

Meeting No. 14
Time: 7:00 p.m.
Location: Sydenham

Present: Mayor Gary Davison
Councillors, Larry York
David Hahn
Jim Hicks
Allan McPhail
Bill Robinson
Del Stowe
Ron Vandewal
John Fillion

Staff: Wayne Orr, Clerk-Administrator; Mark Segsworth, Public Works Manager; Lindsay Mills, Planner; Deb Bracken, Treasurer; Angela Maddocks, Confidential Secretary

1. Call to Order

Resolution No. 2010-14-01
Moved by Allan McPhail

Seconded by Jim Hicks

THAT the Council meeting of April 20th, 2010 be convened at 7:01 p.m.

Carried.

2. Declarations of Pecuniary Interest - nil

3. Delegations

(a) Gerry Shoalts and Patrick Thompson re: Library Tender approval

Wayne Orr referred to his report and the need to issue change orders to reduce the costs of the project by \$42,270.00.

John Fillion asked where the other \$35,000.00 will come from.

Wayne Orr stated that consultations with the contractor and change orders to the contract will achieve this reduction.

David Hahn asked if the steel roof is still included in the tender.

Wayne Orr confirmed that 1/3 of the funding for this project will come from reserves including the \$40,000.00 upgrade to steel roofing. He noted that the building permit fee will also have to come from reserves.

Del Stowe asked if a building permit fee is involved.

Wayne Orr confirmed that the standard 10% value of the construction will be charged.

Ron Vandewal asked what the suggestions for the changes would include.

Gerry Shoalts stated that items such as stone could be replaced by brick, revisions to the storm water management and that the original tender included LEED specifications which could be changed.

Ron Vandewal stated that the tender already has LEED. He thought that discussions had already taken place with CRCA concerning the storm water management.

Gerry Shoalts stated that the concepts of LEED are in place and that the discussions with CRCA were very basic.

Del Stowe questioned any proposed cutbacks with respect to energy efficiencies.

Gerry Shoalts stated that they will provide a listing of the energy efficient items but won't remove any of these items.

Larry York asked about the ditching of the property and the slope in the parking lot.

Gerry Shoalts stated that most of the water storage is underground and the drainage is much simpler. He explained that there can't be an increase in the flow into the watercourse and that he does not anticipate an increase in water. He noted that the HST is a major challenge in this process.

Ron Vandewal asked if the GST can be claimed.

Wayne Orr stated that we won't get 100 percent on the PST portion back.

Discussion continued around the impact of the harmonized sales tax and what portions would be attributable before and after July 1st.

Deb Bracken stated that overall the tax implications should balance out and that currently the township does not get PST back.

4. Public Meeting

Resolution No. 2010-14-02

Moved by Jim Hicks

Seconded by Allan McPhail

That a public meeting be held to discuss matters related to:

- Public Input on the 2010 Budget
 - Closing of an unopened road allowance, Concession 10, Part Lots 18 and 19, District of Storrington
- Carried.

(a) Public Meeting - 2010 Budget (See By-law 2010-27)

Wayne Orr referred to the summary budget package and the results of the April 13th Committee of the Whole meeting where the 1.98% was agreed upon.

John Fillion asked what the original final number was for a tax increase. He felt that a minus 1.78% was included in the original presentation of the budget and questioned how the 1.98% was decided.

Wayne Orr explained that this was the direction of Council and the expectation of the constituents.

Mayor Davison stated that we are not robbing the reserves as we need to have money to fall back on.

John Fillion referred to the township share of funding for the library project and questioned if that money was going to be replaced. He also questioned the hiring of the second full time building inspector as he felt there was no need for this position.

Wayne Orr explained that this position would be approved through the adoption of the budget and was supported by a poll at the Committee of the Whole meeting the week before.

Mayor Davison stated that the township is filling a position that has already existed.

Del Stowe stated that he supports the hiring of a second building inspector and felt that the Chief Building Official could have gone ahead and completed the hiring.

Ron Vandewal stated that he felt this was a good budget and did not agree with a minus budget. He noted that there are large amounts in reserves and while some of the projects have received 2/3 funding from the provincial and federal governments, the township still has to come up with their share from reserves.

Del Stowe stated that while Council could approve a negative budget and make themselves look good, the next Council would have to increase their budget that much more. He felt that there will not be more government funding available. He felt this increase reflects the cost of living.

Bill Robinson questioned keeping the budget at status quo. He felt if there were hard times that everyone needs to cut back.

David Hahn agreed with Deputy Mayor Vandewal and Councillor Stowe. He felt Council had worked hard on this budget which still involves taking money out of reserves. He noted that a considerable amount has come out of reserves for projects. With respect to the hiring of a second building inspector, he recalled a full discussion at the committee of the Whole meeting on April 13th where 8 out of 9 Councillors agreed.

Doug Heath agreed with Bill Robinson and that seniors should be given a break as they are on fixed incomes and felt Council should have approved the minus 1.78 budget.

Bill Robinson asked why there were discussions about next years budget.

Mayor Davison stated that Council has to maintain the level of services provided.

Del Stowe stated that the second building inspector position is not part of the budget increase as this position is funded by building permit fees and does not come out of taxes. He noted that the Chief Building Official dictates the needs within the department based on projected building permit fees which may be increased.

John Fillion asked Deb Bracken about the balance of the reserve funds.

Deb Bracken confirmed that at the beginning of 2010 the balance in reserve and reserve funds was \$14,891,355.00.

Mayor Davison stated that some of reserves are necessary for future dump closing.

John Fillion felt that even if the budget was held at a zero increase it would have been a good budget.

Bill Robinson asked if when last building inspector left the township, was the position still there.

Wayne Orr confirmed that the position still existed but due to the economy at that time, the Chief Building Official sought Council's direction on filing the position at that time.

John Fillion felt that there should have been a resolution for Council to approve the second building inspector rather than just being included as part of the overall budget.

(b) Closing of unopened road allowance Concession 10, Part Lots 18 and 19, District of Storrington

Lindsay Mills circulated a copy of the proposal for the closing of the road allowance to Council. The road closing would clear up the matter of the Keane/Marsh dwelling being located on the road allowance and is a condition of consent application S-17-10-S to sever a parcel of land from the Simonds property to be added to the Keane/Marsh property. He explained that the lot addition will give the property the two acres and provide road frontage for this parcel. He noted that the owner of the property has requested that the fees be waived for this closing as it has been an existing problem that has perpetuated due to surveying errors.

Ron Vandewal stated that this is not all the township's error or the property owner's error, but felt this would clear up the situation. He felt that owner should pay the advertising and administration costs, however, the township should split the cost 50/50 on this portion of the road allowance.

Larry York felt that the owner was a victim of honesty and that they had no warning that the road allowance ran through their property. He suggested that Council find a way to lighten the burden as the owner had purchased this property in good faith.

Del Stowe asked what the township costs would be.

Wayne Orr calculated the cost to be \$1220.00 not including the purchase of the land.

Wayne Orr stated that this is not the first time this has happened and this situation is not necessarily unique.

Del Stowe suggested that if the same situation arises in the future that the same considerations should be given.

Jim Hicks asked if there was a policy in place for this type of request.

Wayne Orr stated that there would be a need to change the policy of Council.

David Hahn remembered lots of cases where a reduction of fee was asked for. He felt Council should stick with their existing policy.

Larry York disagreed with David Hahn and felt that since this situation has existed for many years there should be some consideration given to reduction of fees.

Alan McPhail stated that he has no problem with changing the fee however he noted that there should be a rock solid policy in place to address future requests. He noted that the property owner will still be receiving additional land that will increase his property value.

Bill Robinson felt it was only common sense to address each case on its own merits and that Council should be decent and share the costs.

Ron Vandewal agreed with David Hahn in that there have been these types of requests. He noted that the owner is not asking to close a road allowance leading to water. He referred to a property at Buck Lake where an easement was given for a similar situation. He also noted that the township is not asking for the owner to move the house.

Del Stowe felt that the house is worthless if the road allowance runs through it. He noted the need to have a written policy or modify what rates will be charged and when exceptions are made to eliminate the perception of favouritism.

Charles Simonds, owner of the surrounding property, stated that there has been no reference to the unopened road allowance on their deeds until 1998 and that his parcel was severed in 1962. He felt that it was wrong to charge for this portion of road allowance as the house had been built sometime around the early 1900's.

John Fillion stated that this problem existed prior to amalgamation and he felt this mess should be cleaned up. He felt that the owner should not be penalized as they have had the right of use.

David Hahn wondered if it was a reasonable compromise to give a price for the whole parcel with no cost allocated to the original lot.

Ron Vandewal stated that the county or township should not be held responsible for this error but still felt a reduced rate was fair.

Carl Keane agreed that this was a unique situation and that no one was pointing finger as to whose error it was as the mistake was made years ago. He stated that he was willing to pay the administration charge and the advertising costs. With respect to the property value, he felt his property value will be restored if he is able to obtain the road allowance.

Mayor Davison asked if the actual area involved had been calculated.

David Hahn suggested that this item be deferred until the actual area and associated costs are determined.

Lindsay Mills confirmed that Part 12 on the reference plan is 512 square metres in size.

Charles Simonds stated that his land leads to bush but Mr. Keane's property is residential.

Resolution No. 2010-14-03

Moved by Jim Hicks

Seconded by Allan McPhail

That having had an opportunity to discuss planning matters that the public meeting be closed. Carried.

5. Approval of Minutes

(a) Minutes of the Committee of the Whole meeting held March 30th, 2010

Resolution No. 2010-14-04

Moved by Allan McPhail

Seconded by Jim Hicks

THAT the Committee of the Whole meeting minutes of March 30th, 2010 be approved. Carried

(b) Minutes of the Council meeting held April 6th, 2010

Jim Hicks referred to Page 11, item (b) and felt the minutes did not reflect what Mayor Davison had said. It was agreed to amend this portion to read: "I have apologized and we are moving on".

Resolution No. 2010-14-05

Moved by Jim Hicks

Seconded by Allan McPhail

That the Council meeting minutes of April 6th, 2010 be approved as amended. Carried.

- 6. **Business Arising - nil**
- 7. **Reports Requiring Action**

(a) Accounts

Resolution No: 2010-14-06
Moved by Allan McPhail

Seconded by Jim Hicks

THAT Council approve the payment of the Accounts Payable Voucher dated April 15th, 2010 in the amount of \$255,917.29. **Carried.**

(b) Livestock Valuations

Resolution No. 2010-14-07
Moved by Larry York

Seconded by David Hahn

THAT subject to the completion of the required affidavit, that Council approve the following livestock valuations:

	<u>NAME</u>	<u>AMOUNT</u>	<u>LIVESTOCK</u>
1.	Garnett Knapp	\$468.75	One Charlais Cross Steer
2.	Gary Barr	\$468.75	One Limo Cross Steer
3.	Dave Perry	\$500.00	One Black Main Anjou
4.	George Gordon	\$412.50	One Charlais Cross Heifer

Carried.

(c) Report from Angela Maddocks, Confidential Secretary, re: Livestock Valuation Appeal – Kevin Bovey

Wayne Orr noted that the Provincial Livestock Valuator has directed the township to pay this claim.

Ron Vandewal stated that this was the only claim that has ever been appealed in South Frontenac. He noted that the farmer did not phone and follow the necessary procedures.

Larry York stated that this had occurred during the Christmas holidays when the office had been closed for a few days. He felt there was no one at fault in this case.

Resolution No. 2010-14-08
Moved by David Hahn

Seconded by Larry York

THAT subject to the completion of the required affidavit, that Council approve the payment of the following payment per the decision of the Provincial Evaluator:

	<u>NAME</u>	<u>AMOUNT</u>	<u>LIVESTOCK</u>
1.	Kevin Bovey	\$1,173.12	Two Charlais Heifers

Carried.

(d) Report from Mark Segsworth, Public Works Manager, re: 2010-03 Surface Treatment Tender

Mark Segsworth referred to his report on the surface treatment tender which is subject to budget approval.

Wayne Orr recommended approval of the resolution as it stands because this project is included in the 2010 budget.

Council agreed to pass the resolution after By-law 2010-27 was given third reading.

- (e) Report from Lindsay Mills, Planner, re: Appeals to Consent Applications S-05-10-P to S-13-10-P to create nine residential lots; requirements for studies, Portland District**

Lindsay Mills referred to his report and that the Committee of Adjustment had approved the creation of nine new residential lots in proximity on Holleford Road. He noted that Trow Associates Inc. had conducted a study in 2007 on groundwater conditions that identified areas of vulnerability in terms of quantity and quality and that the properties in his report are within the “very highly sensitive” area. He noted that there is also a concern with cross contamination of wells and that the Cataraqui Region Conservation Authority has since made a presentation concerning this study.

He advised Council that the Chief Building Official has noted that there is poor drainage in this area and that a drainage report should also be conducted to ensure proper development of these lands.

He recommended that Council appeal the decision with respect to these applications.

Del Stowe referred to the minutes from October 23, 2007 when Mr. Mills had recommended that hydrogeologic studies be required for locations that were identified in the groundwater study where development proposals come forward. He noted that Council had agreed to this recommendation and directed staff to follow through.

Jim Hicks stated that normally he would agree with the Planner however these lots meet the required road frontage. He referred to a previous approval where a lot was approved with only 172 feet of frontage jammed between two other lots and no studies were required.

Bill Robinson stated that the applicant has moved the lot line as requested. He stated that the CRCA did not make a recommendation to require a hydrogeological study. He commented that the whole township sits on limestone and that he does not see a problem. He felt that only part of the Committee of Adjustment comments are being listened to.

Larry York noted that there are three different property owners and not 9 – 10 lots being developed by one person. He felt there will be no problems with water shortage. He commented that Council can't overrule the Committee of Adjustment, that it is illegal and that the Planner was out of line.

Ron Vandewal asked if the applicants knew about this requirement when they made their applications based on the October 23, 2007 minutes that Del Stowe had referred to.

Lindsay Mills stated that the applicants were not told a the time of submitting the applications, but were contacted by telephone shortly thereafter and their applications and payments were held and not processed until they were given this information.

David Hahn stated that the Committee of Adjustment gets advice from the Planner and relies on other agencies to provide comments. He noted that the Committee of Adjustment ignored the recommendations and the policies of the Official Plan to protect the safety of groundwater. He noted that no one has ever hinted that these lots would be denied, however experts have suggested that each lot be examined specifically and assessed for the best locations for septic systems. He commented that the Committee of Adjustment is autonomous and Council has no right to tell the committee what to do but Council has the right

to appeal decisions made by the Committee of Adjustment. He stated that not requiring the studies leaves the township open to future potential liability and this would not put the township in a favourable position.

John Fillion referred to the Trow study and noted that there is not a concern with the quantity of water. He stated that he has talked to a septic expert and there is no room for contamination with 20 feet grouted which is approved by the Ministry of the Environment. With respect to the ground treatment of sewage, a 900 mm layer of sand kills bacteria.

David Hahn responded that the issue relates to nitrates getting into the aquifer that the wells draw their water from.

John Fillion responded that 98% of nitrates are natural occurring.

Allan McPhail agreed with Del Stowe that Council should support the position of the Township Planner. He noted that the Committee of Adjustment has made a decision and Council has to defend the residents of South Frontenac and should not assume any liability.

Wayne Orr stated that Council has two options and the role of staff is to bring them forward for direction. Staff will follow the direction and decision of Council.

Lindsay Mills noted that the final date to appeal the Committee of Adjustment decision is May 3rd.

Ron Vandewal asked if the appeal date can be extended if there is a special circumstance.

Lindsay Mills stated that if a condition is changed and the application comes back to the Committee of Adjustment then the appeal date can be extended.

David Hahn stated that in most cases, a decision can be reached before the actual OMB hearing takes place.

Lindsay Mills felt that an appeal to the Ontario Municipal Board can take 7-8 months and the township and the applicants could probably reach a settlement before that time.

Mayor Davison felt that the two acre lot requirement should address the concerns with respect to quantity of water.

David Hahn suggested that a vote be taken on appealing these applications.

Bill Robinson asked if the applicant will have an opportunity to speak.

Bill Babcock stated that he had agreed to change the one lot and confirmed that these lots are far enough away from the Dowker barn. He noted that this land drains both to the north and the south. If drainage is a concern, he questioned why the township approved development within the Pleasant Valley drain area.

Wendell Dowker stated that his proposed lots are closer to three acres and are about 5 feet above the natural drain.

Del Stowe recommended that the Committee of Adjustment be reminded about the highly sensitive areas that were identified in the Trow Study.

Resolution No. 2010-14-09
Moved by Larry York

Seconded by David Hahn

THAT Council receive the memorandum dated April 15, 2010 from the Planning Department and resolve to appeal the decisions of the committee of Adjustment made on April 8, 2010 regarding files S-05-10-P to S-13-10-P.

Defeated.

RECORDED VOTES

	YES	NO	ABSTAIN
J. Fillion		√	
D. Hahn	√		
J. Hicks		√	
A. McPhail	√		

	YES	NO	ABSTAIN
B. Robinson		√	
D. Stowe	√		
R. Vandewal	√		
L. York		√	
G. Davison		√	

(f) Report from Wayne Orr, Clerk Administrator, re: Notice of Motion--Sustainability Committee

Wayne Orr referred to his report and noted the by-law establishing committees would have to be amended to reflect any changes.

Ron Vandewal stated that while he has been frustrated with Sustainability, the committee has had a lot to deal with including landfills and hazardous waste and that there are very knowledgeable members of the public on the committee. He was not in favour of dissolving the committee.

David Hahn questioned the rationale behind dissolving the committee.

John Fillion felt that the committee was dysfunctional and that decision should be left to the Public Works Department.

David Hahn stated that he agrees with Ron Vandewal. He noted that waste management has changed dramatically over the years. He recognized that it has been very contentious to move forward with one set of rules for all four districts. He stated that there are still changes to be made with respect to waste management.

Bill Robinson questioned how many recommendations from the Sustainability Committee have been approved by Council. He felt that the whole committee should be changed.

Del Stowe commended the committee for their work on the RFP which will bring garbage and recycling into Bedford District. He felt the committee should see the result of the request for proposal.

Mayor Davison also commended the committee as they have provided good information to Council and Council needs that support. He noted that Council does not always make good decisions.

Alan McPhail suggested that if there is a problem with this committee that a recommendation be made to the next Council to determine the future of the Sustainability Committee.

Larry York felt that the Sustainability Committee has cost the township and a lot of money has been wasted. He felt that the committee is not working and should be restructured.

Resolution No. 2010-14-10

Moved by John Fillion

Seconded by Bill Robinson

THAT Council suspend and dissolve the Sustainability Committee. Defeated

RECORDED VOTES

	YES	NO	ABSTAIN
J. Fillion	√		
D. Hahn		√	
J. Hicks		√	
A. McPhail		√	

	YES	NO	ABSTAIN
B. Robinson	√		
D. Stowe		√	
R. Vandewal		√	
L. York	√		
G. Davison		√	

(g) Report from Wayne Orr, Clerk Administrator, re: Agreement with AMO on Federal Gas Tax Revenue

Del Stowe asked if this was the revenue that came directly to the Township.

Mayor Davison confirmed this.

Resolution No. 2010-14-11

Moved by Larry York

Seconded by David Hahn

THAT Council authorizes the Mayor and Clerk to execute the amending agreement between AMO and the Township to access Federal Gas Tax Revenues.

Carried.

(h) Report from Wayne Orr, Clerk Administrator, re: Library Tender Approval,

Ron Vandewal agreed that to give staff the authority to make change orders to the contract.

Resolution No. 2010-14-12

Moved by Ron Vandewal

Seconded by John Fillion

THAT Council authorizes the County of Frontenac to proceed with the awarding of the Library Tender to Emmons and Mitchell in the amount of \$1,817,270.00;

AND THAT Staff be directed to issue change orders to the contract as necessary to reduce the project cost to \$1,775,000.00 for savings of \$42,270.00 plus \$35,000.00 for the anticipated HST implications.

Carried.

(i) Report from Wayne Orr, Clerk Administrator, re: Storrington District Cemetery Grass Cutting Tenders

See By-law 2010-28

Wayne Orr directed Council to refer to the summary sheet attached to the report.

Jim Hicks inquired about the background on the decision of the Cemetery Board.

John Fillion stated that the contractor has proven himself to be reliable.

Jim Hicks asked if there were any concerns with regard to the lowest bidder's performance.

John Fillion stated that he did not know the individual.

David Hahn questioned the Board not accepting the cheapest bid.

John Fillion commented that there is a lot of work around headstones etc.

Wayne Orr noted that the tender from Bill's Property and Lawn Care did not include the required documents.

Ron Vandewal questioned Council agreeing with the bids recommended by the Cemetery Board.

8. By-laws

Council agreed to defer By-law 2010-26 so that the Planning Department could determine the costs associated with this closing. It was agreed that there would be no fee for the area shaped like a “home plate”. The other portion would be based on the standard rate.

Resolution No. 2010-14-13

Moved by John Fillion

Seconded by Ron Vandewal

THAT the following by-laws be given first and second reading:

- By-law 2010-26 (deferred)**
- By-law 2010-27**
- By-law 2010-28**

Carried.

(a) By-law 2010-27

Resolution No. 2010-14-14

Moved by Del Stowe

Seconded by Ron Vandewal

THAT By-law 2010-27, being a by-law to levy taxes in the Township of South Frontenac for the year 2010, be read a third time, signed and sealed. Carried.

7. (d) Surface Treatment Tender

Council then proceeded to approve the resolution concerning the surface treatment tender.

Resolution No. 2010-14-15

Moved by Larry York

Seconded by David Hahn

THAT Council approves the bid of Smiths Construction Company for the supply and application of the Township’s Surface Treatment in the amount of \$999,141.47 including all applicable taxes. Carried.

(b) By-law 2010-28

Resolution No. 2010-14-16

Moved by Ron Vandewal

Seconded by John Fillion

That By-law 2010-28, being a by-law to authorize the execution of an agreement for the maintenance of various Storrington District Cemeteries, be read a third time, signed and sealed. Carried.

9. Reports for Information - nil

10. Information Items

(a) Stewardship Ontario and Waste Diversion Ontario – Fourth Quarterly Payment

Ron Vandewal asked the Treasurer for a yearly total on this revenue.

(b) Rideau Valley Conservation Authority – Organization Structure

Wayne Orr asked that any suggestions be given to Larry York to submit to RVCA.

Larry York felt that this was a 3 tier operation with the upper and lower tiers having no opportunity for input. He felt this was a waste of time

Ron Vandewal stated that if Councillor York had no reason to be attending these meetings then he should step down. However he suggested that South Frontenac should still have representation.

Larry York commented that it is a 2.5 hour drive to Manotick to attend the meetings, reimbursement includes the \$50.00 meeting charge and mileage.

Mayor Davison asked Councillor York if he was stepping down from the Rideau Valley Conservation Authority and if that was the intent, and then South Frontenac would not have representation.

Ron Vandewal suggested that the Mayor attend the meetings when he was able to.

Del Stowe suggested that representatives could be alternated for the remainder of the year.

Wayne Orr asked if Larry York had notified RVCA in writing.

Larry York stated that he had only given verbal notification.

Wayne Orr will advise the RVCA.

11. New Business

- (a) Bill Robinson served a notice of motion with regard to the hiring of the second building inspector. John Fillion also requested that a separate resolution be prepared with respect to the hiring of the position.

Ron Vandewal suggested that the CAO provide an information report on the background of this position.

David Hahn agreed that for transparency reasons, a report with regard to the advertising of the position and a job description be provided. He recognized that this position was already authorized in the budget package.

Wayne Orr cautioned Council that they are moving into what is the administrative role of the township.

14. Committee Minutes

Resolution No. 2010-14-17

Moved by Del Stowe

Seconded by Bill Robinson

THAT Council receives the Committee minutes of various Township Committees of Council as presented at the April 20th, 2010 meeting:

- Minutes of the Loughborough District Parks and Recreation Committee meeting held February 24th, 2010 Carried.

13. In-Camera - nil

14. Confirmatory By-law

Resolution No. 2010-14-18

Moved by Bill Robinson

Seconded by Del Stowe

THAT By-law 2010-29, a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be read a first and second time this 20th day of April 2010.
Carried.

Resolution No. 2010-14-19
Moved by Del Stowe

Seconded by Bill Robinson

THAT By-law 2010-29, be read a third time and finally approved this 20th day of April 2010.
Carried.

15. Adjournment

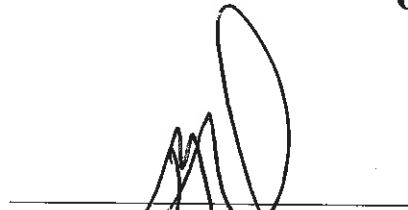
Resolution No. 2010-14-20
Moved by Bill Robinson

Seconded by Del Stowe

THAT the Council meeting of April 20th, 2010 be adjourned at 9:20 p.m.
Carried.



Mayor



Clerk Administrator