

## CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 8<sup>th</sup> day of September, 2011 at 9:00 a.m. in the Council Chambers. Mayor B. Hill, Deputy Mayor D. White, Councillor J. Crowe, Councillor J. Elliott and Councillor N. Malek were present. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Hill presided.

### Announcements

None.

### Additions

- Councillor Malek - Resolution - Green Energy Act
- Deputy Mayor White - Cenotaph Rededication
- CAO - Council Meeting on October 6, 2011

### Deletions

- None

### Approval

Moved by Malek, Seconded by Elliott that the agenda be approved as amended.

### Disclosure of Pecuniary Interest and the General Nature Thereof

Can be declared at this time or anytime throughout the meeting.

### Minutes

Moved by White, Seconded by Crowe that the minutes of the August 18, 2011 Council meeting be approved as circulated. Carried.

### Business Arising from Minutes

The CAO advised that the correspondence regarding the Ontario Federation of Independent Towers was sent to Staff Sgt. Sills regarding the financial impact to the Township and it was advised that there would be no additional impact on policing costs as the charges would be incurred by the driver or owner of the vehicle.

### Point of Privilege or Personal Privilege

None.

County Council Update - for July 14, 2011 - was reviewed

### Committee Reports

The following members reported on the meetings they had attended and the written reports are kept on file:

Mayor Hill - CDRC

Deputy Mayor White - NVCA (**verbal report - majority of meeting was the review of policies**)

Councillor Crowe - St. Paul's Cemetery

Councillor Elliott - Horning's Mills Hall Board

Councillor Malek - Upper Grand Watershed Committee

## Correspondence

### \* Items for Information Purposes

1. Notice of Shelburne & District Economic Development Committee Annual Golf Classic - September 15, 2011 - 3:00 p.m., Shelburne Golf & Country Club
2. GRCA Minutes August 2011
3. AMO Media Advisory - re: 2011 AMO Conference
4. Thank you from Lupus Foundation of Ontario for declaring October as Lupus Awareness Month
5. Letter from County of Dufferin Public Works - re: Use of Rail Lands
6. E-mail from AMO - re: The Canada-European Union Comprehensive Economic and Trade Agreement and Municipal Governments
7. Letter from Grand River Conservation Authority - re: Upgrading Conestoga Dam
8. Letter from Dillon Consulting - re: Notice of Proposal and Notice of Public Information Centre #1 - Farm Owned Power (Melancthon) Ltd. And Dufferin Wind Power Inc. Wind Farm Project
9. Notice of a Proposal by Dufferin Wind Power Inc. and Farm Owned Power (Melancthon) Ltd. to engage in a Renewable Energy Project
10. Thank you from Township of Southgate Ruth Hargrave Memorial Library Board for Melancthon's contribution
11. Letter from Ruhia Jokhio, Shepherd, Osyany & King - re: OMB Appeal, By-law 13-2011
12. Copy of Letter sent to Jerry Jordan from Victor Labreche, MCIP, RPP, Labreche Patterson & Associates Inc. - re: Comprehensive Review of the Official Plan Township of Melancthon
13. Copy of letter sent to Victor Labreche, Labreche Patterson & Associates Inc. from Jerry Jordan - re: New Official Plan Township of Melancthon
14. E-mail from Accessibility Directorate of Ontario - re: Status of the Accessible Built Environment Standard
15. Copy of e-mail from Michelle Vivar, Municipal Relations Specialist, Rogers Communications Inc., sent to Mr. & Mrs. Lever - re: Melancthon Rogers Cell Tower on Concession 16
16. AMO Watch File - August 18, 2011
17. Ontario Municipal Board decision delivered by K.J. Hussey and Order of The Board - re: By-law No. 13-2011
18. MPAC announcement of New President and Chief Administrative Officer
19. Thank you from Statistics Canada for the support of the Township of Melancthon in the 2011 Census and National Household Survey
20. Letter from Andrew Osyany - re: Township of Melancthon - IPC, Plateau II
21. News Release from County of Dufferin - re: Dufferin Stands Ready to Assist in Goderich
22. Copy of letter to sent to Honourable Brad Duguid, Minister of Energy, from Mayor Hill
23. Copy of resolution sent to County of Dufferin from Township of Amaranth - re: Rural Water Quality Program/Upper Grand Restoration Fund

Moved by Elliott, Seconded by Malek that Correspondence Items 1-23 (For Information Purposes) be received as information with the exception of Item # 14 as this item of correspondence requires further information. Carried.

# 12 - the CAO to advise Mr. Labreche to keep checking the Township's website for information and updates pertaining to the new Draft OP.

### **\* Items for Council Action**

1. Copy of resolution sent to Kim Gavine, Executive Director, Oak Ridges Moraine Foundation from Town of Mono- re: support of correspondence of June 30, 2011
2. Amberley Gavel Ltd. Closed Meeting Investigation Report
3. Letter from Shepherd, Osyany & King, re-Amberley Gavel Ltd. Report
4. Formal invitation to Melancthon to become a member of the Ontario Health Coalition
5. Invitation from Walter Benotto, Chair, Town of Shelburne Eco-Tourism Committee to attend a meeting on September 14, 2011 at 8:30 a.m. in the Council Chambers at Shelburne's Town Hall
6. Letter from Haudenosaunee Development Institute to provide an understanding of the development process of the Haudenosaunee and the role of the HDI
7. CDRC inquiry as to whether municipalities would like to have their logos embedded in the ice
8. Letter of resignation from the Horning's Mills Hall Bd from Nancy Malek

# 2 & # 3- a lengthy discussion ensued regarding these two items of correspondence. It was felt that Fred Dean, Amberley Gavel owes the municipality an apology as this report is very insulting – the premise of the report is wrong and information contained in the report is not factual. There were one or two valid recommendations for changes which have already been made. As far as the need for more training, Mayor Hill has taken the Head of Council training and three of the four Councillor members took the Councillor training earlier this year – the 4<sup>th</sup> Council member already had the training and Yvonne Hurst our Ministry Rep has attended two Council meetings in this term of Council for training. It was felt that Council has the right to defend itself and we have every right to consult with our legal counsel on such a report. The CAO was asked to send a letter to Amberley Gavel and LAS and enclose a copy of Andrew Osyany's letter and to add the additional information about the training. Council to reconsider whether or not they are going to stay with LAS. Council to also reconsider whether or not Mr. Jordan, Township Planner, will remain in the Township Office twice per month. Council want to know who Mr. Jordan is meeting with and if this cannot be done in Closed Session, there is no point in having him here (this was initiated by ratepayers to have a Planner in the office for easier accessibility to Planning matters). After this discussion, the CAO was directed that in the future, all Special Meetings that will be closed session meetings, are to be advertised as Public Meetings. If the public attend, a resolution will be passed to go into Closed Session and the public will be asked to leave the meeting. The notice for the July 13, 2010 meeting was done as a courtesy so that ratepayers were not showing up to a meeting that they could not sit in on.

# 4 - Moved by White, Seconded by Malek that Council for the Township of Melancthon does support resolution 2011-05-04 of the Upper Grand Watershed Committee with respect to the County of Dufferin setting aside \$50,000.00 in upcoming budgets matching the Grand River Conservation Authority funding for the rural water quality program known as the Upper Grand Restoration Fund and that this motion be forwarded to the County of Dufferin for consideration. Carried.

Item # 6 - the CAO to try and get a meeting with them again.

# 7 - Council in favour of this as long as the other municipalities agree to it.

### **\* Items regarding The Highland Companies Quarry Application**

1. Copy of letter sent to The Honourable John Wilkinson, Minister of the Environment from the Highland Companies
2. Letter to Honourable John Wilkinson from Mayor Hill re: Highland Companies Letter August 11, 2011
3. Statement from Minister of the Environment re-Highland Companies Proposed

Quarry in Dufferin County

4. Letter to Hon. Dalton McGuinty from Bill Wilson, President Hike Ontario

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

1. Shelburne & District Fire Department Board of Management minutes - February 1, 2011
2. Shelburne & District Fire Department Board of Management minutes - March 1, 2011
3. Shelburne & District Fire Department Board of Management minutes - April 5, 2011

#### **Delegations**

9:45 a.m. - Rick Riddall, Landfill Supervisor attended Council and provided Council with a monthly update on landfill operations regarding scrap removal, tree removal, bale wrap removal, etc.

10:00 a.m. - Jerry Jorden, Township Planner attended Council and provided Council with information on solar energy projects. It was advised that the Township has no direct control over zoning for solar projects. Any ground mounted solar panels that are greater than 12 kW go through the micro-fit program and any that are under 12 kW only require a building permit. The CAO was asked to send a letter to the Minister of Energy with concerns about loss of control of these projects and request the government to make changes. Mr. Jorden was asked to forward comments to the Minister of Energy regarding our PPS comments regarding renewable energy.

A couple other issues regarding the telecommunications protocol and the On Farm Business Uses were also discussed with Mr. Jorden.

10:26 a.m. - Council took a break and reconvened at 10:30 a.m.

#### **PUBLIC QUESTION PERIOD**

A public question period was held and some of the questions/issues/concerns during this time were: Highland Companies - EA request and costs incurred, IPC wind development project, LAS Investigation Report.

A written question was received from Marni Walsh:

Why has Council paid LAS to do a closed meeting investigation and then paid their solicitor to rebuke their expert opinion? Why should the citizens of Melancthon pay twice? There is no shame in admitting mistakes, only shame in hiding them. Why not embrace the opportunity to prove your election statements to be more open and transparent? **Answer:** Under Bill 130, Council is obligated to either appoint an investigator to handle the Closed Session investigation complaints or the Ombudsman steps in. LAS was paid because we received a complaint. To Council's knowledge, we did not pay Mr. Osyany to rebuke the expert opinion. Mr. Osyany was involved in the investigation and was interviewed and so he was forwarded the report so that he could defend his reputation, as legal advice was obtained from him for the Council to go into Closed Session at the July 13<sup>th</sup> meeting as well as dealing with the Planner's reports. You are correct, there is no shame in admitting mistakes and we have and will continue to admit mistakes we make. To the extent there were valid recommendations in the report, they will be implemented

#### **Road Business**

Allen Braiden, Road Superintendent, attended Council and presented the road accounts in the amount of \$148,624.59. Moved by White, Seconded by Crowe that the road accounts as presented by the Road Superintendent be approved. Carried.

A thank you email from Bart Malloy, 2<sup>nd</sup> Line NE regarding dust control was reviewed and received.

Mayor Hill opened the tenders for the repairs to Culvert 2016 and two were received:

AJN Builders Inc. - \$28,193.50 (taxes incl.)

Strathcon Construction - \$37,761.55 (taxes incl.)

Moved by Crowe, Seconded by White The Council of The Corporation of The Township of Melancthon has reviewed tenders for repairs to Culvert 2016 and minor repairs to Bridge 5 and Bridge 11, Contract No. 11-011 and the work is hereby awarded to AJN Builders, for a cost of \$28,193.50 including 13% HST. This is subject to valuation of work quantities. This expenditure complies with the Township of Melancthon Procurement By-law. Copy of Tender attached. Carried.

#### Unfinished:

Grader Tender - Councillor Crowe reported on the Roads Sub-Committee Meeting where the tenders were reviewed and the Sub-Committee is recommending that the John Deere Tender be accepted. Moved by White, Seconded by Crowe The Corporation of The Township of Melancthon accepts the bid from Nortrax (John Deere) in the amount of \$309,903.00, not including taxes, for the purchase of a Model 772 GP motor grader. This purchase meets guidelines set out in the Township's Procurement by-law. The Township has the option to sell privately or trade the old grader. Carried.

Allen reported that the winter salt will be here in the next couple of weeks.

He inquired about holding off on the 5<sup>th</sup> Line OS and 4<sup>th</sup> Line OS construction jobs this year and put that money towards the 2<sup>nd</sup> Line NE. Council advised Allen to use his judgement on that. The Roads Committee is meeting tomorrow and there will be further discussion on this.

11:30 a.m. - Steve Smith, Frank Cowan and Company and Russell Poste, Noble Insurance attended Council and presented and reviewed the 2011/2012 Insurance Program with Council.

12 noon - adjourned for lunch and reconvened at 1:30 p.m.

#### **General Business**

##### Accounts

The Treasurer presented the accounts in the amount of \$121,203.37. Moved by White, Seconded by Crowe that the general accounts as presented by the Treasurer be approved. Carried.

##### Tile Drainage Debenture

The CAO advised that not all the information was submitted in time for the By-law to be prepared and requested that it be deferred to the September 22<sup>nd</sup> meeting.

##### Applications to Permit

Mayor Hill signed the following application to permit:

- a storage barn on Part of Lot 33, Concession 3 NE - J. Ferreira

An application to permit a radio/communications tower on Lot 300, Concession 4 SW

(TransAlta) was deferred to the Planner to see if it would fall under the Township's Telecommunications Protocol. If this application is ok with the Planner, the CAO was directed to sign it on behalf of the Mayor.

#### New/Other Business

##### Harden Proposal to Provide an updated Vulnerability Assessment for the Township

Moved by Malek, Seconded by Elliott that the Corporation of the Township of Melancthon has reviewed the Harden Environmental Services Ltd. Proposal to provide an updated vulnerability assessment for the Township and have agreed to have Harden provide a professional hydrogeological report which will be done for \$8,450.00. Carried.

#### Additions

##### CAO

The CAO advised that the Provincial Election will be held on our Council meeting day (October 6<sup>th</sup>) and they need to use the Council Chambers for their polling places and they have asked us to either move our Council meeting day or location. Council asked if it was possible to have the polling places at the Horning's Mills Hall and if not, they would hold the meeting at the Hall. The CAO to inquire with Elections Ontario and let Council know so that in the event our meeting has to be held at the Hall, we can give lots of notice.

##### Councillor Malek - Resolution - Green Energy Act

Councillor Malek provided notice that she was going to be putting forth a resolution at the next meeting pertaining to the capping of turbines. The CAO directed to include the resolution in the Agenda package.

##### Deputy Mayor White - Horning's Mills Rededication

Deputy Mayor White advised that he is having trouble getting a band for this day. Council advised him to find a reasonably priced band and hire them.

2:10 p.m. - Ian Rowe, Township Solicitor, Ruhia Jokhio, Township Solicitor and Susan Wise, Mr. Rowe's Assistant attended Council with a status update on the Highland Companies' Applications.

Moved by Malek, Seconded by Elliott that Council move into Closed Session pursuant to s. 239 of the Municipal Act, 2001, as amended for the following reason: the receiving of advice that is subject to Solicitor/Client privilege, regarding the Highlands Applications. Carried.

2:35 p.m. - Moved by White, Seconded by Crowe that we rise from Closed Session with no report. Carried.

#### Unfinished Business

On-Farm Business Discussion Paper - discussion ensued about how Council should proceed. It was decided that at the next meeting Council would go through the Discussion Paper and start with Section 5 and to allow approximately 30 minutes to do this.

Draft Salvage By-law - this is the final draft. It is expected that the final version will be approved at the September 22, 2011 meeting.

#### Closed Session

3:04 p.m. - Moved by Malek, Seconded by Elliott that Council move into a Closed Session meeting pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reasons: personal matters about an identifiable individual, including municipal or local board employees regarding the Horning's Mills Hall Board, property standards complaint and update on Property Standards complaint on 15 Sideroad. Carried.

3:33 p.m. - Moved by Malek, Seconded by Elliott that we rise from Closed Session with report. Carried.

Report: CAO to obtain quotes to clean up the property at 15 Sideroad and to speak to the person who submitted the property standards complaint as we feel the complaint is not under Municipal jurisdiction and should be directed to the GRCA.

Correspondence - Action - Cont.

Moved by White, Seconded by Crowe that we accept, with regret, the resignation of Councillor Nancy Malek from the Horning's Mills Community Hall Board of Management and appoint Darren White to the Board in her place. We direct the CAO to prepare an amending By-law to By-law 2-2011 for the next meeting. Carried.

Confirmation By-law

Moved by Malek, Seconded by White that leave be given to introduce a by-law to confirm the proceedings of the Council of the Corporation of the Township of Melancthon at its meeting held on September 8, 2011 and it be numbered and given the required number of readings. Carried. By-law numbered 29-2011 and given three readings.

Adjournment

Moved by White, Seconded by Crowe that we adjourn Council to meet again on Thursday, September 22, 2011 at 6:00 p.m. or at the call of the Mayor. Carried.

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MAYOR

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CLERK