

The Council of the Township of East Garafraxa held their regular meeting of Council in the Administration Office, Laurel, Ontario on May 23, 2006 at 2:00 p.m. Councillors Guy Gardhouse, Fran Pinkney, Tom Nevills, and Deputy Mayor Allen Taylor were present with Mayor Earl Lennox presiding. Susan M. Stone, C.A.O./Clerk-Treasurer; Director of Public Works Dave Menary and Nadine Tischhauser were also in attendance. Councillor Pinkney was not in attendance (with notice).

OPENING OF MEETING

Mayor Lennox brought the meeting to order.

1. AGENDA

- a. Approval of Agenda.
- b. Motion to approve items to be added to the agenda carried.

2. MINUTES

Motion to approve minutes as circulated.

3. DISCLOSURE OF PECUNIARY INTEREST WITH REASONS

Can be declared now or at anytime during the meeting. No disclosures at this time.

4. DELEGATIONS AND PUBLIC MEETINGS

- 2:00 - Representatives of Robinson Lott Brohman, attended to present the 2005 Audit report.
- 3:00 - Bruce Donaldson and Doug Flaherty of Universal Sand and Gravel attended regarding plans and deadlines. Mr. Donaldson introduced Mr. Flaherty, new General Manager of Universal. They had met earlier with Township's Director of Public Works, Dave Menary, and Township Engineers to review requirements. Deadlines of June 1st, July 1st discussed with respect to internal and external works. They have retained Triton Engineering to design box culvert extension, and plans should be provided for review by Township engineers by June 13th. It was agreed that they would attend June 20th council meeting for update, and to determine definite time lines at that time, though it was noted that the June 1st deadline should still apply to the internal road, and that the balance of the works should be completed by July 1st, pursuant to Council's original decision. Plans have been revised and will be forwarded to MNR for approval, for inclusion in the amended Development Agreement. Townline bridge potential deterioration due to additional trucks was also discussed, and it was agreed that a cost sharing arrangement for future replacement would be incorporated into the Development Agreement. Mr. Donaldson will provide details of agreement with County of Wellington which he feels demonstrated a reasonable cash contribution with respect to those roadworks.
- 3:30 - Mr. Culjak attended on behalf of his mother, re Concession 15, Lot 9 Building Permit for an addition to the existing house, and height of garage. The application for house addition is in the Environmental protection area and will require an amendment to Zoning By-Law and the height issue could be addressed with respect to the garage at the same time. Mr. Culjack indicated that the height is 16'. Deputy Mayor Taylor stated that the space is not be used for living quarters.
- 4:00 - **Public Meetings:**
- 1) **Rezoning Application Z6/06 by Mario and Giovanna Bertazzon** to rezone Concession 9, East Part Lot 22 from Rural Residential to Rural Residential Exception Twelve (RR-12) to permit an addition to the existing dwelling with a reduced front yard and setback. Mrs. Bertazzon and son were present. There were no other members of the public present to support or oppose the application. Nadine Tischhauser, Planner, presented the Planning Report, indicating that Section 4.3.2., Minimum front yard requirement is 30 metres and the proposed addition to the dwelling would reduce the front yard to 25.2 metres to add an enclosure to the front entrance of the existing house. Grand River Conservation Authority correspondence indicated no objections to the application. There was no further correspondence received. Planning Advisory had recommended that the application be approved. Motions to approve application and By-Law 23-2006 carried.

- 2) **Official Plan Amendment OPA1/06 by Sean and Colette Rea** to redesignate Concession 10, East Part Lot 5 from Agricultural to Rural. Mr. Rea was in attendance. Nadine Tischhauser, Planner presented the Planning Report which outlined the Provincial Policy Statement (PPS) 2005. Section 2.3.1 states that Prime Agricultural areas shall be protected for long-term use for agriculture. PPS Section 2.3.5.1 states that Planning Authorities may only exclude land from prime agricultural areas for three reasons: a) *expansions of or identification of Settlement areas in accordance with policy 1.1.3.9* - the subject property has not been identified as a future settlement area for designated growth; b) *extraction of minerals, petroleum resources and mineral aggregate resources, in accordance the policies 2.4 and 2.4*; - the subject property has not been identified as a future area for extraction of minerals and petroleum and mineral aggregate resources; c) *limited non-residential uses, provided that:-* 1) land does not comprise a specialty crop area 2) there is a demonstrated need for additional land to be designated, 3) no reasonable alternative locations which avoid prime agricultural areas; and 4) no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands - staff believes that the intent of the applicant is to remove land from prime agricultural area for a future residential use, therefore this policy does not apply.

The applicant provided a justification report previously and an amended justification report. Nadine Tischhauser reviewed the differences between the 2 reports, and recommended that if Council to make decision today, should be denied, based on the above.

Mr. Rea was in attendance and stated that he feels his property is not prime agricultural based on Canada Land Inventory mapping, and that Meridian report had evaluated his lands through LEAR study, and also indicated not prime agricultural. Mr. Rea indicated that the scoring was incorrect for his property, and that should be sufficient justification for re-designating his lands; however, discovered that LEAR is no longer acceptable by the Ministry as justification, which he feels is not acceptable. He emphasized that errors should not be ignored, and Council should take responsibility.

Township Planner clarified the process for filing applications, and that the Ministry of Municipal Affairs and OMAFRA had been contacted, and there is a reluctance on their part to redesignate lands based on LEAR, that she cannot, as a professional planner, recommend against the Provincial Policy Statement, and the timing of the Official Plan and new PPS was unfortunate. She also suggested that the application could be deferred based on re-evaluation, but that LEAR study should be re-visited as a whole, not on site specific basis.

Discussion ensued regarding Planning Advisory Committee recommendation to defer subject to Ministry comments, and request that planning reports be available prior to meetings. It was noted that had the Provincial Policy Statement not changed, Mr. Rea would have been eligible for farm retirement lot. Also, possible errors in the LEAR review discussed, with respect to the CLI classification.

Motion to defer pending preliminary comments from MMAH, which will enable the applicant to address the issues directly, and Council in agreement that they would meet with the applicants and Ministry to try to resolve the matter.

- 5:00 - Chief John McDougall of the Town of Erin Fire Department attended to present the 2005 Fire and Emergency Services Report for the Township. The fire agreement is up for renewal as of December 31, 2005, and suggested a 5 year agreement, to end with next council term of 4 years. Fees have been \$1,600. per call since 1998, and suggested a \$25.00 per call increase for each year, or \$1,725. per call over next 5 years, with which council concurred. He also discussed Century Wood revised site plan application, and noted that Kevin Gallant, Fire Inspection Officer, would be following up.

- 6:30 - In Camera - Joint Amaranth East Garafraxa Meeting

5. UNFINISHED BUSINESS

The following matters were received:

- a. Marsville Water System - Water Rate By-Laws to be present at next meeting.
 - i) Notice of Release of Chief Drinking Water Inspector's Annual Compliance Report.
- b. 2006 Draft Budget
- c. COMRIF - Resolution carried to appoint K. Smart and Associates to prepare necessary reports and tender documents for COMRIF Intake 2.
- d. Other - nothing at this time.

6. COUNTY COUNCIL BUSINESS

The following items were received:

- a. Council in Brief May 11, 2006
- b. News Release ~ Potential Providers of Gasification and/or Composting Technologies
- c. Other

7. COMMITTEES

The following items were received:

- a. History Book Committee provided an update on the status of the History Book and request for reimbursement of time for formatting and editing. Also requested input on printing colors, dust jacket, message from Council. Proposed publishing date by end of this year. Resolution carried to authorize reimbursement of costs.
- b. Upper Grand Watershed Committee - Councillor Gardhouse reported
 - i) Agenda May 25, 2006 at 6:30 p.m.
 - ii) Minutes March 23, 2006
 - iii) Sustainability Plan
- c. Town of Caledon Re Justices of the Peace
- d. Source Water Protection - Discussion ensued. Council concerned
 - i) Minutes April 21, 2006
 - ii) Upper Credit Pilot Terms of Reference
- e. Grand Valley Public Library Board Minutes May 10, 2006
- f. Orton Community Association
 - i) Park Grant Disbursements
 - ii) July 1, 2006 Celebration
- g. CVC
 - i) Minutes April 21, 2006 meeting
 - ii) Spring Issue - Currents
- h. GRCA - appeal update. Councillor Nevills reported on meeting held May 18, 2006 with Peter Kraus, Paul Emerson and Keith Murch. Staff instructed to request response from GRCA by June 20th council meeting, and to advise commissioner accordingly.
- i. Other - Nothing at this time.

8. ROADS DEPARTMENT:

- a. Township of Mulmur - Restructuring of Staff
- b. Universal Sand and Gravel re deadlines
- c. Other -

9. PLANNING AND BY-LAW ENFORCEMENT MATTERS:

The following items were received:

- a. Woodrill Ltd. Con 12, West Part Lot 5 - Site Plan Agreement amendment reviewed and plan provided. By-law to be prepared for next meeting of Council.
- b. Request by Falby Development Services for release of securities. Motion to approve.
- c. Gara Estates - Fencing requirements discussed.
- d. Planning Advisory Committee Minutes May 16, 2006
- e. Planning Reports;
 - i) Z6/06 - Bertazzon
 - ii) OPA1/06 - Rea
 - Planning report
 - John Cox Planning Justification Study
 - Addendum to Planning Justification Study
- f. Town of Caledon Official Plan and Zoning Amendments - Environmental and Open Space
- g. Other
 - i) Nadine Tischhauser, Planner indicated that an inquiry had been made for a wind turbine for a property at Concession 16, East Part Lot 12. The property is designated and Environmental Protection and Extractive Industrial in the Official Plan and Zoned Environmental Protection, Agricultural and Agricultural Exception Four (for open storage of farm equipment, snowmobiles, or boats).
 - ii) Applications for consent received for Concession 15, East part Lot 1 for 3, 5 acre parcels. A previous consent had been applied for in 2000.

10. CORRESPONDENCE

The following items were received:

- a. John Tory MPP ~Ministry of Health Promotion
- b. Municipality of North Perth resolution re Section 150 of Municipal Act
- c. Town of Minto Resolution re unfair assessments
- d. Township of Essa resolution
 - i) exempt service vehicles from Section 69 of Highway Traffic act
 - ii) Financial Support for Ontario Farmers
- e. Municipality of Leamington resolution - COMRIF
- f. Ontario Property and Environmental Rights Alliance re Conservation Authorities
- g. Wellington Dufferin Guelph Health Unit
 - i) Head Office
 - ii) West Nile Larviciding
- h. Ontario Hospital Association - Community Engagement in a LHIN's Environment
- i. Ontario Power Generation Performance Report
- j. Other

11. BILLS AND ACCOUNTS

- a. None at this time.

12. BY-LAWS

- a. Confirming - Bylaw number 24-2006 passed.
- b. Others - None at this time

13. LEGAL, PROPERTY and PERSONNEL

- a. Property Matters
- b. Legal Matters
- c. Personnel Matters

In Camera session held.

14. NEW BUSINESS

- a. Request to use Garafraxa Woods Park - Soccer. Staff to advise that the park is a public park for public use, for use on first come, first served basis.
- b. Other - Garafraxa Woods marker stone being picked up for engraving. Also, resolution to accept Tile Drain Loan application for Concession 9, West Part Lot 23.

15. BULLETINS AND INFORMATION

- a. Charles Hooker - Water Well Study Report
- b. Best Practices Consultation Sessions
- c. OPP Media Releases
- d. AMO
 - i) Request for Nominations 2006-2007 Board of Directors
- e. The Real Dirt on Farming
- f. Hills of Headwaters 2006 Visitors Guide
- g. Ducks Unlimited - Why Wetlands
- h. Other
- i. Other

RESOLUTIONS:**MOVED BY GARDHOUSE, SECONDED BY LENNOX**

THAT THE AGENDA BE AMENDED BY ADDING/DELETING THE FOLLOWING:
DELETED:

ADDED:

- 1. Bill 81 re 4 year term of Council
- 2. Hansard Excerpt re gasification
- 3. Tile Drain Loan application Con 9, West Part Lot 23
- 4. Property Condition Concession 17, East Part Lot 5 - In camera.

CARRIED.

MOVED BY TAYLOR, SECONDED BY NEVILLS

THAT the minutes of the Council Meeting held May 9, 2006 be adopted as amended. **CARRIED.**

MOVED BY GARDHOUSE, SECONDED BY LENNOX

THAT Council do hereby accept the 2005 Audit Report as Presented By Robinson, Lott and Brohman. **CARRIED.**

MOVED BY GARDHOUSE, SECONDED BY LENNOX

THAT Council do hereby retain the services of K. Smart Associates to prepare necessary reports and tender documents for the structures in accordance with COMRIF Intake 2. **CARRIED.**

MOVED BY NEVILLS, SECONDED BY TAYLOR

THAT the 2006 Budget be accepted as presented and that the total of \$1,400,610.00 to be raised from taxes. **CARRIED.**

MOVED BY TAYLOR, SECONDED BY LENNOX

THAT Council do hereby accept the quotation from Maracle Press Limited for printing of the East Garafraxa History Book and authorize payment to Krista Taylor for formatting of book, and mileage as requested, at a rate of \$25.00/hour to an upset limit of \$10,000., and that weekly report of progress be provided to the administration offices. **CARRIED.**

MOVED BY GARDHOUSE, SECONDED BY NEVILLS

THAT Orton Community Association be appointed as a committee of Council for the purposes of the July 1, 2006 Celebrations at the Orton Park. **CARRIED.**

MOVED BY TAYLOR, SECONDED BY NEVILLS

THAT Rezoning Application Z6/06 by Mario and Giovanna Bertazzon to rezone Concession 9, East Part Lot 22 from Rural Residential (RR) Zone to Rural Residential Exception RR-12 to permit an addition to the existing dwelling with a reduced front yard be approved. **CARRIED.**

MOVED BY NEVILLS, SECONDED BY TAYLOR

THAT leave be given to introduce a by-law to amend By-Law 60-2004 as amended by rezoning Concession 9, East Part Lot 22 from Rural Residential to Rural Residential Exception RR-12, and that it be given the necessary readings and be passed and numbered 23-2006. **CARRIED.**

MOVED BY GARDHOUSE, SECONDED BY LENNOX

THAT Official Plan Amendment Application OPA1/06 by Sean and Colette Rea to redesignate Concession 10, East Part Lot 5, from Agricultural to Rural be deferred, pending preliminary comments from the Ministry of Municipal Affairs and Housing re pre-consultation process. **CARRIED.**

MOVED BY TAYLOR, SECONDED BY LENNOX

THAT Council instructs the Treasurer to release securities as per request of May 17, 2006 from Falby Development Services, once satisfactory documentation received. **CARRIED.**

MOVED BY GARDHOUSE, SECONDED BY TAYLOR

That bills and accounts in the amount of:

Roads	\$42,243.71	
General	\$84,169.59 be paid.	CARRIED.

MOVED BY GARDHOUSE, SECONDED BY LENNOX

THAT Council of the Township of East Garafraxa proceed in camera to address legal, property and/or personnel matters. **CARRIED.**

MOVED BY NEVILLS, SECONDED BY TAYLOR

THAT Council now rise from in camera session and resume regular business. **CARRIED.**

MOVED BY NEVILLS, SECONDED BY TAYLOR

THAT Council accept the Application for Loan for Tile Drainage for Concession 9, East Part Lot 23, subject to Ministry of Agriculture and Food Funds availability. **CARRIED.**

MOVED BY NEVILLS, SECONDED BY GARDHOUSE

THAT leave be given to introduce a by-law to confirm the proceedings of the May 23 , 2006 meeting of the Council of the Township of East Garafraxa, and that it be given the necessary readings and be passed and numbered 24-2006. **CARRIED.**

MOVED BY TAYLOR, SECONDED BY GARDHOUSE

THAT Council hereby adjourn to meet again Tuesday, June 20, 2006 , 2:00 p.m. at Administration Office, Laurel or at the call of the Mayor. **CARRIED.**

HEAD OF COUNCIL

CLERK