

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 16th day of July, 2009 at 6:00 p.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor B. Hill, Councillor J. Elliott and Councillor B. Kumprey were present. Councillor J. Crowe was absent with prior notice given. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

Additions

- Resolution to hire the full time Road Department Employee (New Business)
- Resolution to give authority to the CAO to sign building permit applications due to there only being one meeting in the month of August (New Business)

Deletions

- None

Approval

S Show of hands

Disclosure of Pecuniary Interest

None at this time.

Minutes

Moved by Hill and Kumprey that we approve the minutes of the Council meeting held on July 2, 2009 as amended. Carried.

Business Arising from Minutes

None.

Correspondence

1. Ministry of Natural Resources - Rabies Control Operations
2. Christian Farmer's Federation of Ontario - Farmland Preservation in Honeywood Soils
3. AMO Communication Alert - WDO Used Tire Plan Comes Into Effect September 1, 2009
4. Letter from Gord Feniak, Engineer, RJ Burnside and Associates Limited regarding Highland Companies
5. Letter from GW Jordan sent to The Highland Companies regarding Aggregate Related Pre-application Consultation
6. Letter from The Highland Companies sent to GW Jordan regarding the Pre-consultation meeting
7. Email from Marni Walsh, Reporter and Melancthon Citizen regarding the July 2, 2009 Council meeting
8. Letter from Lorna Crawford expressing her concerns regarding the close proximity of wind turbines to homes in Riverview
9. RJ Burnside and Associates - Drainage Superintendent Services - January 1 - June 30, 2009
10. Letter from Harvey Lyon regarding the ESR - Plateau Wind Project (**Note** - the submission to Stantec has not been included in the Agenda Package but is available for viewing)
11. Letter from GW Jordan providing comments on the ESR - Plateau Wind Project
12. Letter from GW Jordan regarding a Specialty Crop Designation

13. Invitation from The Highland Companies to attend an Open House on Saturday, July 25, 2009
14. Invitation from The Highland Companies to attend a preview Open House on Friday, July 24, 2009 due to the Honeywood Beef BBQ taking place on Saturday, July 25, 2009
15. Letter from Teresa Van Raay, Pork Producer from South Western Ontario regarding the Canadian Pork Industry
16. Request from Stephen White, Member of the local Council of the Knights of Columbus in Orangeville to use the Miles Garden in Horning's Mills as a poker run check point

3 - the CAO to amend the landfill fees by-law regarding tires and bring to the next meeting of Council.

4 - the CAO to forward the letter to the Township Solicitor for a legal opinion

6 - the CAO to send a letter to The Highland Companies advising that Council will only meet with representatives in a Public Meeting of Council and will not entertain invitations for private meetings.

8 - the CAO to send a letter to Ms. Crawford acknowledging her letter

12 - Deputy Mayor Hill is obtaining further information on this issue

14 - Council members will not be attending the session on July 24, 2009

15 - the CAO to send Ms. Van Raay a letter to acknowledge her letter and that Council supports her efforts

16 - Council does not have a problem with his request but would prefer that they use the Horning's Mills Park instead for their poker run check point – the CAO to advise of this

Correspondence on File at the Clerk's Office

1. In the Trenches Newsletter - June 2009
2. OGRA Board in Brief Newsletter - June 2009
3. NEC - Harmonization of the Niagara Escarpment Plan

General Business

Draft Fall/Winter Newsletter

The draft newsletter was reviewed. There was only one change and that was to the price of the Good Food Box – should be \$12.00 instead of \$10.00.

Applications to Permit

Mayor Fawcett signed the following applications to permit:

- pole barn on the East Part of Lot 3, Concession 4 OS - A. Braiden
- advertising sign on Part of Lot 259 and 260, Concession 1 NE - S. Sandhu
- dwelling on Lot 271, Concession 2 SW - L. Polonsky
- sunroom addition on Part of Lot 15, Concession 2 OS - T. Raffay

Tile Drainage Loan Application - Leach - Part of Lot 21, Concession 4 NE

Moved by Kumprey and Elliott that we accept the application by Mary Leach for a tile drainage loan under the Tile Drainage Act in the amount of \$43,100.00 to drain part of

Lot 21, Concession 4 NE. This is subject to funds being available from the Ontario Ministry of Agriculture, Food and Rural Affairs. Carried.

New/Other Business

Addition - Full-time Road Employee

Moved by Hill and Elliott that Brian Broster was offered and has accepted the full-time Road Department Employee position. His employment commenced on July 13, 2009 and his rate of pay is \$20.00/hour. He will be put on a six month probationary period and after such period, Mr. Broster is to be enrolled in the Township Benefit Program. Mr. Broster to receive the same wage grid increases as approved for the other employees. Carried.

Applications to Permit

Moved by Hill and Elliott that the CAO be authorized to sign any building permits that come in during the month of August provided they meet all requirements of the Township's regulations. Carried.

Draft Salvage By-law - Councillor Elliott

Councillor Elliott advised that she had received another complaint from Henry Kelly regarding Shelburne Iron and Metal and the hours of operations. He wanted to know if the salvage by-law had been passed because he had concerns regarding the hours of operation. The CAO was directed to send him a letter advising that changes to the by-law from the June 18, 2009 meeting would be made and that the draft by-law is to be brought back to an October meeting. Also, if Mr. Kelly has concerns regarding the by-law, he should put them in writing.

Information Package Update - Deputy Mayor Hill and Councillor Elliott

They have met and are working on this. They hope to have a draft for approval for the August 13, 2009 Council meeting and if approved, it will go out with the final tax bills at the beginning of September.

Procedural By-law Review - Deputy Mayor Hill

As a result of some issues that have transpired from the last couple of meetings, Deputy Mayor Hill has asked that the new Procedural By-law go back to the Committee for review. He referenced the Deputations section of the By-law and said that the questions submitted from Rob Uffen and Bart and Nancy Malloy at the last meeting should have been done under a delegation due to the length of time it took during public question period to answer the questions. Also, he would like word "question" defined in the procedural by-law as well as "what is a question period"? He also dealt with Section 58/59 of the By-law regarding members of the gallery and felt that Garry Matthews, as a member of the gallery at the last meeting, was disrespectful to the CAO when he suggested that meetings she and other staff had with other applicants of planning applications, never happened. Mr. Matthews had declared a conflict of interest and was not involved when these meetings took place. The same meetings that the CAO and other staff had with the Highland Companies, were also carried on with other companies (i.e. - Strada Aggregates and Canadian Hydro Developers, Inc.). Deputy Mayor Hill said he felt that Mr. Matthews owed the CAO an apology for his comments. Deputy Mayor Hill would also like Section 59(5) reviewed and Section 58/59 needs to be tightened up. Also, the Committee needs to deal with questions that are submitted ahead of the meeting pertaining to posted correspondence.

Road Business

In the absence of the Road Superintendent, the CAO advised that she had received an email from Sgt. Greg Brodhagen, Dufferin OPP requesting that the 3rd Line OS be posted with 80/km/hour signs due to an incident that occurred with a person being charged incorrectly. Discussion ensued and Council directed the CAO to send a response back to Sgt. Brodhagen advising that the Township would not be posting the road because it states in the HTA that it is 80/km/hour unless otherwise posted and if they post one road, they would have to post all of them. The CAO was also to refer the email to the PSB because in the email, it states that officers cannot lay tickets without the road being properly posted.

Public Question Period (Written Questions)

The Mayor advised at this time that Council will not be extending the question period again. Council will answer the questions they have and if the person is present who asked the question, he/she will be given an opportunity to respond, once Council has answered the question.

Putli and Noshir Mirza

Q. - Could the Council please let us know its priorities, preferences and inclination in their decision making process for long term projects? **A. The Official Plan is the document to do this and it is all laid out in there. The OP planning process provides lots of public participation. We have been working on this since October 2004 and it still is not approved.**

Q. - Is the welfare, well-being and concerns of the citizens and ratepayer of the Township a priority for Council. **A. - Yes, we live here too.**

Q. - Is the local environment an important issue for the Council, especially our precious water resource which could be permanently contaminated, damaged and destroyed by deep quarries extracting gravel and stone below the water tables? And the simultaneous destruction and disappearance of our precious farmlands? **A. - Yes.**

Q. - Is the Council inclined to favour super fast growth and economic benefits by permitting environmentally unfriendly projects? **A. No.**

Marni Walsh and Steve Baker

It has been Ms. Walsh's observation for many months, that the Mayor has stalled any and all attempts by the citizens to seek avenues of expertise to protect the environment and maintain the agricultural foundation of the Township in the wake of an open pit mine. The Mayor has been given solid suggestions by citizens who understand Municipal Law. Ms. Walsh and her family want to know why the Mayor will not follow through? **A - There is a difference between stalling and having to sit on our hands while waiting for the answers to a lot of questions and waiting for an application.**

As a citizen, if ratepayers are directing this Council to adjust the budget to accommodate such requests as an agronomist to set criteria to designate the Honeywood Loam Soils as a Specialty Crop Designation to increase the chances of protection from an open pit mine, is it not the responsibility of the Council to at least give thoughtful discussion to this issue and explain why the protection of farmland and water is not a priority? **A - When the draft budget for 2009 was being presented to Council at a public meeting, we advised the members of the gallery to stay and give their input during the discussion. Only one member of the general public stayed, if I remember correctly. We are not a multi-million dollar corporation which can afford the luxury of being able to adjust the budget. We are seeking information regarding the role of an agronomist in the Specialty Crop Designation. At the time when we have gathered enough information**

about this designation from various sources including the cost, the public will be informed of all this information and they will have input into whether it is the direction that the Township wants to move in.

To the Mayor - I heard you promise each person in the gallery a chance to ask at least one question during question period. This promise should be honoured even if it takes all day. Will the Mayor honour this promise in the future? **A - Public Question Period as it states in our by-law allows one question per person with no longer than a five minute duration. Questions are to be submitted in advance of the meeting if it is to be answered that day. Multiple questions requiring lengthy answers should be booked in as a delegation. We have allowed a 30 minute time slot for this to happen. Your request "even if it takes all day" is unreasonable as we have a lot of other business to conduct.**

If Municipal Government does nothing more than pass legislation onto the Provincial level, why do we need a Municipal Government? My husband and I suggest that as Mayor, you fight for the integrity of this Township or step down now. **A - we exist so you and all the other ratepayers can come to a public Council meeting to ask questions and give input. Our function consists of many local concerns – roads, landfill, Police and ambulance services, fire protection and prevention, recreation, etc. We also deal with Committee of Adjustment.**

Dave Vander Zaag

The list of reports suggested and presented to Council by The Highland Companies at the June 24th pre-application consultation meeting contained the following clause:

"The above chart sets out a complete list of all of the materials and reports required to meet the complete application requirements for an official plan amendment and a zoning by-law amendment to permit a mineral aggregate quarry in the Township of Melancthon"

By adding this clause, and providing a line for signature by the Township's planner, Mr. G. W. Jorden, and Clerk, the Highland Companies was in effect requesting that the Township foreclose itself from the opportunity to require further reports, testing, independent studies and other data and information as may be necessary to ensure that the application is complete. The applicant also suggested that the Township should not follow the standard procedure followed by other municipalities of obtaining peer review studies due to the time that would be involved and other factors.

This request by The Highland Companies pre-supposes that the Township does not intend to treat this application with the rigor that it deserves having regard to the potential impact that the proposed use could have on the environment and surrounding land uses.

My questions on this topic are straightforward:

(A) Does the Township have a fee by-law in place to allow them to collect fees and expenses from the applicant related to the processing and consideration of the application? If not, will you be taking immediate steps to implement it? **A. - Yes, By-law No. 8-2008**

B) Is it the Township's intent to instruct Mr. Jorden, either on his own, or acting in conjunction with another planning firm that has extensive experience in reviewing quarry/aggregate applications, to independently develop a preliminary list of the types of reports, testing and other data that will be required in order for the application to be considered complete? **A - Yes.**

(C) As a follow up to the preceding question, and given that the Township has not yet seen or had an opportunity to review and consider the applicant's reports, will the

Township (in connection with any list of reports, etc. provided by the Township) be taking the prudent step of reserving its right to request further and/or more comprehensive reports and studies once the application is filed? **A. Certainly.**

(D) Will the Township be engaging third party consultants, including without limitation, agrologists, hydrologists, hydro-geologists, environmental consultants and fiscal impact experts, to conduct independent studies (in addition to peer review studies) at the applicant's expense as permitted under The Planning Act? The applicant states that it is worried about the timing of completing independent and peer review studies. However, isn't it clearly in the public's interest to ensure that all matters relevant to this proposed land use are thoroughly investigated? **A. Our Planner clearly stated that the proponent does not dictate the peer review process. There is nothing in the Planning Act, that we can see, that says we can charge for this. We are currently in the process of engaging third party consultants.**

I have obtained and reviewed a copy of the AEMOT Groundwater Management Study that was completed in May 2001, after the Walkerton tragedy. My understanding is that the Study was commissioned by 5 Municipalities, including the Township of Melancthon, in conjunction with the Ministry of Environment, at a cost of \$275,000. The Study activities included the following (quoting from the MOE website); a study area characterization (geography, land use, water demand, hydrogeology); modeling of groundwater flows; preparation of a water budget; assessment of aquifer vulnerability; and creation of a groundwater management plan.

The Study concluded that the water table and aquifer in many portions of Melancthon Township, including areas which may be the subject of the applicant's quarry application, are extremely vulnerable. The Study recommended, among other things, that the affected municipalities should develop a strategy to protect these water resources and integrate these protections into their Official Plan and zoning processes.

My question is as follows: Does the Township intend to turn its back on this Study, or does it intend to engage the appropriate hydrological and hydro-geological experts to ensure that these recommendations that are vital to the public's interest are incorporated into its Official Plan, zoning and by-law approval processes? **A - We used the AEMOT study as a reference to the Sludge By-law. There were 64 deficiencies stated in a letter from the MOE that needed to be addressed. In order to get deficiencies corrected, it was going to cost thousands of dollars. We have referenced it in our Draft OP but it's still not approved by the MOE. We have heard that there may be a couple of municipalities that have completed this plan and we will check this out.**

Section 2.2 of the Provincial Policy Statement makes it mandatory for municipalities to protect, improve and restore the quality and quantity of water, by, among other things:

- Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impact (for example, this aquifer affects not only Melancthon, but Mulmur as well as all other jurisdictions that are affected by the Grand and Nottawasaga River watersheds).
- Identifying ground water features and hydrological functions which are necessary for the ecological and hydrological integrity of the watershed.
- Implementing necessary restrictions on development and site alteration to protect sensitive ground water features and their hydrological functions.

In fact, the PPS also provides that development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrological functions will be protected, improved or restored. **A - this is only half of the statement in the PPS about mitigating factors. Mayor Fawcett read an excerpt from the PPS which says that you cannot take one section out of context.**

So given the findings in the AEMOT Study, do you not feel that it is imperative on behalf of the Township and its residents, as well as the residents of Mulmur and other affected jurisdictions, to ensure that you comply with your obligations as directed by the Province pursuant to the PPS? What steps will you be taking to discharge this duty?

A - We are investigating and trying to do everything we can to mitigate this.

Carl Cosack

I am asking you, if you will declare that your mandate does not include turning this township into a quarry but rather to protect the soil and water that is present, to all your ability? **A - we thoroughly intend to protect the soil and water to the best of our ability.**

Will you hire the necessary agrologist to proceed with the Specialty Crops Designation as part of the Official Plan? **A - we are obtaining information on an Agrologist. We have heard of five that we are looking in to.**

I am asking you, are you in favour of deferring the decision on an application, and making that stance abundantly clear, until after the next municipal election, whose number ONE issue will be this planned development, so that that Council, with a clear mandate from the population, is better equipped to represent its electorate? **A. - Once the application is submitted, the Council has 180 days to make a decision. If we don't make a decision then the applicant can take the Township to the OMB.**

I am also asking you to hire a lawyer, who is independent, to represent Council in these matters. In the letter dated February 27th, 2009 Mr Osyany is clearly partisan in his advice that Council should not do all it can to represent the views of its residents but rather allow the province to dictate what is important for Melancthon. **A. - Mr. Osyany has already been retained as our lead lawyer and he will have other lawyers at his disposal who have the expertise. He will bring his recommendations to Council and Council will make the final decision.** Mr. Cosack questioned as to whether or not Mr. Osyany would have a conflict because he acted for the Downey's in their sale to Highlands? **Council advised that it is up to each individual to declare a conflict.**

Cam McLean

Will Melancthon Township Council notify all taxpayers of the Highland Company's activities and the imminent quarry application. In addition, request opinions on whether or not Council should put all efforts into protecting the land and soils that have defined this community long before large scale aggregate extraction was possible? **A - Deputy Mayor Hill and Councillor Elliott are working on an information package for the public. It is hoped that it will be approved at the August 13, 2009 Council meeting and then it will be sent out with the tax bills. Mr. McLean was asked what the question is that he wants asked? Mr. McLean to work on this and submit it to Council.**

Christine and Dave Boyle

A letter with pictures of the Tavares house being taken into the landfill site on August 1, 2008 was submitted. At the NDACT public meeting, the Mayor stated that no material had gone into the landfill from this house and Ms. Boyle provided her recollection of the Council meeting that Rick Riddall, Landfill Supervisor had attended concerning this issue. **Mayor Fawcett advised that she erred in her statement at that meeting and that the Tavares house did all go to the landfill. The Township Attendant started to accept the loads on a fee per load and when he learned that there could possibly be several other houses, he notified the Council and it was stopped. Subsequently, we, as a Council decided not to allow any more demolished homes into the landfill as this practice would significantly reduce the lifespan.**

John Lever

John Lever wanted to know how the Open House that Highland Companies were hosting was going to be communicated to the public? He was advised by Michael Danifher, Highland Companies Representative that an advertisement had gone in the papers and there have been letters sent to stakeholders. The CAO was directed to post the ad on the Township Website.

Dale Rutledge

He felt that the date of the Open House should be changed and could they not hold a second one? Michael Daniher advised that he would take the feedback to his colleagues but the public has been already informed that there would be an Open House.

Garry Matthews

Mr. Matthews apologized that if his comments at the last meeting were disrespectful to the CAO as they weren't meant to be. He is frustrated by the issues. His apology was accepted.

Kate Armstrong

Asked why Council wouldn't make a decision within the 180 days? Council advised her that if we did not have all the information, we wouldn't be making a decision. We want the facts before anything is approved. The zoning application comes in first and then the Aggregate application. The Aggregate application will not be approved until the Planning Applications are approved and this was advised by Ministry personnel.

John Lever

Mr. Lever wanted to know if the location of the quarry had been confirmed? Mr. Daniher advised that the final details will be in the application when it is filed.

Delegations

Martin Rezoning

7:30 p.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 described as Lot 27, Concession 11 NE. The purpose of the proposed by-law is to change the General Agricultural Zone on a portion of the subject lands to a General Agricultural Exception Zone. The exception provision would permit the subject lands to be used for the production of wood pellets for use in heating and horse bedding. Mr. Reuben Martin et al attended the Public Meeting. The CAO read comments received from NVCA and the Authority has no objection to the application. The CAO also advised that the only change to the by-law amendment is that the maximum building floor area has been increased from 1000 square metres to 1135 square metres. Moved by Hill and Elliott that leave be given to introduce a by-law to amend Zoning By-law No. 12-1979 as amended and it now be read a first and second time. Carried. By-law read a first and second time and numbered 11-2009.

7:35 p.m. - Council took a ten minute break.

Rutledge Rezoning

7:45 p.m. - A public meeting had been called to consider a proposed zoning by-law amendment that would rezone property in part of Lots 289 & 290, Concession 3 SW from the General Agricultural Exception Zone to the Rural Residential Zone. The purpose of the proposed by-law is to satisfy a condition of the granting of a consent for land

severance imposed by the Committee of Adjustment decision on Application B1/08. Dale and Carol Rutledge were in attendance for the public meeting. The CAO read the comments from the GRCA and the Authority has no objection to the application.

Moved by Hill and Elliott that leave be given to introduce a by-law to amend Zoning By-law No. 12-1979 as amended and it now be read a first and second time. Carried. By-law read a first and second time and numbered 12-2007.

Third Readings

Moved by Kumprey and Elliott that By-laws 11-2009 and 12-2009 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law. Carried.

Delegations - Cont.

7:50 p.m. (Scheduled for 8:00 p.m.) - Dennis Scace attended Council to discuss the information package regarding underground mining he had provided to Council in advance of the meeting. He said his goal of the evening was to discuss his findings on the subject of below ground water mining as per the aggregate industry. During his presentation, Mr. Scace alluded to some important facts on groundwater. In concluding with his presentation, he said "the facts uncovered by the reports show that the ratepayers do have legitimate concerns and that the precedence set by other Townships reveals we do have options and we would be doing a grave injustice to our family, friends and the people of Southern Ontario if we did not pursue them".

Adjournment

8:05 p.m. - Moved by Hill and Kumprey that we adjourn Council to meet again on Thursday, August 13, 2009 at 6:00 p.m. Carried.

MAYOR

CLERK