

The Council of the Township of East Garafraxa held their regular meeting of Council in the Administration Office, Laurel, Ontario on September 9,2008 at 2:00 p.m. Councillors Fran Pinkney, Tom Nevills, Allan Boynton and Deputy Mayor Guy Gardhouse were in attendance with Mayor Allen Taylor presiding. Susan M. Stone, CAO/Clerk-Treasurer; Karen Canivet, Deputy-Clerk; Christine Gervais, Planner and Dave Menary, Director of Public Works were also in attendance.

**OPENING OF MEETING**

Mayor Taylor brought the meeting to order at 2:00 p.m.

**1 AGENDA**

- 1.1 Added Items to agenda by motion:
  - 1.1.1 County of Dufferin Reports
    - 1.1.1.1 Rural Broadband Report
    - 1.1.1.2 Resolution on Tax capping
    - 1.1.1.3 Provincial Infrastructure Funds
    - 1.1.1.4 EA for Easterly extension of SAR
    - 1.1.1.5 Updated Accommodation Study
  - 1.1.2 Disposition of lands re local board and municipality (Closed Session)
  - 1.1.3 Staff Negotiations re local board (Closed Session)
  - 1.1.4 Grand Valley Community Centre re addition
- 1.2 Approval of Agenda as amended.

**2 MINUTES**

- 2.1 Council Minutes of August 12, 2008 approved as circulated.
- 2.2 Business arising from minutes:
  - 2.2.1 Update provided on status of water system for the Marsville Hall. Also, painting of doors and trim discussed.

**3 DISCLOSURE OF PECUNIARY INTEREST WITH REASONS**

Can be declared at any time during the meeting. None declared at this time.

**4 DELEGATIONS AND PUBLIC MEETINGS**

- 4.1 2:00 p.m. Laurie Gordon, Dave Matthews, Ted Bryk of Berkshire Homes and Peter Norman of Altus Group were in attendance to discuss the Marsville Community Economic and Fiscal Impact Analysis prepared by Altus on behalf of Berkshire. Memo prepared by Susan Stone, CAO/Clerk-Treasurer was circulated to Council and Berkshire representatives, summarizing comments arising from staff review of the report. Mr. Norman addressed Council regarding the report, which concluded that the development would produce more revenue than costs over time and would pay for itself, explaining that the conclusions reached were based on existing costs being spread over the proposed larger population and household base, as well as expanded commercial base. Council and staff questioned the purpose and timing of the report, which was not requested or sanctioned by Council, also the rationale, the assumptions, noting that the report was a very basic effort using economies of scale

and did not provide the detailed information required regarding impact and actual cost of development and services to the municipality. Following further discussion, Council indicated that there is a need to complete the County Growth Management Study and the Township Visioning Exercise before further considering new development proposals.

- 4.2 3:00 p.m. Trevor Hoard, K Smart & Associates Bridge attended tender opening for Bridge 007. Tenders were received from Jarlian Construction \$256,960. plus GST and Premier Concrete \$299,624.00. Motion to accept tender from Jarlian Construction. Mr. Hoard also provided an update on 10<sup>th</sup> Line Bridge construction, which is proceeding well.
- 4.3 3:30 p.m. Sam Greenwood attended to request the extension of the 18<sup>th</sup> Line road to access new dwelling. The road currently is not opened past the existing entrance and he proposed to do the road construction to the Township's specifications, and provide securities and insurance accordingly. Council indicated support in principle with agreement and instructed staff proceed with the preparation of an agreement.
- 4.4 4:00 p.m. Public Meetings:
- 4.4.1 Consent Application B1/08 by Christabel Nielsen for consent to sever 17 ha. (41 acres) from Concession 12, West Part Lot 2. The retained parcel would be 22 ha. (55 acres). The applicant was in attendance. Township Planner Christine Gervais reviewed the Planning Report. The property is designated and zoned Rural and Environmental Protection. Minimum Distance Separation (MDS) calculations from the barn to the west and the Nielsen's own barn, impact on the location of any future dwelling. The Planning Report also indicated that the Environmental Protection lands will require a 30 metre buffer and the subject property is within the Grand River Conservation Authority's Regulated Area and therefore any future development may require a permit from them, and perhaps a rezoning under the Township Zoning By-Law. The Director of Public Works indicated that a road widening will be required and that the proposed severance has an existing entrance. Mr. and Mrs. Nielsen were in attendance, and Mrs. Nielsen indicated she would be prepared to move the building envelope outside the MDS arc and feels she can meet requirements of Grand River Conservation. There were no other members of the public present to support or oppose the application and there were no written objections. Planning Advisory Committee had recommended to Council that the application be approved, subject to availability of building envelope. Motion to approve.
- 4.4.2 Consent Application B2/08 by Joan and Tibor Vizi for consent to sever approximately 1.5 ha. (3.66 ac.) and retain 2.5 ha. 6.35 acres from Concession 17, East Part Lot 5. Mr. and Mrs. Vizi were in attendance, with Chris DeCastro, spokesperson. There were no other members of the public present to support or oppose the application and there were no written objections. Township Planner Christine Gervais presented the Planning Report which indicated that the property is zoned Rural Residential and Environmental Protection and Official Plan designation is Rural and Environmental Protection. The application conforms to the Provincial Policy Statement and there are no Minimum Distance Separation issues; however, the application does not conform to the Official Plan policy for approximately 2 ha. minimum lot size. Planning Advisory Committee had recommended deferral or re-application to conform to Official Plan

policies. Mr. DeCastro spoke on behalf of the applicants indicating that grading on lot for a new building is preferable as applied for. However, Council indicated that they would not approve severance as applied for, and that they would need to change the application, which will require re-application and re-circulation. No decision at this time, pending withdrawal of Consent Application B2/08.

4.4.3 Consent Applications B3/08 (10.2 ha.); B4/08 (10.4 ha.); B5/08 (10.0 ha.) by Sean Rea Concession 10, East Half Lot 5; the retained portion will be 10 ha. Mr. Rea was in attendance. There were no other members of the public present to support or oppose the application. Township Planner Christine Gervais presented the Planning Report. The property was designated Rural as a result of a LEAR study and Official Plan Amendment No. 2, and Environmental Protection. The lands are zoned Agricultural and Environmental Protection. There are a number of barns which impact the proposed lots; however, there is sufficient lands outside of the MDS to support a building envelope on each of the consents. Grand River Conservation Authority comments with respect to Consent Application B5/08, indicate that the wetland and adjacent area are regulated by them, but that there is sufficient area for development outside the regulated area. Development may require a permit from the Conservation Authority. Township Director of Public Works comments indicated that the entrance to Consent Application B3/08 is to be located at the south end of the proposed property line for proper sight lines; B4/08 entrance will need to be located at the crest of hill only for property sight lines, no culvert will be required; road widening will be required on 10<sup>th</sup> line, severed and retained portions and daylighting of 15 metres at the intersection of 10<sup>th</sup> Line and County Rd. 3; B5/08 is located on County Rd. 3 and the County have indicated that an entrance permit will be required, but no road widening will be required. Planning Advisory Committee recommend approval of the applications, subject to rezoning. Motion to approve.

4.4.4 Consent Application B6/08 by Saverio (Sam) Valana for consent to sever 2.0 ha (5 ac.) and retain 2.0 ha. (5 ac.) from Concession 15, East Part Lot 16. Mr. Valana was in attendance. Mr. and Mrs. Lanni, neighbouring landowners were also in attendance to observe. There were no other members of the public present to support or oppose the application and there were no written objections. Township Planner Christine Gervais presented the Planning Report. The property is designated Rural and zoned Rural Residential. The application conforms to the policies of the Township Official Plan and Provincial Policy Statement. Minimum Distance Separation does not impact this application. Director of Public Works commented that a road widening will be required; daylighting at the intersection of County Rd. 24 and 15 Sideroad to be 15 metres; and entrance to be located 50 metres from the intersection of the proposed severance on 15 Sideroad. County requires entrance to severed lot to be on local road and will require a road widening on County Road. Planning Advisory Committee recommended approval of the application. Motion to approve.

4.5 5:00 p.m. Tim Cane of Jones Consulting presented the draft Utilities & Renewable Energy Planning Study. The Public Meeting scheduled originally for October 14, 2008 will be postponed until October 28, 2008 due to the Federal Election. The draft zoning and Official Plan policies were reviewed. Discussion regarding amendments to document to be prepared for posting on website, and forwarded to the Solicitor for review. Three (3) residents were in the gallery, Gail and Russ Hartley and Carol Davison, for the discussion and questioned the transmission line locations. Transmission lines for renewable energy will be required to be underground. Notice of Public Meeting to be circulated 20 days prior to date of meeting and will be advertized in newspaper and on website.

## 4.6 Other

- 4.6.1 Discussion regarding Nature's Landing East and parkland. Council indicated a park should be part of the East development, but the development on the West will have access to adjacent park and therefore Council may consider cash in lieu as opposed to parkland to be provided. Discussion regarding possibility of trail system and jurisdiction, ownership, wetlands and liability issues ensued. Trail group to be contacted for input.
- 4.6.2 Public Meeting will be held for Robinson's Business Park November 12, 2008 at 5:00 p.m. in Laurel. Planning Advisory Committee and Glenn Wellings Planning Consultant to be invited.

**5 UNFINISHED BUSINESS**

The following was received/dealt with:

- 5.1 Visioning Exercise to be held September 24, 2008 at 5:30 p.m. with Planning Advisory Committee and Glenn Wellings, Planning Consultant, and staff will be facilitated by Karen Wianecki of Planning Solutions.
- 5.1.1 Memorandum and Work Plan from Karen Wianecki
- 5.2 Other - nothing at this time.

**6 COUNTY COUNCIL BUSINESS**

The following were received:

- 6.1 Draft Joint Emergency Management Plan
- 6.2 Other - 9<sup>th</sup> Line Culvert at Dufferin Road 3 (south side) requires repair. Staff instructed to send letter to County accordingly.

**7 COMMITTEES**

The following were received and/or dealt with:

- 7.1 Grand River Conservation Authority
- 7.1.1 August 2008 minutes
- 7.1.2 8<sup>th</sup> Annual Grand River Watershed Water Forum program
- 7.2 Credit Valley Conservation
- 7.2.1 Landscapes for Life
- 7.2.2 Lake Erie Region SPC Agenda September 4, 2008 - upcoming public consultation with respect to proposed Terms of Reference to be held September 17, 2008 at Monora Park, and October 6, 2008 at Wellington County Museum. Letter to be forwarded regarding compensation for land restrictions imposed through Source Water Protection questioned; also, invitation to Dale Murray to attend upcoming council meeting. Staff to follow up.
- 7.3 Other - Grand Valley and District Community Centre discussed. Councillor Boynton updated Council on the ongoing discussions with the County of Dufferin with respect to renovations to accommodate the Early Years Programme, which will result in increased revenue for the arena, though capacity of the banquet room will be reduced. Also reported on the roof, which no longer is leaking; however, funds allocated for that project now need to be expended with respect to unexpected repairs and replacement of other equipment.

**8 ROADS DEPARTMENT:**

The following were received and/or dealt with:

- 8.1 Other - Intersection light at A Line and Townline discussed. Director of Public Works provided estimated costs and options, and budget implications discussed. Motion to proceed.

**9 PLANNING AND BY-LAW ENFORCEMENT MATTERS:**

The following matters were received and/or dealt with:

- 9.1 Township of Amaranth  
9.1.1 Notice of Passing Zoning By-Law (Tim O T trucking)  
9.2 Township of East Luther Grand Valley  
9.2.1 Rezoning Application Z8-08 re MDS reduction - discussion regarding reduction of Minimum Distance requirements being reduced. Staff to investigate matter further.  
9.2.2 Notice of Passing Zoning By-Law 2008-29 Business Park and Notice of Appeal Zoning By-Law 2008-29 Business Park.  
9.3 Planning Advisory Committee minutes August 27, 2008  
9.4 Consent Application B1/08 - Christabel Nielsen Con 12, W. Pt. Lot 2 - dealt with under delegations  
9.5 Consent Application B2/08 - Joan and Tibor Vizi Con 17, E. Pt. Lot 5 dealt with under delegations  
9.6 Consent Application B3/08; B4/08; B5/08 Sean Rea Con 10, E Pt. Lot 5 dealt with under delegations  
9.7 Consent Application B6/08 - Sam Valana, Con 15, E .Pt. Lot 16 dealt with under delegations  
9.8 Other - nothing this time.

**10 CORRESPONDENCE**

The following were received and/or dealt with:

- 10.1 Sandhill Disposal and Recycling Inc. Re ownership  
10.2 Charles Hooker re Places to Grow Act  
10.3 Ministry of Municipal Affairs - re Robinson Business Park  
10.4 Township of Amaranth  
10.4.1 Physician Recruitment Committee  
10.4.2 Provincial Growth Legislation  
10.5 Town of Mono  
10.5.1 Physician Search resolution  
10.5.2 Town of Caledon Resolution  
10.6 Town of Caledon  
10.6.1 Notice of Passing of Zoning By-Law  
10.7 Town of Orangeville  
10.7.1 Underserviced Area Designation  
10.8 Town of Milton  
10.8.1 Deposit/return system on aluminum and plastic drink containers - motion for next meeting.  
10.9 Town of Owen Sound  
10.9.1 Exemption of Sales Tax on goods and services to Municipalities - motion for next meeting.  
10.10 Town of Halton Hills  
10.10.1 Places to Grow Act  
10.11 Township of North Stormont  
10.11.1 allocation provincial funds re MPAC (Township of Muskika Lakes resolution)

- 10.12 Linda and Brian Jones - Book Thoughts of Our Canadian Soldiers
- 10.13 Ministry of Agriculture, Food and Rural Affairs - Endangered Species Act and Municipal Drains
- 10.14 Ministry of Natural Resources - Fish and Wildlife
- 10.15 Ministry of Natural Resources - Controlling Disease with Rabies Baits
- 10.16 Ministry of Finance Investing in Ontario Act - funding based on 2006 Census
- 10.17 CUPE re Child Care Worker and Early Childhood Educator Appreciation Day
- 10.18 St. John Ambulance - Acknowledgment
- 10.19 Other - nothing at this time.

**11 BILLS AND ACCOUNTS**

- 11.1 None at this time

**12 BY-LAWS**

The following by-laws were adopted:

- 12.1 Confirming By-Law 32-2008
- 12.2 Others

**13 LEGAL, PROPERTY and PERSONNEL**

- 13.1 Closed Session - Report Concession 12, West Part Lot 20
- 13.2 Other - Orton Park update; Grand Valley Medical Dental Centre property update; Wellington Dufferin Guelph Health Board staff negotiations update.

Closed session held and staff instructed accordingly.

**14 NEW BUSINESS**

The following were received and/or dealt with:

- 14.1 Dufferin Municipal Officers Association re Tax Capping Programme - motion of support.
- 14.2 Tax Rebate Policy for Vacant Commercial and Industrial Building - motion to adopt policy.
- 14.3 Other
  - 14.3.1 Information on Built Canada funding and deadlines - for next Council meeting
  - 14.3.2 East Garafraxa Christmas Dinner - December 4, 2008

**15 BULLETINS AND INFORMATION**

The following were received:

- 15.1 Upper Grand District School Board Annual Report
- 15.2 AMO
  - 15.2.1 Alert 08/036 Ontario Small Waterworks Assistance Program part 2
  - 15.2.2 FYI 08-012 Climate Change and Engineering Symposium
- 15.3 Bruce Banting Implications for Municipalities
- 15.4 Ducks Unlimited Canada - Natural Heritage Planning News
- 15.5 Municipal World September 2008
- 15.6 Other

**16 ADJOURNMENT**

**RESOLUTIONS:**

**MOVED BY GARDHOUSE, SECONDED BY PINKNEY**

THAT the agenda be amended by adding the following:

- 1. County of Dufferin reports:
  - 1.1 Rural Broadband report
  - 1.2 Resolution on Tax capping
  - 1.3 Provincial Infrastructure Funds
  - 1.4 EA for Easter Extension of SAR
  - 1.5 Updated Accommodation Study
- 2. Disposition of lands re local board and municipality (Closed Session)
- 3. Staff negotiations re local board (Closed Session)
- 4. Grand Valley Community Centre re Addition

**CARRIED.**

**MOVED BY BOYNTON, SECONDED BY NEVILLS**

THAT the agenda be approved as amended.

**CARRIED.**

**MOVED BY NEVILLS, SECONDED BY BOYNTON**

THAT the minutes of the Council Meeting held August 12, 2008 be adopted as circulated.

**CARRIED.**

**MOVED BY PINKNEY, SECONDED BY BOYNTON**

THAT Council of the Township of East Garafraxa accept the tender from Jarlian Construction Company in the amount of \$256,960.00 plus GST as presented.

**CARRIED.**

**MOVED BY BOYNTON, SECONDED BY GARDHOUSE**

THAT Council authorize that a solar power street light be installed at the intersection of A Line and Townline per proposal from CID Powerline.

**CARRIED.**

**MOVED BY NEVILLS, SECONDED BY BOYNTON**

THAT Consent Application B1/08, by Christabel Nielsen for consent to sever approximately 16.3 hectares (40.4 acres) from part West Lot2, Concession 12, be approved.

REASONS: Conforms to Official Plan

CONDITIONS:

- 1. Park Dedication in the amount of \$400.00;
- 2. Taxes paid in full;
- 3. Rezoning of Severed parcel;
- 4. Site Plan required for building envelope on severed parcel;
- 5. Conservation Authority approval severed and retained;
- 6. Approval for septic system on severed parcel;
- 7. Plan of Survey, paper and digital format on severed and retained;

8. Consent agreement to be registered on severed and retained parcel to include fence requirement for north, south and east boundaries of severed lot.
9. Road widening required on severed and retained parcels to be deeded to appropriate authority.

If a road widening has been obtained at an earlier date, condition would not apply. Any unregistered road widening to be deeded to the appropriate authority. Any road widenings, easements, survey costs, legal costs and any other transaction costs pertaining to this application shall be borne by the applicant. Certificate of Title to be supplied showing no encumbrances on the land for road widening purposes. All conditions must be fulfilled and the Certificate of Clerk issued within one year of the date of notice of decision. Failing to do so will cause the application to be null and void. **CARRIED.**

**MOVED BY PINKNEY, SECONDED BY GARDHOUSE**

THAT Consent Application B3/08, by Sean and Colette Rea for consent to sever approximately 10.2 hectares from part East part Lot 5, Concession 10, be approved.

REASONS: Conforms to Official Plan

CONDITIONS:

1. Park Dedication in the amount of \$400.00;
2. Taxes paid in full;
3. Rezoning of severed and retained;
4. Conservation Authority approval severed and retained;
5. Entrance approval on severed;
6. Approval for septic system on severed parcel;
7. Plan of Survey, paper and digital format on severed and retained;
8. Consent agreement to be registered on severed and retained parcel to include fence requirement for north, south and west boundaries of severed lot.
9. Road Widening required on severed and retained parcels to be deeded to appropriate authority.

If a road widening has been obtained at an earlier date, condition would not apply. Any unregistered road widening to be deeded to the appropriate authority. Any road widenings, easements, survey costs, legal costs and any other transaction costs pertaining to this application shall be borne by the applicant. Certificate of Title to be supplied showing no encumbrances on the land for road widening purposes. All conditions must be fulfilled and the Certificate of Clerk issued within one year of the date of notice of decision. Failing to do so will cause the application to be null and void. **CARRIED.**

**MOVED BY BOYNTON, SECONDED BY NEVILLS**

THAT Consent Application B4/08, by Sean and Colette Rea for consent to sever approximately 10.4 hectares from part East part Lot 5, Concession 10, be approved.

REASONS: Conforms to Official Plan

CONDITIONS:

1. Park Dedication in the amount of \$400.00;
2. Taxes paid in full;
3. Rezoning of severed and retained;
4. Conservation Authority approval severed and retained;
5. Entrance approval on severed;
6. Approval for septic system on severed parcel;
7. Plan of Survey, paper and digital format on severed and retained;
8. Consent agreement to be registered on severed and retained parcel to include fence requirement for north and west boundaries of severed lot.
9. Road Widening required on severed and retained parcels to be deeded to appropriate authority.

If a road widening has been obtained at an earlier date, condition would not apply. Any unregistered road widening to be deeded to the appropriate authority. Any road widenings, easements, survey costs, legal costs and any other transaction costs pertaining to this application shall be borne by the applicant. Certificate of Title to be supplied showing no encumbrances on the land for road widening purposes. All conditions must be fulfilled and the Certificate of Clerk issued within one year of the date of notice of decision. Failing to do so will cause the application to be null and void. **CARRIED.**

**MOVED BY NEVILLS, SECONDED BY BOYNTON**

THAT Consent Application B5/08, by Sean and Colette Rea for consent to sever approximately 10.0 hectares from part East part Lot 5, Concession 10, be approved.

REASONS: Conforms to Official Plan

CONDITIONS:

1. Park Dedication in the amount of \$400.00;
2. Taxes paid in full;
3. Rezoning of severed and retained;
4. Conservation Authority approval severed and retained;
5. Entrance approval on severed;
6. Approval for septic system on severed parcel;
7. Plan of Survey, paper and digital format on severed and retained;
8. Consent agreement to be registered on severed and retained parcel to include fence requirement for east and west boundaries of severed lot.
9. Road Widening required on severed and retained parcels to be deeded to appropriate authority.

If a road widening has been obtained at an earlier date, condition would not apply. Any unregistered road widening to be deeded to the appropriate authority. Any road widenings, easements, survey costs, legal costs and any other transaction costs pertaining to this application shall be borne by the applicant. Certificate of Title to be supplied showing no encumbrances on the land for road widening purposes. All conditions must be fulfilled and the Certificate of Clerk issued within one year of the date of notice of decision. Failing to do so will cause the application to be null and void. **CARRIED.**

**MOVED BY GARDHOUSE, SECONDED BY PINKNEY**

THAT Consent Application B6/08, by Saverio (Sam) Valana for consent to sever approximately 2.0 hectares from part East part Lot 16, Concession 15, be approved.

REASONS: Conforms to Official Plan

CONDITIONS:

1. Park Dedication in the amount of \$400.00;
2. Taxes paid in full;
3. Conservation Authority approval severed and retained;
4. Entrance approval on severed;
5. Approval for septic system on severed parcel;
6. Plan of Survey, paper and digital format on severed and retained;
7. Consent agreement to be registered on severed and retained parcel to include fence requirement for north and east boundaries of severed lot.
8. Road Widening required on severed and retained parcels to be deeded to appropriate authority.

If a road widening has been obtained at an earlier date, condition would not apply. Any unregistered road widening to be deeded to the appropriate authority. Any road widenings, easements, survey costs, legal costs and any other transaction costs pertaining to this application shall be borne by the applicant. Certificate of Title to be supplied showing no encumbrances on the land for road widening purposes. All conditions must be fulfilled and the Certificate of Clerk issued within one year of the date of notice of decision. Failing to do so will cause the application to be null and void. **CARRIED.**

**MOVED BY GARDHOUSE, SECONDED BY BOYNTON**

Council do now enter closed session for the following reasons:

Proposed or pending acquisition of disposition of land by the Municipality or local board; Labour relations or Employee Negotiations; Litigation or potential litigation, including matters before Administrative Tribunals affecting the Municipality or Local Board; Advice that is subject to solicitor-client privilege, Including communications necessary for that purpose. **CARRIED.**

**MOVED BY BOYNTON, SECONDED BY GARDHOUSE**

THAT Council now rise and report from Closed Session and resume regular business. **CARRIED.**

**MOVED BY GARDHOUSE, SECONDED BY BOYNTON**

THAT Council do hereby adopt the Tax Policy for Vacant Commercial and Industrial Lands for the Township of East Garafraxa. **CARRIED.**

**MOVED BY NEVILLS, SECONDED BY BOYNTON**

THAT Council of the Township of East Garafraxa support the motion of the Dufferin Municipal Officers Association with respect to the 10-5-5 tax phase-in program and hereby request the County to petition the Ministry of Finance to allow individual Counties to opt out of the 10-5-5 tax phase in program or to discontinue the 10-5-5 tax phased in program with implementation of the new four year assessment phase in program in 2009. **CARRIED.**

**MOVED BY NEVILLS, SECONDED BY BOYNTON**

THAT leave be given to introduce a by-law to confirm the proceedings of the September 9, 2008 regular meeting of the Council of the Township of East Garafraxa and that it be given the necessary readings and be passed and numbered 32-2008. **CARRIED.**

**MOVED BY GARDHOUSE, SECONDED BY PINKNEY**

THAT Council now adjourn to meet again September 23, 2008 at 2:00 p.m. at the Administration Offices, Laurel ON or at the call of the Mayor. **CARRIED.**

*Allen Taylor*

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HEAD OF COUNCIL

*Susan M. Stone*

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CLERK