



THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the DeRyk-Hacienda Road Drain:

- Mayor John R. Wilson (Chair)
- Deputy Mayor Dave Mennill
- Councillor Chester Glinski

Carried.

Moved by: Dave Mennill  
Seconded by: Chester Glinski

No. 362

THAT the Court of Revision for the DeRyk-Hacienda Road Drain be called to order at 8:01p.m.

AND THAT John R. Wilson be appointed Chairman.

Carried.

Moved by: Chester Glinski  
Seconded by: Dave Mennill

No. 363

THAT the Court of Revision members for the DeRyk-Hacienda Road Drain do hereby accept the recommendations of Drainage Engineer John Spriet, Spriet Associates; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer, dated May 3, 2010.

Carried.

Moved by: Dave Mennill  
Seconded by: Chester Glinski

No. 364

THAT the Court of Revision relating to the DeRyk-Hacienda Road Drain be adjourned and the Council Meeting reconvene at 8:05 p.m.

Carried.

Moved by: Chester Glinski  
Seconded by: Dave Mennill

No. 365

THAT the tender for the DeRyk – Hacienda Road Drain be awarded to A. G. Hayter Contracting in the amount of \$7,350.00; subject to the expiration of all appeal periods and subject to no appeals having been received related to the DeRyk – Hacienda Road Drain.

Carried.

Public Meeting - proposed Zoning By-law amendment, as submitted by Edgar and Bertha Walcarius, relating to property located in Part Lot 88, Concession 7, Geographic Township of Malahide.

The following public record was made:

PROCEDURE UNDER PLANNING ACT 1990

Public Meeting:

Applicant: Edgar and Bertha Walcarius  
Owner: Part Lot 88, Conc. 7,  
Rezoning.

1. Public Meeting with respect to a proposed Zoning By-law Amendment to change the zoning on 850 m<sup>2</sup> (0.2 acres) parcel of land located on the west side of Hacienda Road, north of Talbot Line. The amendment will change the zoning on the lands from an Agricultural (A1) Zone to an Open Space 8 (OS-8).
2. Notice of this meeting was given in the prescribed manner by publication in a newspaper of general circulation at least twenty days prior to this meeting. This meeting was advertised in the Ayimer Express on June 2 and June 9, 2010. A copy of the advertisement is attached to this record. In addition, affected property owners within 120 meters were sent a notice by prepaid first class mail that was posted at least twenty days prior to this meeting.
3. Anyone who wants further notice of the passage of the subject by-law, the reasons for it and how the by-law proposes to accomplish the stated purpose must leave your name and address with the Clerk.
4. The Clerk explained that the effect of this zoning by-law amendment will be to allow the severance of these parcel and be merged with the abutting mobile home park for purposes of increasing the private amenity space of the existing mobile home units. The regulations of the OS-8 zone currently limits the number of mobile homes and the size and shape of the subject lands. This amendment will not result in additional building area.
5. The Chairman asked if there were any persons who wish to make a written or oral submission on the proposed by-law.  
Ministry of Transportation letter dated May 4, 2010 – no concerns.  
Catfish Creek Conservation Authority letter dated June 29, 2010 – no concerns.
6. There were no persons in attendance to speak in support for the by-law.
7. There were no persons in attendance to speak in objection to the by-law.
8. There were no additional comments from the applicant.
9. The Chairman concluded the public meeting and advised the public that all matters placed before the Council will be considered prior to coming to a decision or the Council may elect to proceed on a motion on the proposed by-law.
10. Results / Action taken: By-law No. 10-46 passed. (Zoning)

John R. Wilson  
CHAIRMAN

M. Casavecchia  
CLERK

**(NOTE: Notice of Passing will be mailed to all persons requesting notice of passing with the Clerk. A FINAL DATE FOR OBJECTIONS WILL BE AUGUST 3, 2010)**

Moved by: Dave Mennill  
Seconded by: Chester Glinski

No. 366

**THAT By-law No. 10-46 being a By-law to amend the Zoning for property owned by Edgar and Bertha Walcarius, relating to the property located on the west side of Hacienda Road, North of Talbot Line, in Part Lot 88, Concession 7, be given first, second and third readings, and properly signed and sealed.**

**Carried.**

Committee of Adjustment – Nagelhaven Farms Ltd.

Moved by: Mark Widner  
 Seconded by: Max Moore

No. 367

THAT the Committee of Adjustment for the Township of Malahide be called to order at 8:12 p.m. and that John R. Wilson be appointed Chairman for the "Committee of Adjustment".

Carried.

The following public record was made:

## PROCEDURE UNDER PLANNING ACT 1990

## Public Meeting:

Applicant: Nagelhaven Farms Ltd.  
 Owner: Nagelhaven Farms Ltd.  
 Pt. Lot A, Conc. 7.  
 Geographic Township of South  
 Dorchester.  
 Minor Variance

1. Public Meeting with respect to a Minor Variance for property at 6413 Pigram Road, Part Lot A, Concession 7, Geographic Township of South Dorchester.
2. Notice of this meeting was given in the prescribed manner by notifying affected property owners within 60 metres by prepaid first class mail.
3. Anyone who wants further notice of the passage of this Decision, the reasons for it and how the variance proposes to accomplish the stated purpose must leave your name and address with the Clerk.
4. The Clerk explained the purpose of the Minor Variance is to seek relief to permit the proposed 7,410 m<sup>2</sup> Dairy Barn addition to within 50 metres of a road allowance where the Minimum Distance Separation II requirement is 75 metres. This minor variance pertains to this building only and all other MDS II Setbacks and Zoning Regulations will be complied with.
5. The Chairman asked if there are any person(s) who wish to make a written or oral submission on the proposed minor variance and there were none.
6. There were no persons in attendance to speak in support for the minor variance.
7. There were no persons in attendance to speak in objection to the minor variance.
8. There were no additional comments from the applicant
9. The Chairman concludes the public meeting and advises that the Committee will consider all matters placed before it prior to coming to a decision or Committee may elect to proceed on a motion on the proposed minor variance.
11. Results / Action taken: Decision passed.

John R. Wilson  
 CHAIRMAN

M. Casavecchia  
 CLERK

(NOTE: The Committee shall send a notice of its decision within 10 days to the Applicant and any one requesting notice of decision and the FINAL DATE FOR OBJECTIONS WILL BE within 20 days of the decision)

Moved by: Dave Mennill  
Seconded by: Mark Widner

No. 368

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council Meeting reconvene at 8:13 p.m.

Carried.

### Committee of Adjustment Decision

Application No.: V1/10  
Date of Hearing: July 8, 2010  
Date of Decision: July 8, 2010  
Applicants: Nagelhaven Farms Ltd., (6413 Pigram Road)

In the matter of Section 45 (1) of the Planning Act R.S.O. 1990; Section 4.2 of Zoning By-law No. 05-27; and an application for one (1) Minor Variance seeking relief to permit the proposed 7,410 M<sup>2</sup> dairy barn addition to within 50 meters of a road allowance where the Minimum Distance Separation II requirement is 75 meters.

**Location of the property:** Part Lot A, Concession 7 Geographic Township of South Dorchester (6413 Pigram Road)

The request is hereby granted subject to the following conditions:

1. This Minor Variance pertains to this building only.
2. All other MDS II Setbacks and Zoning Regulations will be complied with.

**Reasons for Decision:**

The variance is minor in nature. It is consistent with what would be considered appropriate development for this location, and maintains the general intent and purpose of the by-law and official plan.

**Concur in Decision:**

Committee Member: "George Cleminshaw"

Committee Member: "Mike Phillimore"

Committee Member: "Dave Mennill"

Committee Member: "Mark Widner"

Committee Member: "Chester Glinski"

Committee Member: "Max Moore"

Committee Member: "John R. Wilson"

**NOTE: The original signatures are retained on file with the municipality and may be viewed during regular business hours.**

**NOTICE OF LAST DATE OF APPEAL**

Notice is hereby given that the last date for appealing this decision to the Ontario Municipal Board is July 28, 2010, in accordance with Section 45 (1) of the Planning Act, RSO 1990.

Public Meeting – 2010 Budget

- 2010 Budget Final Report

**Moved by: George Cleminshaw**  
**Seconded by: Mark Widner**

**No. 369**

**THAT Report No. T-10-33 entitled “2010 Budget Final Report” be received.**

**Carried.**

**REPORTS:**Director of Fire & Emergency Services

- Fire Services Activities – June 2010

**Moved by: Chester Glinski**  
**Seconded by: Mark Widner**

**No. 370**

**THAT Report No. F-10-26 entitled “Fire Service Activities – June 2010” be received.**

**Carried.**

The Council acknowledge the Malahide Fire Services commitment to the Township and its endeavours in obtaining a water shuttle accreditation. The Council asked that the Municipal Staff notify Malahide property owners to advise of the water shuttle accreditation and the possibility the it may result in lower insurance premiums for Malahide residents.

The Council also requested that the Director of Fire & Emergency Services review and report back at the Council at a future meeting with respect to any variances between the number of ambulance calls dispatched vs. the number of fire calls dispatched for Code 4 emergencies.

- Medical Tiered Response Protocols

**Moved by: Dave Mennill**  
**Seconded by: Max Moore**

**No. 371**

**THAT Report No. F-10-25 entitled “Medical Tiered Response Protocols” be received.**

**Carried.**

- International Plowing Match

**Moved by: Mike Phillimore**  
**Seconded by: George Cleminshaw**

**No. 372**

**THAT Report No. F-10-27 entitled “International Plowing Match” be received.**

**Carried.**

Director of Fire Services retired from the meeting.

Director of Physical Services

In the absence of the Director of Physical Services, the CAO/Clerk responded to several inquiries. The Council also requested that several areas of concern related to catch basins and drain construction be forwarded to the Director of Physical Services for action.

- Water/Wastewater/Streetlights

Moved by: Chester Glinski  
Seconded by: Max Moore

No. 373

THAT Report No. W-10-22 entitled "Water/Waste Water/Streetlights" be received.

Carried.

- Drainage Report

Moved by: George Cleminshaw  
Seconded by: Chester Glinski

No. 374

THAT Report No. DR-10-13 entitled Drainage Report be received.

Carried.

- Drain Report Status

Moved by: Dave Mennill  
Seconded by: George Cleminshaw

No. 375

THAT Council grants John R. Spriet, P. Eng. Of Spriet Associates a 6 month extension to the following reports: D. Claxton Drain, Calton Drain, Goris Drain, Joliffe Drain, Hankinson Drain, Deleebeeck Drain, Boughner Drain.

Carried.

- Activities Report: Roads Division

Councillor Moore acknowledged the recent sidewalk installation on Whittaker Road and requested that the Municipal Staff review several additional sidewalks in Springfield.

The Council asked that Municipal Staff correspond with Trillium Railway and/or CN Rail regarding the poor condition of the railroad crossings on College Line and that it currently represents a significant safety hazard for motor vehicles and requesting remedial work be completed immediately.

Moved by: Mark Widner  
Seconded by: Max Moore

No. 376

THAT Report No. R-10-11 entitled "Activities Report: Roads Division" be received.

Carried.

- Vienna Line Construction Update

Moved by: Dave Mennill  
Seconded by: George Cleminshaw

No. 377

THAT Report No. R-10-11(a) entitled "Vienna Line Construction Up-date" be received.

Carried.

Director of Community & Corporate Services

## - Building/By-law Enforcement - Council Report

Deputy Mayor Mennill declared a conflict of interest with respect to the Building/By-law Enforcement Council Report, retired from the meeting, and abstained from all discussion and voting on the matter.

In the absence of the Director of Community & Corporate Services, the CAO/Clerk responded to several inquiries. The Council also requested that the Director of Community & Corporate Services investigate several outstanding by-law contraventions regarding yard conditions, weeds, and trees.

Moved by: Max Moore  
Seconded by: Mike Phillimore

No. 378

**THAT Report No. BE-10-12 entitled "Building/By-law Enforcement – Council Report" be received.**

Carried.

Deputy Mayor Mennill resumed his seat in the Council Chamber.

Director of Financial Services

## - Accounts Payable

Moved by: Chester Glinski  
Seconded by: Mike Phillimore

No. 379

**THAT Cash Disbursements Journal No. 850 to No. 858 in the amount of \$2,984,329.00 be approved.**

Carried.

## - 2009 Development Charges Reserve Fund Statement

Moved by: Dave Mennill  
Seconded by: Mark Widner

No. 380

**THAT the Development Charges Reserve Fund Statement for the year ended December 31, 2009, be received;**

**AND THAT a copy of this statement be forwarded to the Minister of Municipal Affairs and Housing in compliance with Section 43 (3) of the Development Charges Act, 1997.**

Carried.

## - Analysis of Not Including Amortization in 2010 Tax Levy Requirements

Moved by: Dave Mennill  
Seconded by: George Clemenshaw

No. 381

**THAT Report No. T-10-35, being the Analysis of Not Including Amortization in 2010 Tax Levy Requirements, be received;**

**AND THAT the financial implications of not including amortization in the 2010 Budget be acknowledged.**

Carried.

## - 2010 Donations

Moved by: Mike Phillimore  
 Seconded by: Chester Glinski

No. 382

THAT the following 2010 donations be made:

\$125.00 – St. John's Ambulance  
 \$600.00 – Salvation Army  
 \$900.00 – Aylmer & East Elgin Agricultural Society  
 \$375.00 – Springfield Parade  
 \$850.00 – Springfield Family Fun Day  
 \$125.00 – Aylmer Kinsmen – Aylmer parade  
 \$1,600.00 – East Elgin Community Assistance (Corner  
 Cupboard)  
 \$3,500.00 – Springfield Cemetery Board  
 \$12,000.00 - Aylmer Cemetery Board  
 \$1,000.00 – Mapleton Cemetery Board  
 \$13,802.36 – Town of Aylmer  
 \$2,900.00 – Aylmer & District Museum  
 \$700.00 - Elgin County Plowmen's Association  
 \$1,200.00 – Farm Safety  
 \$1,000.00 – Knights of Columbus  
 \$750.00 – Kettle Valley Pioneers

East Elgin Secondary School – Environmental Leadership  
 Program – provide labour/vehicles & tire disposal.

Carried.

## - 2010 Residential Tax Rate Comparisons

Moved by: Mark Widner  
 Seconded by: Chester Glinski

No. 383

THAT Report No. T-10-34 entitled "2010 Residential Tax Rate Comparisons"  
 be received.

Carried.

## - Request to Lobby Provincial Government regarding new HST Tax

At the request of Deputy Mayor Mennill, the Council asked the CAO/Clerk to draft a resolution for consideration by the Council at an upcoming meeting requesting the Provincial Government to allocate a portion of the new HST tax being imposed on gasoline to the municipalities to assist with road and bridge maintenance and rehabilitation similar to what the Federal Government currently does with its Gas Tax Funding.

The Council also asked the CAO/Clerk to provide more information regarding the newly imposed environmental fees that are being imposed by Stewardship Ontario for hazardous waste.

Chief Administrative Officer/Clerk

## - Council Agenda Preparation

Moved by: Mark Widner  
 Seconded by: George Cleminshaw

No. 384

THAT the following actions be taken in order to allow more time for Council  
 Members to be able to review the Council Agenda materials in advance of

the meeting, and at the same time not restrict the Municipal Staff or the public's timelines to submit agenda items for the Council's consideration:

- a) the Council Agenda materials be made available to the Council Members in 2 different packages – the first being "Correspondence" items to be noted and filed and the second being the remainder of the Council Agenda materials;
- b) the "Correspondence" section of the Council Agenda will be available for pick up by 12:00 noon on the Monday preceding the Council Meeting;
- c) the remaining sections of the Council Agenda, excluding the "Correspondence" section will be available for pick up by 12:00 noon on the Tuesday preceding the Council Meeting; and
- d) in order to accommodate the distribution of the Council Agenda materials to those Council Members that find it difficult to attend the Township Office to pick up their agenda package during regular business hours, the Council Agenda materials be emailed upon request.

Carried.

- Employee Policy Manual

Moved by: Max Moore  
Seconded by: Chester Glinski

No. 385

THAT the Township of Malahide Employee Policy Manual, dated June 30, 2010, be received by the Council for review and comment;

AND THAT such manual be resubmitted to the Council for final approval at its regular meeting to be held on July 22, 2010; noting that such employee policy manual will not be implemented until January 1, 2011.

Carried.

- Violence and Harassment Policy Training

The Council was reminded that a training session regarding violence and harassment in the workplace has been scheduled to be held on August 5<sup>th</sup>, 2010 from 6:30 – 7:30 at the Malahide Community Place in Springfield.

#### **CORRESPONDENCE:**

Moved by: Max Moore  
Seconded by: Mike Phillimore

No. 386

THAT the following correspondence be noted and filed:

1. Ministry of Agriculture, Food and Rural Affairs – 2010 Guide to Your Farm and Rural Community – balance on table.
2. Ministry of Finance – Response to Malahide support of the Town of Innisfil's motion regarding Harmonized Sales Tax.

3. Elgin County's Economic Development 2009 Year in Review letter and Report to Council from Alan Smith; Booklet on Table.
4. AMO Watch File – June 17, June 24, and June 30, 2010.
5. East Elgin Community Complex Newsletter – June 2010.
6. Township of Springwater – Resolution not supporting Private Member's Bill 13 regarding the Sustainable Water and Waste Water Systems Improvement & Maintenance Act, 2010.
7. Township of Essa –Resolution shortening the nomination period for the municipal election.
8. The Preston Post – July 1, 2010.
9. MOE – Clean Water Act – Reg. 287/08 amendments for source protection plans.
10. Town of Atikokan – Resolution requesting MTO to include Utility Vehicles in the Off-Roads Vehicle Act.
11. Central Elgin Notices:
  - Public Meeting for Zoning Amendment – 10844 Wellington Road
  - Notice of Passing – Zoning Amendment – 379 Front Street, Pt. Stanley
  - Notice of Passing – Zoning Amendment – 42662 Shorlea Line.
12. East Elgin Secondary School – Lake Erie Tire Cleanup

Carried.

**NEW BUSINESS:**

- OGRA Defense of Minimum Maintenance Standards

Moved by: George Cleminshaw  
Seconded by: Max Moore

No. 387

THAT the Malahide Township Council does hereby support the Ontario Good Roads Association in the amount of \$1,000.00 for their defense of the Minimum Maintenance Standards.

Carried.

- Severance Application - Robert & Michele DeRyk

Moved by: Mike Phillimore  
Seconded by: George Cleminshaw

No. 388

THAT the Malahide Township Council has no objection to Land Severance No. 24/10 and 25/10 in the name of Robert & Michele DeRyk Farms Ltd., relating to the property located at Part Lot 15, Concession 4, Malahide, subject to the following conditions:

- 1) Civic Addressing Number
- 2) Drainage Assessment Split
- 3) Zoning – HR

- 4) Engineer Lot Grading Plan and Ditch Grading Plan suitable to the Drainage Superintendent and Director of Community and Corporate Services.
- 5) The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot (\$150.00 each).
- 6) Confirmation new lots have outlet to the new drain.
- 7) Any other conditions deemed to be necessary in order to complete this severance.

Carried.

- Severance Application - George Francis Buchner

Moved by: Max Moore  
Seconded by: Dave Mennill

No. 389

THAT the Malahide Township Council has no objection to Land Severance No. 22 /10 in the name of George Francis Buchner, relating to the property located at Part Lot 10, Concession 12, Geographic Township of South Dorchester, subject to the following conditions:

- 1) Civic Addressing Number
- 2) Drainage Assessment Split
- 3) Road Widening and deeding of Road Allowance
- 4) Zoning - Lot AR; Farm A2.
- 5) Confirmation that existing private sewage system be confined entirely within the boundaries of the newly created residential parcel. That system be in conformance with all required setbacks from lot lines.
- 6) Any other conditions deemed to be necessary in order to complete this severance.

Carried.

- Severance Application - Donald Ross

Moved by: Max Moore  
Seconded by: Dave Mennill

No. 390

THAT the Malahide Township Council has no objection to the Land Severance No. 27/10 in the name of Donald Ross, relating to the property located at Part Lot 6, Concession 12, Geographic Village of Springfield, subject to the following conditions

- 1) Civic Addressing Number
- 2) Drainage Assessment Splits (3) (Cattfish Creek Drain, Main Street and Hornby; and, Simpson 2001)
- 3) Zoning;
- 4) Confirmation the well be confined entirely within the boundaries of the existing residential parcel. That the well be in conformance with all required setbacks from lot lines.
5. Any other conditions deemed to be necessary in order to complete this severance.

Carried.

- Planning Comments – Jantzi Rezoning

Moved by: Mark Widner No. 391  
 Seconded by: Mike Phillimore

THAT the Clerk be authorized to proceed with the scheduling of a public meeting for the rezoning of the property owned by David, Jason and Leanna Jantzi, being Part Lot 28, North Gore, Township of Malahide.

Carried.

- Planning Application – David & Agatha Klassen.

Moved by: Mike Phillimore No. 392  
 Seconded by: George Cleminshaw

THAT the planning application of David and Agatha Klassen, relating to the property located at Part Lot 16, Concession 4, Geographic Township of Malahide, be forwarded to the Municipal Planner (IBI Group) for review and comment.

Carried.

- Springfield Library Reading Initiative

Moved by: Max Moore No. 393  
 Seconded by: Chester Glinski

THAT the Council supports the Springfield Library in their initiative to create a Community Book Vine to be completed on September 10<sup>th</sup> from the Springfield Public School to the new Malahide Community Place.

Carried.

- Malahide Community Place Cooling Centre

The Chief Administrative Officer/Clerk informed the Council that the Malahide Community Place in Springfield was designated as a 'Cooling Centre' for anyone wishing to seek cool refuge during the summer's humid weather.

**BY-LAWS:**

- By-law No. 10-45 - Election Joint Compliance Audit Committee

Moved by: George Cleminshaw No. 394  
 Seconded by: Dave Mennill

THAT By-law No.10-45, being a by-law to establish an Election Joint Compliance Audit Committee, be given first, second and third readings, and properly signed and sealed.

Carried.

- By-law No. 10-43 – 2010 Tax Rates and Levies

Moved by: Mark Widner No. 395  
 Seconded by: George Cleminshaw

THAT By-law No. 10-43, being a by-law to set the tax rates and levies for 2010, be given first, second and third readings, and properly signed and sealed.

Carried.

- By-law No. 10-48 – Borrowing

Moved by: Mike Phillimore  
Seconded by: George Cleminshaw

No. 396

THAT By-law No. 10-48, being a by-law to authorize temporary borrowing for 2010, be given first, second and third readings, and properly signed and sealed.

Carried.

The Director of Financial Services and the Deputy Clerk retired from the meeting.

**CLOSED SESSION:**

Moved by: Mark Widner  
Seconded by: Max Moore

No. 397

THAT Council move into Closed Session at 10:34 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss a Personal matter related Job Evaluation and Personal matter related to Appointment of Senior Fire Officers.

Carried.

Moved by: Max Moore  
Seconded by: Mark Widner

No. 398

THAT Council move out of Closed Session and reconvene at 11:40 p.m. in order to continue with its deliberations.

Carried.

Mayor Wilson advised that during its Closed Session, the Council deferred consideration of a Personal Matter related to appointment of Senior Fire Officers until its August 5<sup>th</sup> Council Meeting.

Mayor Wilson advised that during its Closed Session, the Council provided direction to Chief Administrative Officer/Clerk related to Job Evaluation.

**CONFIRMATORY BY-LAW:**

Moved by: Dave Mennill  
Seconded by: Max Moore

No. 399

THAT By-law No. 10-47, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

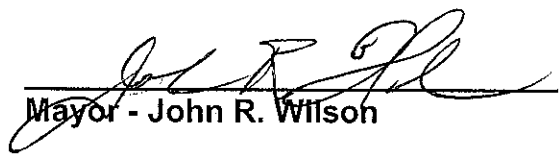
Carried.

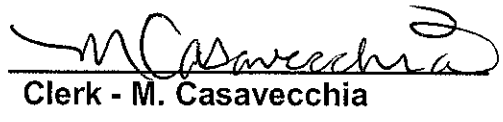
**ADJOURNMENT:**

Moved by: Chester Glinski  
Seconded by: Mark Widner

THAT the Council adjourn its meeting at 11:42 p.m. to meet again on July 22, 2010, at 8:00 p.m.

Carried.

  
Mayor - John R. Wilson

  
Clerk - M. Casavecchia

