

The Corporation of the Township of Malahide

February 18, 2010 – 8:00 p.m.

The Malahide Township Council met in the Council Chambers at 8:00 p.m. with the following present:

Council: Mayor J. R. Wilson; Deputy Mayor D. Mennill; Councillor G. Cleminshaw; Councillor C. Glinski; Councillor M. Moore; and Councillor M. Widner.

Staff: C.A.O./Clerk M. Casavecchia; Director of Community and Corporate Services E. DiMeo; Director of Fire and Emergency Services P. Groeneveld; Director of Physical Services R. Johnson; Director of Finance S. Wilson; and Deputy Clerk D. Wilson.

Absent: Councillor M. Phillimore.

CALL TO ORDER:

Mayor Wilson took the Chair and called the meeting to order at 8:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

No disclosures of pecuniary interests were declared.

MINUTES:

Moved by: Max Moore **No. 91**
Seconded by: Mark Widner

THAT the minutes of the regular meeting of the Council held on February 4, 2010 be adopted as printed and circulated.

Carried.

DELEGATIONS:

Court of Revision - Betterly/Legg Extension Drain Branch Q

The following members of the public were in attendance regarding the Betterly/Legg Extension Drain Branch Q: Cliff and Mabel Willows.

Moved by: Max Moore **No. 92**
Seconded by: George Cleminshaw

THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Betterly/Legg Extension Drain Branch Q:

Mayor John R. Wilson (Chair)
Deputy Mayor Dave Mennill
Councillor Mark Widner

Carried.

Moved by: Dave Mennill **No. 93**
Seconded by: Mark Widner

THAT the Court of Revision for the Betterly/Legg Extension Drain Branch Q be called to order at 8:04 p.m.

AND THAT John R. Wilson be appointed Chairman.

Carried.

**Moved by: Dave Mennill
Seconded by: Mark Widner**

No. 94

THAT the Court of Revision members for the Betterly/Legg Extension Drain Branch Q 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 December 17, 2009.

Carried.

**Moved by: Mark Widner
Seconded by: Dave Mennill**

No. 95

THAT the Court of Revision relating to the Betterly/Legg Extension Drain Branch Q be adjourned and the Council Meeting reconvene at 8:07 p.m.

Carried.

**Moved by: George Cleminshaw
Seconded by: Max Moore**

No. 96

THAT the tender for the Betterly/Legg Extension Drain Branch Q be awarded to Van Gorp Farm Drainage in the amount of \$16,760.00; subject to the expiration of all appeal periods and subject to no appeals having been received related to the Betterly/Legg Extension Drain Branch Q.

Carried.

Court of Revision - Taylor Branch A and B Drain

No members of the public were in attendance regarding the Taylor Branch A & B Drain:

**Moved by: Max Moore
Seconded by: George Cleminshaw**

No. 97

THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Taylor Branch A & B Drain:

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

Carried.

**Moved by: Dave Mennill
Seconded by: Chester Glinski**

No. 98

THAT the Court of Revision for the Taylor Branch A & B Drain be called to order at 8:08 p.m.

AND THAT John R. Wilson be appointed Chairman.

Carried.

Moved by: Dave Mennill
 Seconded by: Chester Glinski

No. 99

THAT the Court of Revision members for the Taylor Branch A & B 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 December 18, 2009.

Carried.

Moved by: Chester Glinski
 Seconded by: Dave Mennill

No. 100

THAT the Court of Revision relating to the Taylor Branch A & B Drain be adjourned and the Council Meeting reconvene at 8:11 p.m.

Carried.

Moved by: Max Moore
 Seconded by: Mark Widner

No. 101

THAT the tender for the Taylor Branch A & B Drain be awarded to Van Bree Drainage in the amount of \$31,015.00; subject to the expiration of all appeal periods and subject to no appeals having been received related to the Taylor Branch A & B Drain.

Carried.

Moved by: Chester Glinski
 Seconded by: Mark Widner

No. 102

THAT Report No. PS-10-08 regarding the Luton Community Centre Drain Assessment Exemption be received.

Carried.

Moved by: Chester Glinski
 Seconded by: Dave Mennill

No. 103

THAT the Township of Malahide does hereby agree to pay the costs assessed to the Luton Community Centre for the Taylor Drain, in the estimated amount of \$111.00.

Carried.

REPORTS:

Director of Fire & Emergency Services:

- Malahide Fire Services Volunteer Firefighter Payroll Review

Moved by: Dave Mennill
 Seconded by: Mark Widner

No. 104

THAT a Firefighter Payroll Review Advisory Committee be established to review current payroll practices in the Fire Department and to develop a proposal for Council consideration for a new firefighter payroll system to be consistently and fairly applied across the Department.

AND THAT the Committee consist of the following:

- Fire Chief
- All District Chiefs
- One firefighter representative from each station (non Senior Officer)
- Human Resources Coordinator

AND THAT the Committee terms of reference be to:

- Review existing payroll procedures used in the department;
- Assess the impact of changing the current payroll system to other department activities (e.g. training) and municipal programs and budgets;
- Conduct a municipal scan regarding payroll systems used and the level of compensation provided to volunteer firefighters in similar sized municipalities;
- Propose for Council consideration a volunteer firefighter payroll system to be applied fairly and consistently across the Fire Department; and
- The target date for a proposal to Council for consideration – June 2010;

AND THAT each Firefighter Association/Station be required to provide the Township with detailed information concerning direct payments made to firefighters in order to accurately record such information for income tax purposes.

Carried.

- Fire Communications Infrastructure Renewal

**Moved by: George Cleminshaw
Seconded by: Max Moore**

No. 105

WHEREAS the current wide band radio system used by Fire Rescue departments across Elgin County is now non-compliant with Industry Canada regulations;

AND WHEREAS it will become necessary in the future to utilize a narrow band radio system by direction from Industry Canada or because of operating deficiencies with the current wide band system;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Malahide does hereby agree, in principle, to participate in the development of a new county wide narrow band fire rescue radio communication system with the understanding that a system engineering design report will be required to be prepared in approximately 2 to 3 years with implementation of the new narrow band radio system projected to occur in approximately 5 years;

AND THAT the matter of financing the Township of Malahide's costs related to the proposed county wide narrow band fire rescue radio communication system be deferred to the 2010 budget deliberations.

Carried.

- Fire Service Activities – January 2010

**Moved by: Chester Glinski
Seconded by: Dave Mennill**

No. 106

THAT Report No. F-10-04 related to the Fire Service Activities for January 2010 be received.

Carried.

Director of Physical Services:

- Water/Wastewater

Moved by: Dave Mennill
Seconded by: Mark Widner

No. 107

THAT the Council acknowledges the receipt of Report No. W-10-05 relating to Water/Wastewater/Streetlights.

Carried.

- 2009 Springfield Streetlights Performance Report

Moved by: Max Moore
Seconded by: George Cleminshaw

No. 108

THAT the Council acknowledges the receipt of Report No. W-10-06 relating to the 2009 Springfield Streetlights Performance.

Carried.

- Drainage Report

Moved by: Chester Glinski
Seconded by: George Cleminshaw

No. 109

THAT the Council acknowledges receipt of Drainage Report No. DR-10-03.

Carried.

- Roads Report

Moved by: Mark Widner
Seconded by: Dave Mennill

No., 110

THAT the Council acknowledges receipt of Report No. R-10-03 relating to the Activities Report for the Roads Division.

Carried.

- County Road Maintenance – 2009 Summary

Moved by: Dave Mennill
Seconded by: Max Moore

No. 111

THAT Report No. T-10-17 being the 2009 Financial Summary for County Road Maintenance be received.

Carried.

Director of Community & Corporate Services:

- Building/By-law Enforcement

Moved by: Mark Widner
Seconded by: Chester Glinski

No. 112

THAT the Council acknowledges the receipt of Report No. BE-10-03 relating to building and by-law enforcement activities.

Carried.

- Property Maintenance

**Moved by: Max Moore
Seconded by: Mark Widner**

No. 113

THAT the Council acknowledges the receipt of Report No. PM-10-03 relating to property maintenance activities.

Carried.

- Community Service Coordinator

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

No. 114

THAT Report No. CS-10-05 regarding the hiring of a Community Services Coordinator be received;

AND THAT the Director of Community and Corporate Services be authorized to initiate the hiring process for the contract position of "Community Services Coordinator" in accordance with the Township's hiring policy; it being noted that once a preferred candidate has been selected through the interview process and a preliminary contract has been agreed upon, such contract terms will be submitted to the Council for final approval.

Carried.

Director of Financial Services

- Accounts Payable

**Moved by: George Cleminshaw
Seconded by: Dave Mennill**

No. 115

THAT Cash Disbursements Journal No. 822 to No. 823, in the amount of \$456,013.07, be approved.

Carried.

- Tax Write-offs

**Moved by: Max Moore
Seconded by: George Cleminshaw**

No. 116

THAT the following actions be taken with respect to applications received for the cancellation, reduction, or refund of taxes pursuant to Sections 357/358/359 of the Municipal Act:

- **2009 Residential Assessment of \$50,625 switching to Exempt Status, as provided for in Tax Write Off Journal #249, be approved; and**
- **2009 Commercial Assessment reduction of \$75,614 be denied.**

Carried.

- Development Charges – Next Steps

Moved by: George Cleminshaw
Seconded by: Dave Mennill

No. 117

THAT the Development Charges Background Study, as prepared by Watson & Associates, Economists Ltd. and dated December 23, 2009, be received;

AND THAT the forecast of anticipated development, the underlying capital forecast and calculations, and the charges and policies recommended therein, be approved.

Carried.

- Financial Status – Street Light Replacement Reserve

Moved by: Dave Mennill
Seconded by: Max Moore

No. 118

THAT Report No. T-10-16 being the financial status of the Springfield Street Light Reserve be received.

Carried.

- Tax Arrears – Collection Procedures

Moved by: Mark Widner
Seconded by: George Cleminshaw

No. 119

THAT Report No. T-10-13, being a report regarding the initiation of collection procedures for tax arrears be received.

Carried.

Chief Administrative Officer/Clerk

- Minister Delegations at ROMA/OGRA Conference

The Chief Administrative Officer/Clerk advised that the Township has received confirmation that it will have delegation status with the Minister of Municipal Affairs and Housing and with the Ministry of Agriculture, Food and Rural Affairs at the ROMA/OGRA conference in Toronto next week. The delegations will seek Ministry support for the proposed Springfield Agri-Industrial Park.

CORRESPONDENCE:

Moved by: Chester Glinski
Seconded by: Max Moore

No. 120

THAT the resolution of the Township of West Lincoln requesting that the Province of Ontario assume responsibility for costs associated with illegally dumped and/or spilled materials be endorsed.

Carried.

Moved by: Dave Mennill
Seconded by: Mark Widner

No.121

THAT the following correspondence be noted and filed:

1. **AMO – Breaking News: AMO Makes its 2010 Pre-budget Submission - “Propelling Economic Prosperity”**
2. **Ontario Realty Corporation - Letter of Support for Notice of Study Commencement of Springfield Agri-Industrial Park Water Supply Class EA**
3. **Keith Stelling - Email regarding “Adverse Health Effects of Wind Turbines” (Balance on Council Table)**
4. **Mapleton Cemetery request for support – deferred to budget deliberations**
5. **Kettle Creek Conservation Authority – joint KCCA and Long Point Region Conservation Authority Committee.**
6. **The Preston Post – Newsletter from Joe Preston, MP – February 5, 2010**
7. **Catfish Creek Conservation Authority - 2010 Preliminary Draft Budget – deferred to budget deliberations**
8. **OMAFRA Email – “Local Food Connection: Farmer/Food Buyer Networking Event” on March 29, 2010**
9. **Letter of Thanks from Mrs. Jakob’s Grade 5/6 Class at Summers Corners Public School to Malahide Township Council for Certificate.**
10. **AMO Watch File dated February 11, 2010.**
11. **Town of Richmond Hill requesting the David Dunlap Observatory Site – 123 Hillview Drive, Richmond Hill, be designated a National Historic Site.**
12. **LPRCA invitation to Annual General Meeting February 26, 2010.**
13. **LPRCA Minutes from December 2, 2009 Meeting (Balance on table).**
14. **“Time to Transition” documentaries on Tuesday Feb. 23 at Old Town Hall Theatre in Aylmer, from Chris Dancey, Elgin National Farmers Union.**

Carried.

NEW BUSINESS:

- (i) Draft Site Plan Application - Noroxel Energy Ltd.

Moved by: Max Moore

No. 122

Seconded by: Mark Widner

THAT the Application for Site Plan Agreement for Noroxel Energy Ltd. at Part Lot 4, Concession 12, be forwarded to the Township Planner, IBI Group, for consideration and comment.

Carried.

- (ii) Planning Comments - Jantzi

Moved by: Dave Mennill

No. 123

Seconded by: Mark Widner

THAT the Clerk be authorized to forward the comments of the Township Planner, IBI Group, concerning the application of David, Fannie, Noah and Irene Jantzi, related to their property located at Part Lot 28, North Gore, to the Applicants for their consideration.

Carried.

- (iii) East Elgin Community Complex – Canada Day Funding

Moved by: George Cleminshaw
Seconded by: Max Moore

No. 124

THAT the East Elgin Community Complex Canada Day Celebration Program, in the amount of \$9,000.00, be supported; it being noted that the Township of Malahide will fund 50% of the net costs to a maximum of \$4,500.00.

Carried.

(iv) Noise Concerns related to Barking Dogs
 Councillor Cleminshaw advised that as the Township now has more urban areas, he has received an increasing number of calls with respect to neighbor issues with the biggest concern being barking dogs. He advised that the Police have indicated that they are unable to intervene because the Township does not have a Noise By-law and that the only recourse for residents currently is to seek other legal remedies. In response to these concerns, the Council asked the Municipal Staff to report back to the Council with options to address this ongoing noise problem.

(iv) Medical Doctor Recruitment

Councillor Moore advised that he has observed an advertisement in the Elgin County Market that states that a new doctor had been recruited to join the Tillsonburg Medical Clinic. He noted the Town of Tillsonburg is getting results from their recruitment efforts and suggested that the Tri-Municipal Liaison Committee should be investigating strategies to improved our success.

BY-LAWS:

(i) By-law No. 10-10 - Development Charges

Moved by: Dave Mennill
Seconded by: George Cleminshaw

No. 125

THAT By-law 10-10, being a By-law to establish Development Charges, be given first, second and third readings, and properly signed and sealed.

Carried.

(ii) By-law No. 10-14 – Stover Drain Springfield Amending

Moved by: Max Moore
Seconded by: Mark Widner

No. 126

THAT By-law 10-14, being a By-law to amend By-law 09-49 for the construction of the Stover Drain Springfield, be given first, second and third readings, and properly signed and sealed.

Carried.

CLOSED SESSION:

Moved by: Max Moore
Seconded by: Mark Widner

No. 127

THAT the Council move into Closed Session at 10:24 p.m. pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following matters:

CS1 - Personal Matter about an Identifiable Individual related to Fire Services Staffing; and

CS2 - Potential property acquisition matter concerning the proposed Agri-Industrial Park.

Carried.

**Moved by: Chester Glinski
Seconded by: Dave Mennill**

No. 128

THAT the Council move out of Closed Session and reconvene at 10:57 p.m. in order to continue with its deliberations.

Carried.

Mayor Wilson advised that during its Closed Session, the Council received and noted a report from the Director of Fire and Emergency Services relating to a Fire Services Staffing matter.

Mayor Wilson advised that during its Closed Session, the Council received a verbal up-date from the CAO/Clerk relating to the potential property acquisition for the Springfield Agri-Park land acquisition.

CONFIRMATORY BY-LAW:

**Moved by: Max Moore
Seconded by: George Cleminshaw**

No. 129

THAT By-law No. 10-15, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried.

ADJOURNMENT:

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

No. 130

THAT the Council adjourn at 10:58 p.m. to meet again on March 4, 2010, at 8:00 p.m.

Carried.

Mayor – John R. Wilson

Clerk – M. Casavecchia