

## CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 3<sup>rd</sup> day of September, 2009 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor Hill, Councillor J. Crowe, Councillor J. Elliott and Councillor B. Kumprey were present. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

### Additions

- Letter from Aimpowergen regarding the Plateau Wind Project
- Van Heemst Plaque Presentation (scheduled for 12:15 p.m.)
- Susan Sanford will be presenting Karren Wallace's delegation in the place of Dennis Sanford
- Deputy Mayor Hill - Closed Session item about an identifiable individual

### Deletions

- None

### Approval

S Show of hands

### Disclosure of Pecuniary Interest

Nothing at this time.

### Minutes

Moved by Elliott and Kumprey that we approve the minutes of the August 13, 2009 Council meeting as circulated. Carried.

### Business Arising from Minutes

None.

### Point of Privilege or Personal Privilege

Nothing at this time.

### County Council Update

Mayor Fawcett reviewed the County Council Update for the July 9, 2009 meeting that was received from the County.

### Committee Reports

#### **Mayor Fawcett**

Mulmur Recreation - at the last meeting the final figures from the Beef BBQ were discussed and there was profit made. The rest of the discussion was on what to change for next year and how to do it.

Shelburne & District Fire Board - as there was no quorum for the meeting, it was cancelled.

#### **Deputy Mayor Hill**

Centre Dufferin Recreation Board - the work on the Arena Renovation Project is starting this week (after pool is closed). A Fundraising Committee has been established and the

goal is to raise 1/4 million dollars to enhance the facility.

**Councillor Crowe** - no meetings

**Councillor Elliott**

Southgate Recreation Committee - they are in receipt of a Rec Grant. There was a walk-through done of all the facilities. Some work has already been done and they are looking at how the grant money can be spent in the community. They will have a booth at the Dundalk Fair to seek input on where money is to be spent. They are in the information gathering stages for a skateboard park.

**Councillor Kumprey** - no meetings

#### Correspondence

1. Source Water Protection Municipal Workshops Information
2. Request for Comments - NEC - Morrow/Kerr - 11 Fieldway Court, Horning's Mills
3. Resolution from the Township of Amaranth regarding POA Costs
4. AMO Communication Alert - Waste Electronics and Electric Equipment
5. Draft Letter that Wind Concerns Ontario wants to send to Dalton McGuinty regarding the serious impacts of industrial wind installations in our communities
6. Letter from Kathleen Chung regarding the Highland Companies Quarry
7. Letter from Arch McLean regarding the Highland Companies
8. Notice of Completion - Environmental Screening Review - Skyway 8 Wind Farm Project
9. Copy of a letter that CHD sent to Peter and Susan Curtis regarding their Property Drainage concern
10. Town of Shelburne - Apportionment of the share of the cost for the CDRC Renovation/Expansion Project
11. Letter from the Nottawasaga Valley Conservation Authority regarding Cumulative Effects Assessment Best Practices Paper for Below Water Table Aggregate Operations within the Grand River Watershed
12. Letter from the Ontario Potato Board regarding NDACT's proposed Specialty Crop Designation and clarifying its position on the matter
13. Letter from Darlene Tripp-Simms regarding the existing runway on her property (Lot 256-258, Concession 2 NE) in regards to the setbacks for any wind turbine applications
14. Resolution from the Town of New Tecumseth regarding the Harmonization of Taxes

#### Addition

A letter was received from Aimpowergen advising that they are withdrawing their application for the Plateau Wind Project until there is greater certainty regarding the approvals process for renewable energy.

# 2 - no objection

# 3 - Moved by Hill and Crowe that the Council of the Township of Melancthon supports the Township of Amaranth's request for an efficiency study on the overhead costs of the POA office and process. Carried.

# 5 - deferred to future meeting of Council

# 10 - use some of the money from Development Charges and budget rest for 2010

#11 - invite the NVCA to a future meeting of Council

#13 - forward to the Township Planner for his information

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

1. Shelburne and District Economic Development Committee - Annual Golf Classic
2. Conservation Corner - Septic System indigestion
3. Information from GRCA regarding Hogweed

4. OGRA Head's Up - Harmonized Sales Tax Statement
5. AMO Member Communication Alert - AMO Welcomes Court Decision on Bank Tower Assessment
6. MMAH - Notice of Decision on Township of Amaranth OPA No. 3
7. Cowan - News and Views Summer 2009
8. Notice of Passing of Zoning By-law 02-2009 from the Township of Amaranth
9. Notice of OMB Pre-hearing Conference - OMB Case No. PL090471 (Orica Canada) - Part of Lots 22 and 23, Concession 4, Township of East Luther Grand Valley

#### General Business

##### Draft By-law to amend By-law No. 8-2008 (Procedural By-law)

The CAO noted the changes made to the by-law. Deputy Mayor Hill raised concerns that Sections 58 & 59 did not cover off staff and said if the Procedural By-law Committee was fine with the changes and if they felt it covered off staff, then he was fine with it too. The members of the Committee advised that they were fine with those sections. The CAO will provide notice of the draft by-law and the intention to pass it and bring it back to the next meeting.

##### Draft By-law to amend By-law No. 21-2007 (Landfill By-law) due to the WDO Used Tire Plan

An amendment to Schedule A of the by-law was presented. The WDO program comes into effect on September 1<sup>st</sup> and because the municipality will now be receiving revenue from the tires, the municipality cannot charge a fee. As the Landfill Supervisor is coming in as a delegation, more discussion about the by-law will be had during that time.

#### Accounts

Moved by Kumprey and Elliott that the general accounts in the amount of \$127,498.66 be approved as presented. Carried.

##### Resolution to return deposit to Roberto and Donna DeMichele - Part of Lot 34, Concession 4 NE

As the old house has been demolished on the property, the deposit can now be refunded. Moved by Hill and Crowe that we return the security deposit to R & D DeMichele as the old dwelling on Part of Lot 34, Concession 4 NE has been demolished. Carried.

#### Applications to Permit

Mayor Fawcett signed the following applications to permit:

- an addition to an existing building on Lot 105, Part Lot 106, Plan 34A - 17 Church Street - J. Fournier
- an equipment storage shed on Lot 13, Concession 5 SW - D. Kovacs
- a single family dwelling on Part of Lot 261, Concession 2 NE - G. Patton

#### New/Other Business

None.

#### Unfinished Business

##### Demolition Control Area Request (from August 13, 2009 meeting)

The Township will not be passing a by-law to place demolition control in the Township. Section 33 of the Planning Act states that no person shall demolish a structure unless he is in possession of a demolition permit. These are given out at the County of Dufferin

Building Department as per Section 15.1 of the Building Code Act. It was also noted that Section 33 of the Planning Act does not prohibit the demolition of homes. If someone wants to take down a house or building, they go to the Building Department for a permit – the building code is clear and the Planning Act is clear.

While on this matter, Mayor Fawcett advised that she has contacted the County Building Inspector about meeting with two representatives of NDACT regarding this issue.

Request for Studies to be implemented into the OP and Tariff of Fees for Planning (from August 13, 2009 meeting)

Mayor Fawcett stated that the Township does have a fee structure in place for planning applications. The fee structure could be updated, but the level of fees can be challenged before the OMB. Council has to justify the fees imposed because such fees are designed to meet the anticipated cost to the municipality in respect of processing the application.

Delegation

9:45 a.m. - Rick Riddall, Landfill Supervisor attended Council and presented his monthly report. During his report, he discussed the following: loads of fill being saved, Sandhill Disposal - co-mingle bin, clean up of landfill due to the wind, main hill needs repairs next year and the re-oiling of locks.

During this time, the WDO tire program was discussed. Some of the tires are coming in with the rims on. These will be set aside and will be taken to an automotive shop to have rims removed. Council will leave this part in the by-law and still charge for tires on rims in order to pay for the cost of the removal of the rims. The Landfill Attendants will need to keep separate piles of large and small tires and to monitor the situation. Rick reported that the steel and tires have all been cleaned up and removed from the site.

Moved by Kumprey and Elliott that leave be given to introduce a By-law to amend Schedule A to By-law 21-2007 (Landfill By-law) and it now be read a first and second time. Carried. By-law read a first and second time and numbered 14-2009.

10:00 a.m. - Harvey Lyon attended Council concerning the Aimpowergen Planning Application for the Plateau Wind Project. As a result of the letter read this morning from Aimpowergen, Mr. Lyon inquired as to what was happening at the Ministry level with this application? Mr. Lyon expressed concern with Jerry Jorden's comments at the last meeting with respect to the Planning Applications. In his comments, Mr. Jorden's position is that "the MOE decision on the ESR document could be deemed to be equivalent to a peer review of the required studies". Mr. Lyon indicated that this does not conform with the intent of the OPA 15. OPA 15 states that Council shall undertake a peer review of these studies at the expense of the applicant. Mr. Lyon expressed his concerns relating to the proposed turbines in this project.

10:15 a.m. - Susan Sanford, on behalf of Karren Wallace, attended Council to present Ms. Wallace's concerns regarding the information in a planning document compiled by Deputy Mayor Hill and Councillor Elliott. Ms. Wallace also expressed concerns regarding several options that have been presented to Council since January 2009 in which no action has been taken. Mayor Fawcett advised Ms. Sanford that the reason the information was put together was for those people that did not have access to a computer and also for those people that do not live in the area. Councillor Kumprey was personally offended by the submission and Deputy Mayor Hill expressed concerns regarding the inaccuracies contained in the submission as well as lack of investigation into the issues. Deputy Mayor Hill advised that he will be responding to the submission and the rest of Council agreed.

10:30 a.m. - PUBLIC QUESTION PERIOD

The following written questions were received from Marni Walsh, Citizen and Reporter:

Ms. Walsh was advised that the questions she submitted were sufficient enough for a delegation. At the last meeting, Mayor Fawcett thought she had made it clear that one question is to be asked, otherwise book in as a delegation. In doing this, it ensures that everyone has the opportunity to ask their question within the allotted time.

1. It is my understanding that no action was taken on either resolution presented in delegations by Kelsey Phillips, and Karren Wallace and myself at the August 13th Council meeting. To date, we have assumed that Council was just misinformed. This is no longer the case. All research has been done at the expense of your citizens' time and energy and handed to you in trust to act upon. Everyday that passes without action on these issues is a threat to the security of the Township. Will you please give a clear explanation for Council's inaction on implementing the Aemot study, **as well as conditions, and fees and studies for aggregate applications into the official plan and measures to stop the demolition of Melancthon homes and barns, and the pursuit of a specialty crop designation as of August 13th and for the past two years?** **A - The AEMOT Water Study was not completed due to the exorbitant cost to address the 64 deficiencies in the study. This same study has been utilized by the Township in the biosolids by-law. The mapping from the study has been included in the draft New Official Plan. Only one municipality, that I can find has completed it. And they do not keep it current due to the \$20,000.00 cost per year. As to our fees for applications, we have a fee structure in place. The fee structure could be updated but, as you know, the level of fees can be challenged before the OMB. The dollars must be justified. The Act states "that such fees shall be designed to meet the anticipated cost to the municipality in respect of processing applications".**

2. Will you please explain why Council will not take a public stand, such as Councillor McCarthy of Flamborough has, against proposals, by a foreign financed corporation, which do not conform to the water requirements mandated by the Township's Official Plan? **A - Mayor Fawcett advised that she did publicly state at the Highland Companies Open House that she was not in favour of the 2400 quarry.**

3. When will Council hold a "town hall" forum to discuss the issues of concern with Highland Companies proposed mine? **A - we are planning a public meeting to be held as early as it can be arranged. We are aiming for a date in September. This meeting is to deal with the process only and we have invited the various Ministries involved to attend. Ms. Holmes is trying to choreograph this and is having some difficulty scheduling a date that works for everyone on such short notice.**

4. I have not spoken to a single ratepayer who wants the Highland or Strada "below the water table" threats to their water source to be allowed. What is Council's legal responsibility to the ratepayers to take action and what recourse do ratepayers have if you do not take action? **A - our responsibility is to examine all applications thoroughly and objectively and to arrange the legal, planning and the rest of the team of experts to deal with this application at the proponents expense.**

The following question was submitted by Rob Uffen:

Will any members of Council please put forward motions to pass the two resolutions presented by two different delegations at the August 13 Council meeting namely:

1. a resolution regarding the demolition of structures in Melancthon Township
2. a resolution regarding amendments to the Official Plan whereby a list of studies required for planning and zoning applications and a Planning and Economic Development Fee Structure are included and if so, will you do so at the September 3 Council meeting and if not, why won't you?

**A - No. We will not be passing resolutions you have requested at this meeting. The reasons have already been given in the first set of questions and discussed during the**

**meeting under Unfinished Business. The fact that we make a motion doesn't prohibit them from taking down these buildings. The Planning Act is clear and so is the Building Code. Council is not prepared, at this time, to amend the OP to list the studies required.**

The following question was submitted by Dennis Sanford:

In the conclusion of my delegation presentation on August 13, I challenged council members to have the courage to declare their position on the pending quarry application by The Highland Companies. For those of us who are perplexed by council's unwillingness to take the defensive action necessary to protect the community, such a declaration might at least offer some kind of answer to council's inaction. My question is: Would council members, individually, right now, state whether they are in support of a 2400 acre open pit mine below the water table in Melancthon, or are they opposed to the concept? **A the Mayor replied that I, nor any member of this Council, I believe, wish to have a 2400 acre below the water table quarry. We have previously opposed the below the water table application for Strada Aggregates and in my opinion this is the same only larger. The technology and the rehabilitation vary and bear much further investigation, which we are doing. This technology proposes to bring back the farmland – they will have to prove this. We are not in favour of this and it would never pass unanimously at a Council meeting.**

The following question was submitted by Bart and Nancy Malloy:

Has council had ample time to review the presentation material presented at the August 13 council meeting? (Highland companies concerns) If so, will council prepare a presentation of their own to reply to the information given and let the ratepayers know what council's opinion is (positive or negative) regarding the Highland companies proposed quarry ? **A. This question has already been answered.**

The following was received from Marni Walsh, Citizen and Reporter:

Please forward the below Toronto Environmental Alliance recommendations to Council for their information. Will council give consideration to them, as well as a report to ratepayers as to how Council will participate in the recommendations.

If Council wishes further information they can access it through the Toronto Environmental Alliance website.

I also await an answer to my question from Aug. 13th regarding Council's attendance at the GVCA Forum in September and the suggestion that they present information for discussion on the proposed aggregate plans by the Highland Companies. Perhaps there is a copy of a letter requesting that the topic be added to the agenda for the GVCA Forum? Could I receive a response from the Mayor at the Sept. 3rd meeting please? **A - Mayor Fawcett advised that she is going to the Forum on September 18 and has written to them about putting an item on the agenda for a short discussion on the proposed large aggregate quarry, below the water table, in the Township of Melancthon. She received a response back saying that because the agenda has been set for months, it could not be included on the Agenda, however there is a Q&A portion of the Agenda where delegates can query guest speakers on topics appropriate to the speaker's area of expertise, as well as many informal opportunities for registrants to talk with other local and provincial attendees. Council will be formulating questions to be asked at this forum.**

I understand Mayor Fawcett will be attending the Source Water Protection Conference "Protection Strategies for Municipal Stakeholders" Sept. 17th. I would like to know if Mayor Fawcett will return with a report for ratepayers on what was learned to help protect the headwaters from below the watertable mining? Will a report to the ratepayers include all questions made, and answers received, on behalf of the Township of Melancthon at the conference? **Note - this question was missed and not answered.**

## TEA DOCUMENT

### GTA Municipalities Can Do

TEA: Toronto Environmental Alliance

The Ministry of Natural Resources is in the midst of a review of aggregate use in the Province. A Terms of Reference for this review is scheduled to be released some time in 2009<sup>[1]</sup>. While the provincial review proceeds, GTA municipalities can begin the process of reducing virgin aggregate use and practising the 3Rs.

In particular, municipalities can begin filling the information void about aggregate use in the GTA by determining where they use aggregate, how much they use and what future demands will be. Municipalities can also begin investigating best practices in other jurisdictions and start applying these to their aggregate use policies. As well, municipalities can immediately develop procurement policies that limit the use of virgin aggregate.

The question GTA residents in particular elected officials need to ask themselves is whether they want this aggregate demand to be met by destroying precious ecologically-sensitive land and farmland, much of it in the Greenbelt?

Accordingly, we urge all GTA municipalities to adopt the following recommendations:

1. Ensure that any new requests of proposals (RFPs) that include the use of aggregate require the successful bidder to demonstrate they will use the highest level of recycled content allowable under provincial standards.
2. Provide detailed information to the public on aggregate use within the municipality that includes:
  - o How much and what type of aggregate is used for various types of urban infrastructure (eg. roads, sidewalks, bridges, sewers, etc) within the municipality annually
  - o How much of the aggregate used is virgin, how much is recycled and how much comes from alternative sources
  - o Where the aggregate comes from, including specific pits and quarries, and the quantities from each source
  - o Projected aggregate use over the next 25 years
3. Investigate how other jurisdictions effectively reduce virgin aggregate use through the use of 3Rs and report out to the appropriate council committee with recommendations about how the municipality can adopt similar strategies.
4. Urge the Ministry of Natural Resources (MNR) to ensure the 3Rs are the cornerstone of any updated aggregate policy for the Province and that it investigates and implements the production of sustainable aggregate.

Mayor Fawcett opened up questions from those in the gallery.

Natalie (Prince of Wales Road) was in attendance and inquired as to the status regarding an Agrologist? Councillor Elliott responded that we don't have a formal report but she did contact the Institution of Agrologists. There are no criteria for a Specialty Crop Designation but if Melancthon would like to undertake this, they would review it. This is going to take months and months of work and we haven't even figured out the pros and cons. At this time, Rob Uffen asked what the status of the search for Peer Reviewers was at? He was advised that we are bringing together the key people to establish a working relationship with these people. Natalie asked if we will get an idea of who this is and when will we know – the Mayor replied that Council will be making the decision and that it's a work in progress and should be in the next couple of months.

11:00 a.m. - Council took a break and reconvened at 11:15 a.m.

## Road Business

Allen Braiden, Road Superintendent, attended Council and presented the road accounts. Moved by Hill and Crowe that the road accounts in the amount of \$74,260.71 be approved as presented. Carried.

Allen asked about taking the money from brushing and doing more ditching this year. Council did not have a problem with this.

Allen received a letter from Merv Parker regarding intersections that are not signed. Allen presented Council with information regarding the guidelines for the placement of stop signs. Discussion ensued regarding the signs and the following resolution was introduced and passed: Moved by Crowe and Hill that the Road Superintendent is authorized by Council to do a review of Township intersections to review the need for necessary signage and to complete the work within the 2009 calendar year. This initiative will be financed as per discretion of the CAO and the appropriate by-laws prepared. Carried. The CAO was directed to use monies from the Policing Development Charges Account for this purpose.

Allen reported that the Horning's Mills Project would be starting on September 24<sup>th</sup> with a completion date of October 16<sup>th</sup>.

Allen advised that Canada Post is causing residents a lot of problems by making them move their mailboxes. Allen is concerned because some of the places that they are asking mailboxes to be moved will be taken off by the snow plow in the winter. A letter is to be sent to Canada Post.

A letter and invoice was received from Michael Marriott for work that he has done on Township property such as ditching and the placement of gravel. As the Township will not be paying this invoice, a letter is to be sent to him advising of this.

Allen was asked to check the River Road regarding a speed limit sign as there was a concern received this morning that there is not one there (on Melancthon portion of road).

## Third Reading of By-law

Moved by Elliott and Kumprey that By-law No. 13-2009 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

## Closed Session

11:40 a.m. - Moved by Hill and 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; a proposed or pending acquisition or disposition of land by the municipality or local board; the receiving of advice that is subject to Solicitor/Client privilege, including communications necessary for that purpose. Carried.

12:20 p.m. - Moved by Hill and Crowe that we rise from Closed Session with no report. Carried.

## New/Other Business

### Plaque Presentation to the Van Heemst's

Mayor Fawcett presented Peter and Heather Van Heemst with a "Community Service Award" in recognition of their many years of dedicated service to the Community. Members of Mr. and Mrs. Van Heemst's family were in attendance as well as some of their friends.

Adjournment

12:30 p.m. - Moved by Hill and Crowe that we adjourn Council to meet again on Thursday, September 17, 2009 at 6:00 p.m. or at the call of the Mayor. Carried.

---

MAYOR

---

CLERK