill said he has been after the Chair of the Committee**

**to hold a public meeting for this to be discussed and that no one has sent him any concerns on the rail line issue to be brought forward at this meeting.**

Alex Banks said he had concerns about people driving the roads if this rail line is installed again because it has been so long without a railway.

Bart Malloy - directed to Deputy Mayor Hill - he just mentioned that no one has sent him anything (concerns regarding rail line) but he has never seen him ask for this at a public meeting. **Deputy Mayor Hill advised that it has been in his flyers and when he says he's going to the meeting and wants comments, to him, that is official.**

Wayne Hannon - regarding windmills - Is there any discussion about what standards to address these issues of noise and vibration and possibly working with someone to make a difference. Is there any willingness of Council to sit down with someone about this. **A - the Mayor advised that the Province has taken this out of our hands and we do work out agreements and work with the companies. Councillor White advised that we would like to sit down with 401 Energy but they don't seem to have an interest in doing so. Deputy Mayor Hill advised that this is why we asked for a moratorium. Councillor Elliott commented that she hopes the planning authority will come back to municipalities. The meeting in Tara (reported on this morning) will speak on health issues.**

#### Delegations - Cont.

11:00 a.m. - Bill Cowie, Chair and Walter Benotto of the Shelburne and District Fire Department attended Council to speak to Council about the capital purchase of a new quint truck and addition to the fire hall to house it. The approximate cost to do this is \$1 million and Melancthon's share would be \$154,000.00. There is \$250-300,000.00 sitting in reserve that would be used towards it but the longer the department waits, the more it will cost as the figure given is "today's" cost. Mr. Benotto has been looking at other ways to finance the truck and that would be through leasing and a loan program. There have been commitments received from both Shelburne and Mono. They wanted to attend the meeting to make Council aware of this.

11:30 a.m. - Russell Poste of Howard Noble Insurance attended Council and reviewed the 2010/2011 Insurance Program with Council. Discussion regarding increasing liability limits, Councillors' Accident policy and adding this to other Board members, as well as CAO.. A decision on the above can be made at anytime of the year.

12 noon - Verbal motion - Moved by White, Seconded by Elliott that we adjourn for lunch. Carried.

1:30 p.m. - Council reconvened.

#### Road Business

Allen Braiden, Road Superintendent attended Council and presented the road accounts. Moved by Hill, Seconded by Crowe that the road accounts in the amount of \$48,060.35 be approved as presented. Carried.

#### Garage Doors

Moved by White, Seconded by Elliott that the Corporation of the Township of Melancthon accepts the quote from All-Mont Ltd. Garage door experts in the amount of \$1,291.59 plus hinges for service and repairs of 6 overhead shop doors. Carried.

Allen advised that the 20<sup>th</sup> Sideroad paving project would start tomorrow and that the winter sand test passed.

Councillor White raised a concern that Township trucks were seen not stopping at stop

signs. Allen to speak to the employees.

Closed Session

2:05 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; litigation or potential litigation, including matters before 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.

3:06 p.m. - Moved by White, Seconded by Elliott that we rise from Closed Session with report. Carried.

The CAO to contact Andrew Grunda, Watson and Associates regarding DC Appeal.

Adjournment

3:08 p.m. - Moved by Hill, Seconded by Crowe that we adjourn Council to meet again on Thursday, September 23, 2010 at 5:30 p.m. or at the call of the Mayor. Carried.

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MAYOR

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CLERK