

The Corporation of the Township of Malahide

March 4, 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; Councillor M. Phillimore. 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.

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: Dave Mennill

No. 131

Seconded by: Max Moore

THAT the minutes of the regular meeting of the Council held on February 18, 2010 be adopted as printed and circulated.

Carried.

DELEGATIONS:

Elgin Innovation Centre (former Imperial Leaf property) – Chairman Ted McDonald

Ted McDonald, Chairman of the Elgin Innovation Centre (EIC), appeared before the Council to advise the Council of the pending purchase of Imperial Leaf lands and the proposed use of such property.

Mr. McDonald advised that the EIC will be purchasing all three of the Imperial Leaf properties and that the EIC plans to lease approximately 1,000,000 square feet of industrial space to various industrial/manufacturing/green energy tenants.

The Council extended best wishes to the EIC for their new endeavour and thanked Mr. McDonald for his presentation and announcement.

Elgin County Official Plan Program – Steve Evans, Elgin County Manager of Planning

Steve Evans, Elgin County Manager of Planning, appeared before the Council to present the preliminary work plan for the development of a new County of Elgin Official Plan.

Mr. Evans requested the Council's assistance in recruiting community-minded individuals to take an active role in a Public Focus Group that would provide feedback throughout the process. He required at least two individuals from the

Township that would be willing to take part in the process which will continue over an 18 month period. It is expected that the Public Focus Group would meet about four (4) times during the project.

Mr. Evans commented on how the existing Official Plan for the Township will compliment and work in conjunction with the new County Official Plan.

The Council thanked Mr. Evans for his presentation.

Mr. Evans and Mr. McDonald retired from the meeting.

REPORTS:

Director of Physical Services:

- Water/Wastewater/Streetlights

Moved by: Mark Widner **No. 132**
Seconded by: George Cleminshaw

THAT Report No. W-10-07 entitled 'Water/Wastewater/Streetlights' be received.

Carried.

- Malahide Distribution System - Third Quarter Sampling Results

Moved by: George Cleminshaw **No. 133**
Seconded by: Dave Mennill

THAT Report No. W-10-08 entitled 'Malahide Distribution System: Third Quarter Sampling Results' be received.

Carried.

- Drainage Report

Moved by: Mike Phillimore **No. 134**
Seconded by: Max Moore

THAT Report No. DR-10-04 entitled 'Drainage Report' be received.

Carried.

- Road Division Activities Report

Moved by: Dave Mennill **No. 135**
Seconded by: George Cleminshaw

THAT Report No. R-10-04 entitled 'Activities Report: Road Division' be received.

Carried.

- Review of Service Level - Roadside Grass Cutting

Moved by: Dave Mennill **No. 136**
Seconded by: Mark Widner

THAT Report No. PS-10-10 entitled 'Review of Service Level: Roadside Grass Cutting' be received;

AND THAT the 2010 Roadside Grass Cutting Program be approved as outlined in the Report.

Carried.

- Agreement with M. P. Agri-Products - Half Load Restrictions

**Moved by: Max Moore
Seconded by: Chester Glinski**

No. 137

THAT the Clerk and Mayor be authorized to enter into an Agreement with 1625033 Ontario Inc. o/a M. P. Agri-Products wherein M. P. Agri-Products will be exempt from half-load restrictions (March 1 to April 30 or as posted) on Century Line from Pigram Road to their farm entrance approximately 400 meters west; subject to M. P. Agri-Products paying for material and equipment or increased maintenance costs to repair any damages during this time.

Carried.

- Truck Rental Rates 2010

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

No. 138

THAT Report No. R-10-04-1a entitled 'Truck Rental Rates 2010' be received.

Carried.

- Heavy Equipment Rental Rates

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

No. 139

THAT Report No. R-10-04-1b entitled 'Heavy Equipment Rental Rates – 2010' be received.

Carried.

- Quote Results – Bridge Washing

**Moved by: Dave Mennill
Seconded by: Mike Phillimore**

No. 140

THAT Report No. R-10-04-21 entitled 'Quote Results – Bridge Washing' be received;

THAT the 2010 Bridge Washing contract be awarded to Streib Trucking & Excavation Ltd. in the amount of \$199.50 per hour plus taxes; it being noted that final quantities are subject to final budget approval.

Carried.

- Quote Results – Dust Control

**Moved by: Mike Phillimore
Seconded by: Chester Glinski**

No. 141

THAT Report No. R-10-04-3a entitled 'Quote Results – Dust Control' be Received;

AND THAT the 2010 Dust Control contract be awarded to Pollard Highway Products in the amount of \$239.00 per Flake Tone equivalent plus taxes; it being noted that final quantities are subject to final budget approval.

Carried.

- Quote Results - Stump Grinding

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

No. 142

THAT Report No. R-10-04-4a entitled 'Quote Results – Stump Grinding' be Received;

AND THAT the 2010 Stump Grinding contract be awarded to Zaps Tree Service in the amount of \$48.75 per stump plus taxes; it being noted that final quantities are subject to final budget approval.

Carried.

- Quote Results – Processed Aggregates

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

No. 143

THAT Report No. R-10-04-5a entitled 'Quote Results – Processed Aggregates' be received;

AND THAT the 2010 Processed Aggregates contract be awarded to Nicli Aggregates at the prices quoted in such report plus applicable taxes; it being noted that final quantities are subject to final budget approval.

Carried.

The Director of Physical Services and the Director of Fire and Emergency Services retired from the meeting.

Director of Community & Corporate Services:

- Building/By-law Enforcement

In response to an inquiry from the Council, the Director advised that a draft noise by-law is being prepared and will be presented at a future meeting for consideration.

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

No. 144

THAT Report No. BE-10-04 entitled 'Building/By-law Enforcement – Council Report' be received.

Carried.

- Property Maintenance

**Moved by: Mike Phillimore
Seconded by: Max Moore**

No. 145

THAT Report No. PM-10-04 entitled 'Property Maintenance – Council Report' be received.

Carried.

- Community & Corporate Services Activity Report.

Moved by: Mark Widner
Seconded by: George Cleminshaw

No. 146

THAT Report No. MS-10-05 entitled 'Community & Corporate Services – Council Report' be received.

Carried.

Director of Financial Services:

- Accounts Payable

Moved by: Mike Phillimore
Seconded by: Chester Glinski

No. 147

THAT Cash Disbursements Journal No. 824 and No. 825 in the amount of \$422,225.30 be approved.

Carried.

- Tri-Axle Truck Operational Costs

Moved by: Dave Mennill
Seconded by: Chester Glinski

No. 148

THAT Report No. T-10-14 being a report regarding the analysis of operating costs of a tri-axle truck vs. a tandem truck be received.

Carried.

- Federal Gas Tax Amending Agreement

The Director of Financial Services provided an update to the Council regarding the changes in the gas tax funding and the requirement for a new agreement. The Council noted that a by-law will be considered later in the meeting.

Chief Administrative Officer/Clerk:

- Municipal Records Management Program

Moved by: Dave Mennill
Seconded by: Mike Phillimore

No. 149

THAT, in order to establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved, a new Record Management Program be adopted in accordance with the Ontario Municipal Records Management System (TOMRMS).

Carried.

- 2010 Municipal Election Process

The Chief Administrative Officer/Clerk presented a report to the Council concerning the 2010 Municipal Election Process. The Council expressed concerns regarding the CAO/Clerk's recommendation to utilize the Vote by Mail method for the municipal election in 2010. The Council deferred further consideration of the proposed Vote by Mail process pending receipt of additional information regarding a detailed analysis of the traditional polling locations to ensure that such facilities are all fully accessible and a suggested public notification process that could be used to advise electors of the Vote by Mail process.

CORRESPONDENCE:

Moved by: Dave Mennill
 Seconded by: Mark Widner

No. 150

THAT the following correspondence be noted and filed:

1. **Joe Preston, M.P., - Letter of Support Springfield Agri-Industrial Park.**
2. **Jerry J. Ouellette, MPP, letter requesting feedback from municipalities concerning legislation, regulations and organizational responsibilities of the Conservation Authorities.**
3. **Town of Gravenhurst Resolution requesting Province to amend Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman.**
4. **AMO Watch File dated February 18, 2010.**
5. **Prince Edward County Resolution requesting the Ministry of Natural Resources to consider an Ontario-wide Coyote/Wolf Control Program.**
6. **Ontario Power Authority – Conservation Awareness Campaign to launch on April 7.**
7. **AMO Watch File dated February 25, 2010.**
8. **Township of Madawaska Valley Resolution requesting the Minister of Health and Long-Term Care and the Premier to address concerns regarding respite care and home care.**
9. **The Preston Post – Newsletter from Joe Preston, MP – February 22, 2010.**
10. **2009 Council remuneration and expenses report for the Medical Board as to Members of Malahide Council.**
11. **Robert Hornung – Email regarding “Effects of wind energy projects on real estate values” (Report available upon request).**
12. **South West Economic Alliance – release of federal pre-budget briefing (Report available upon request).**
13. **Catfish Creek Conservation Authority response to Malahide’s inquiry concerning the issuance of a Flood Advisory on January 22.**

Carried.

NEW BUSINESS:

- (1) **Municipal Planner’s Comments - Foster Planning Application**

At the request of the Applicant’s Planning Consultant, the Council deferred further consideration of this matter until its next regular meeting scheduled to be held on April 1, 2010.

- (2) **2010 Ontario Farm Marketers of the Year**

The Council noted that Chris and Christy Hiemstra were recently named 2010 Ontario Farm Marketers of the Year by the Ontario Farm Fresh Marketers' Association. The Council asked that a letter of recognition be forwarded to Mr. and Mrs. Hiemstra.

(3) Dexter Line Erosion

Mayor Wilson advised the Council that he has received correspondence from the Federal Minister of Transport, Infrastructure and Communities advising that since the roadway is a local and provincial issue, the federal government will not be taking further action with respect to addressing the ongoing erosion problems along Dexter Line. The Mayor also advised that he will be forwarding the correspondence to the County for further consideration.

(4) Dairy and Heritage Mooseum

The Council was advised that the Dairy and Heritage Mooseum, formerly owned by Andy and Lottie van Kasteren, and sold to Gay Lea will be staying in its original location on Jamestown Line in Malahide.

BY-LAWS:

(1) By-law No. 10-16 – Record Retention By-law

Moved by: George Cleminshaw **No. 151**
Seconded by: Mike Phillimore

THAT By-law No. 10-16, being a by-law to establish the retention periods for documents and records kept by the Townships, be given first, second and third readings, and properly signed and sealed.

Carried.

(2) By-law No. 10-17 - Designate parcels as public highways

Moved by: Max Moore **No. 152**
Seconded by: Dave Mennill

THAT By-law No. 10-17, being a by-law to repeal by-law 94-42 and re-designate various parcels as public highway, be given first, second and third readings, and properly signed and sealed.

Carried.

(3) By-law No. 10-19 - Agreement with AMO – Federal Gas Tax Revenues

Moved by: George Cleminshaw **No. 153**
Seconded by: Chester Glinski

THAT By-law No. 10-19, being a by-law to authorize the execution of an Amending Agreement with the Association of Municipalities of Ontario related to the Transfer of Federal Gas Tax Revenues, be given first, second and third readings, and properly signed and sealed.

Carried.

(4) By-law No. 10-03 - Betterly Legg Extension Drain, Branch Q.

Moved by: Mark Widner **No. 154**
Seconded by: Max Moore

THAT By-law No. 10-03, being a by-law relating to the Betterly-Legg Extension Drain, Branch Q be read a third time, finally passed, and properly signed and sealed.

Carried.

(5) By-law No. 10-04 – Taylor Drain, Branch “A” & “B”.

**Moved by: Chester Glinski
Seconded by: Mike Phillimore**

No. 155

THAT By-law No. 10-04 be read a third time being a by-law relating to the Taylor Drain, Branch “A” & “B” be read a third time, finally passed, and properly signed and sealed.

Carried.

The Deputy Clerk retired from the meeting.

CLOSED SESSION:

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

No. 156

THAT Council move into Closed Session at 10:47 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:
CS1 - Personal Matter about an Identifiable Individual regarding the recruitment of a Deputy Treasurer/Tax Collector;
CS2 - Personal Matter about an Identifiable Individual regarding Employee Benefits; and
CS3 - A proposed or pending acquisition or disposition of land matter (s.239.2(c)) related to the proposed Agri-Industrial Park.

Carried.

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

No. 157

THAT Council move out of Closed Session and reconvene at 11:13 p.m. in order to continue with its deliberations.

Carried.

Mayor Wilson advised that during its Closed Session, the Council the Council provided direction to the Chief Administrative Officer/Clerk regarding the recruitment of a Deputy Treasurer/Tax Collector.

Mayor Wilson advised that during its Closed Session, the Council the Council provided direction to the Chief Administrative Officer/Clerk regarding an employee benefit matter affecting the Deputy Clerk.

Mayor Wilson advised that during its Closed Session, the Council received and noted a memorandum from the CAO/Clerk relating to property negotiations concerning the proposed Springfield Agri-Industrial Park.

CONFIRMATORY BY-LAW:

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

No. 158

THAT By-law No. 10-18, 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**

No. 159

THAT Council adjourn at 11:15 p.m. to meet again on March 18, 2010, at 8:00 p.m.

Carried.

Mayor - John R. Wilson

Clerk - M. Casavecchia