

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Council of the Corporation of the Township of Melancthon held a meeting on the 7th day of January, 2010 at 9:00 a.m. in the Council Chambers. Mayor D. Fawcett, Deputy Mayor Hill, Councillor J. Crowe, and Councillor B. Kumprey were present. Councillor J. Elliott was absent with prior notice given. Denise Holmes, CAO/Clerk-Treasurer was also present. Mayor Fawcett presided.

Additions

- Closed Session Item - Solicitor/Client Privileged Information - Demolition Control By-law

Deletions

- None

Approval

S Show of hands

Disclosure of Pecuniary Interest

Nothing at this time.

Minutes

Moved by Hill and Crowe that the minutes of the December 17, 2009 Council meeting and Special Meeting be approved as amended. Carried.

Business Arising from Minutes

Meeting with Southgate Reps re: Agreements - CAO received some meeting dates from Southgate's CAO. A date of January 26, 2010 was decided upon for the meeting.

Bale Wrap - the CAO advised that Grey Highlands does recycle its bale wrap and they have obtained the company name, but have not had a chance to follow up with the company.

Detour Protocol (Wayne Hannon question from last meeting) - There is a County Public Works meeting on January 26th and Trevor Lewis, Director of Public Works will be bringing forth a report on this. Mayor Fawcett has invited Mr. Hannon to that meeting.

Point of Privilege or Personal Privilege

None.

County Council Update

The County Council in Brief for December 10, 2009 was reviewed.

Committee Reports

Deputy Mayor Hill

CDRC - the Building Sub-Committee will be signing off on the building drawings tonight and everything is to proceed as planned.

Councillor John Crowe

Horning's Mills Hall Board - December 8th - year end meeting to discuss goals and objectives for 2010. Members will consider their priorities and a list is to be compiled early in 2010. The industrial/institutional dishwasher is in need of a new motor which will be very expensive to fix. The Secretary was asked to explore options and bring info back to the January 19, 2010 meeting. The Accessibility Training for Board Members has been completed. The Board is exploring a Trillium Grant for accessibility upgrades. A large section of eaves trough along the west wall has come down and is no longer serviceable. The Secretary is getting prices to replace. Same should be upgraded to steel as there is always ice and snow load in winter.

Mulmur Melancthon Fire Board - December 21, 2009 - Considerable discussion regarding the 2010 budget which the Board has passed and Melancthon Council has accepted. Mulmur Council has not passed it. It was decided that Karen (Secretary-Treasurer), Bill and himself would try and clarify how the budget was developed and this was done on December 23, 2009 and now they await the response from Mulmur Council. The County has resumed funding of fire calls on County Roads as of January 1, 2010. The Fire Chief is working on a draft equipment replacement schedule to be presented in early 2010. We are also working on an updated agreement between the Townships to reflect current conditions as the last one was done in 2005. We have now added a line to the budget to write off uncollectible MVC accidents where insurance companies will not pay for these calls.

Councillor Kumprey

Library Board - Rose Dotten, Librarian has received a grant in the amount of \$5,000.00 to purchase books. Still working on the budget. The Holiday Home Tour was successful with over \$3,000.00 raised.

Mayor Fawcett

Shelburne Fire Board - application for CAF Grant for the quint truck and addition totalling \$1.3 million. This grant could only give 10% up to a maximum of 50% and we still have the right of refusal.

Correspondence

1. Notice from the County of Dufferin regarding a Notice for Exemption to Forest Conservation By-law by the owners of East Part of Lot 16, Concession 4 OS, Township of Melancthon - 3 hectares
2. Resolution from the Township of Amaranth regarding County of Dufferin Waste Management
3. Resolution from the County of Dufferin regarding Payment for Rescue Calls on County Roads
4. Nottawasaga Valley Conservation Authority Highlights for December 11, 2009
5. Resolution from the Township of Oro-Medonte regarding the minutes of the NVCA meeting held on October 9, 2009
6. Letter from Ian Rowe, Solicitor regarding the Highland Companies Proposed Quarry Application and the establishment of a reserve fund
7. AMO Member Communication Alert - OMPF Allocations Announcement
8. Letter from the Ministry of Finance regarding the OMPF Allocations for 2010
9. Resolution from the Township of Mapleton regarding Wind Energy Project
10. Email from Bart Malloy regarding the Highland Companies Proposed Quarry Application

1 - CAO directed to send in comments that Melancthon Council does not support the exemption unless an agreement is put in place that would see the trees replanted

(perhaps on a different property).

9 - Moved by Hill and Crowe that the Corporation of the Township of Melancthon continues to have concern regarding wind energy development. Therefore be it resolved that the Township supports the motion by the Township of Mapleton dated December 8, 2009 in its entirety. Carried.

#10 - The CAO was directed to forward Mr. Malloy's email to The Highland Companies.

Correspondence on File at Clerk's Office

1. Resolution from the Township of Mulmur regarding Internet Filtering on Library Public Use Computers
2. Notice of Passing of a Zoning By-laws (2009-46 & 2009-45), Notice of Decision of Council File No. 54-09 and Notice of Complete Application and Public Meeting for Zoning By-law Amendment from Township of East Luther Grand Valley
3. Copy of a Resolution from the Township of Amaranth regarding Headwaters Health Care Centre
4. Copy of a Resolution from the Township of Amaranth regarding YMCA Memorandum of Understanding
5. Thank you from Epilepsy Ontario for the financial support towards the Shelburne Baseball Tournament on August 22nd
6. Cowan News and Views for Fall 2009
7. Minutes - Shelburne Public Library Board Meeting - November 17, 2009
8. Committee of Adjustment Decision from the Municipality of Grey Highlands
9. Letter from David Tilson, MPP regarding Melancthon's resolution re: Headwaters Health Care Centre - Shelburne Location

General Business

Borrowing By-law

Moved by Kumprey and Hill that leave be given to introduce a by-law to authorize the borrowing of monies in order to meet the current expenditures of the municipality until the taxes are collected and it now be read a first and second time. Carried. By-law read a first and second time and numbered 1-2010.

Application(s) to Permit

None.

Resolution to return tender cheque to Nelson Arnold Construction in the amount of \$16,800.00 re: A Gravel

Moved by Kumprey and Hill that we return the tender cheque to Nelson Arnold Construction in the amount of \$16,800.00 re: A Gravel. Carried.

Resolution to return tender cheque to Greenwood Construction in the amount of \$18,000.00 re: Surface Treatment Tender 03-2009

Moved by Hill and Kumprey that we return the tender cheque to Greenwood Construction in the amount of \$18,000.00 re: Surface Treatment Tender 03-2009. Carried.

New/Other Business

Horning's Mills Hall Board Appointment - The Clerk advised that Pat Henry has declined the appointment due to being appointed to another Committee. It was decided that we would ask around in the Community to see if anyone is interested in joining the Board and if not, we will advertise in the paper.

Third Reading

Moved by Hill and Crowe that By-law No. 1-2010 now be read a third time, signed by the Mayor and Clerk, sealed and engrossed in the By-law Book. Carried.

Delegations

Rick Riddall, Landfill Supervisor attended Council with his monthly report. Mr. Riddall spoke on requiring extra cover/fill this year for the debris pile as the summer face is exposed in some spots and therefore, we should consider this when doing the budget.

General Business (Cont.)

Unfinished Business

Draft Demolition Control By-law

Three written comments were received regarding the draft By-law: Allan Leibel, Goodmans LLP; Marni Walsh and Carl Cosack. As the time frame did not allow enough time for submissions, Council extended the deadline to Friday, January 29th and will be re-visiting the draft by-law at the February 4, 2010 meeting. The CAO was also directed to send the draft By-law to Michael Giles, Chief Building Official, County of Dufferin for his opinion and to obtain a legal opinion on the section in the By-law that refers to the Building Code Act.

Town of Shelburne Policing Proposal

Councillor Crowe spoke on the above and the Township's current OPP Contract expires on March 31, 2013. The Township has to give one year's notice if it wishes to break the contract. Councillor Crowe does not feel there is enough time to have the study completed and a decision made before the term of Council and doesn't want to influence a new Council with the decision. He recommended to Council that this go to the next Police Services Board meeting for its members to make a recommendation on the proposal.

EBR Registry - 010-8243 - Policies and Procedures for Conservation Authority Plan Review and Permitting Activities

Garry Matthews, NVCA Rep is attending a meeting tomorrow (January 8th) and will get more information and report back to Council at the next meeting.

County of Dufferin - Assumption of Waste Authority

Comments were received from Bret Lemieux, Township Hydrogeologist and based on his recommendation, the following resolution was passed:

Moved by Crowe and Hill that the Council of the Corporation of the Township of Melancton, in response to the County's Assumption of Waste Management, feels that at this time the County's Waste Assumption Plan has not been thoroughly enough developed for Melancton to definitively say we will participate. Most of the details that will determine whether this plan is suitable for Melancton are not known at this time and would have to be more fully developed, however, there is no reason why the Township should preclude continued participation in the development of the County

Waste Planning. Consideration may be given to having a Member of Council (or delegate) become a member of any County Committee steering the development of the Plan so that Township interests can be raised and addressed. Carried.

NVCA - Draft Budget 2010

Garry Matthews, NVCA Representative spoke on the 2010 budget and Source Water Protection monies. He would like to come back to a future meeting with some answers to questions regarding the SWP funding. It was noted that Melancthon did support a resolution from Essa Township that the budget not exceed a 2% increase.

Delegations - Cont.

10:00 a.m. - Dennis Sanford attended Council and gave a presentation on the Township's draft Demolition Control By-law and expressed his concerns with the events from August 13th meeting to December 17, 2009 meeting in relation to the demolition control issue.

Deputy Mayor Hill explained that in September, the Council did not ask for a Planning Opinion on the demolition control issue because it was felt that it was not in the control of the Council because the Building Department issued the demolition permits. As a result of questions asked at an In House Planning Session with Jerry Jorden on November 25th, that is what led to Council obtaining a legal opinion and that is why Council is now dealing with a draft demolition control by-law.

PUBLIC QUESTION PERIOD

Written questions were received from;

Bart Malloy: First of all I would like to thank council for replying to my request regarding the road construction of the 2nd line N.E. Below is what I understand from the reply which I have forwarded to the residents of the 2nd Line N.E. Typical lifespan of a municipal road is 30 years. The 2nd Line N.E from Cty Road 17 - 270 sideroad has a remaining life span of 15 years, while from the 270 sideroad to Cty road 21 has 10 years remaining. Council stated in the response: Under PSAB there are 43 other roads or sections of road that have an expected lifespan of ZERO to FIVE years. Council will have to look closely at the PSAB information and as part of the budget process and will prioritize what roads will be fixed and when they will be done. Since ratepayers taxes are used in the budget, the planning process needs to be transparent to the public.

Question:

1) Will this roads report be made available to the public of Melancthon during the budget planning process for 2010, so the ratepayers can see what roads are at zero life span or greater and understand the process of how council makes their decisions in prioritizing road work and budget requirements. From what I understand from Denise discussions regarding the budget begin in January. **Answer: Yes**

2) Can I get a copy of this report, in it's complete form, so I can view all 43 roads or sections that need attention.? **Answer: Yes**

Michael Daniher: A number of questions for Public Question Period are provided concerning the following news release that was issued in November 2009 announcing the proposed development of a wind farm on 3,500 acres in Melancthon Township:

"401 Energy Ltd. Submits Feed-In Tariff Application for Largest Community-owned Wind Farm in the Province of Ontario

Markham, ON, November 30, 2009 – Paul Boreham, President, 401 Energy Ltd., is pleased to announce that the company has submitted to the Ontario Power Authority Feed-In Tariff (FIT) Program an application under Farm Owned Power (Melancthon) Ltd., to construct a 100 MW wind farm on 3,500 acres in the Township of Melancthon, County of Dufferin approximately five kilometres north of Shelburne, Ontario. 401 Energy Ltd., is the only wind power company in Canada that offers their unique 51/49 ownership stake

to participating community based projects. This project will involve the erection of over 40 turbines installing over 20 kilometers of new power lines capable of carrying 100 MW of power. When it is completed by August 30, 2011, it will be the largest community owned wind farm project in Ontario.” My questions are:

S Does Council support this 3,500 acre wind farm? **Answer: We don't have access to the applications anymore – as we have not received anything we cannot comment on it.**

S Can Council identify where the local farms are in the project? **Answer: We are unaware of the local farms as there has been no application filed.**

S How does this project contribute to the community? **Answer: It hasn't, as of yet (because there is no application).**

Mr. Daniher asked if Council could find out where these properties are located and the answer was yes, that we can inquire. The CAO was also directed to send a letter to 401 Energy expressing Council's concerns for not being sent the news release directly.

The Mayor opened up the gallery to questions.

Dennis Sanford asked how Bugar Rowe came to be advising Council on the OMB Costs? Mr. Sanford was advised that Ian Rowe of Bugar Rowe has been retained by the Township as part of the legal team on the Aggregate Application.

Michael Daniher asked about the budget process and will we be developing a timetable for the budget for discussion and input and will this be posted on the website? The answer was yes.

Rob Uffen asked if the Procedural By-law Meeting was open to the Public? He was advised that yes it was a public meeting.

Marni Walsh - will Council consider a proposed aggregate application fee now that we know the cost of an OMB Hearing and wanted to know if we have asked the lawyer's about this? The Mayor explained the OMB costs and said this will be dealt with during the budget process.

Putli Mirza - inquired about Bart Malloy's email regarding the questions asked to the Highlands Companies. She was advised that we were forwarding the email to The Highlands Companies.

Bart Malloy - regarding the News Release of 401 Energy and Council having no knowledge about it – he asked if Council should have someone monitoring the internet for items like this to find out what is going on in the Ontario Government? He was advised that the Government has changed the rules and taken a lot of power from our control and we have sent letters about this. We are not sure how we would do this/monitor this.

Wayne Hannon - Has Council issued a resolution regarding not being notified (re: biosolids)? The answer was yes, it was a few years ago. It was suggested that Council should re-jog their memory.

Nancy Malloy - Are there areas where biosolids are still spread? There is a small area (Highway 89 and 4th Line OS) in Melancthon Township that is considered “low vulnerability” where it could be spread.

Dave Cowen - Spoke on the past history of the Township and the way things have been done and asked is it not time for restructuring so that we would have more say in what happens in the Township – it is time for a change? He was advised that the system set up right now gives the public more input and it is imperative to understand that a lot of our powers have been taken away by the Province.

A lengthy discussion ensued regarding the above.

Garry Matthews asked is this the time to look at Public Members for other Committees? He was advised that there are Public Members on various County Committees.

11:00 a.m. - Council took a break and reconvened at 11:20 a.m.

General Business - Cont.

Accounts

Moved by Kumprey and Hill that the general accounts in the amount of \$7,571.19 be approved as presented. Carried.

Road Business

Allen Braiden, Road Superintendent attended Council and presented a draft letter prepared by Burnsidess regarding the CHD Phase II deficiencies. There is ditching still to be done, culverts and no grass seed has been put down. The cost is \$30,800.00. Our role as Council is to make sure that this gets done.

It was advised that the garage on Church Street is still there and Allen was asked to remind the owners that it needs to be removed.

Allen advised of concerns regarding the landfill and having his staff called in to sand the landfill on days when they are not in. Allen is to use his discretion on this and was directed to get another phone for the patrol staff.

Closed Session

11:50 a.m. - Moved by Kumprey and Hill that we move into Closed Session in order to discuss a matter pertaining to 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.

12:43 p.m. - Moved by Hill and Crowe that we rise from Closed Session with report. Carried.

The CAO to contact Mr. Porter to advise of an onsite meeting at the ROW on January 12, 2010 at 12 noon.

The CAO to contact Paula Boutis with regards to providing comments on the EBR Registry No. 010-6515.

Adjournment

Moved by Hill and Crowe that we adjourn Council to meet again on Thursday, January 21, 2010 at 6:00 p.m. or at the call of the Mayor. Carried.

MAYOR

CLERK