

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

SEVENTEENTH MEETING

MINUTES

AUGUST 28 2018

A meeting of the Council of the Township of Enniskillen was held on Tuesday August 28 2018 at 7:00 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, Mary Lynne McCallum, Wally Van Dun, Judy Krall and Kathy O'Hara Wilson

Mayor Marriott chaired the meeting.

Pecuniary Interest

Mayor Marriott requested that each member of Council declare an interest at the appropriate time within the agenda where an interest may exist.

A. Minutes

Moved by Councillor O'Hara Wilson

Seconded by Councillor Krall

That the minutes of the meeting of August 14 2018 be adopted as circulated.

Carried.

B. Interview

1. Ken Simpson- Kilmer Drain 7:00 pm

Present: Lloyd Ferguson, Lenny Duncan, Dick Otten, Mac McPhail, Bob Martin, Al Ferguson, Ron MacDougall, Rick Patterson, Carl Gray, Lee Bright, Ken Simpson, John Simpson, Leigh Moore, Rob Moore, Wayne Anderson, Dave Gray, Ray Levasseur, Tony Straatman, Rick McPhail, Russell Smith, Anne Litchfield, Alf McRae, John McRae, Christa Woods, Jim Annett, Don McGugan, Anne McGugan, Bill Cascaden, Don McCabe, Louie Podolinsky, Randy Clark, Maurice Maw, Lisa Moffatt, Arnold Syer, Carl Martin, John Klapak, Stan Klapak, Leland Martin, Wayne McMurphy, Ross Moore and Rick O'Hara, Brian Allan, Charles Lassaline, Bob Landon, Darren Munro, Karen Cook and Josh Moore

Mayor Marriott noted that the meeting to discuss Council policy regarding buffer strips had been adjourned to this evening to allow Ray Dobbin to respond to a series of questions presented at the previous meeting.

Mr. Dobbin proceeded to respond to the questions regarding the establishment of the buffer strips along the Kilmer Drain.

Mr. Dobbin noted that he relied on the Ontario Nativescape staff to select the seeds for planting of the buffer strip.

Mr. Dobbin noted that he had met with Ontario Nativescape on April 10 2018 to discuss the planting of the buffer strip. The organization proceeded to plant the strip without any further communications.

He reported that the monitoring of the buffer strip would fall back to the Drainage Superintendent.

John Simpson noted that he had reviewed the published best management practices regarding the planting of buffer strips. He noted that these practices had not been followed. He noted that everything associated with the planting had been done incorrectly. Mr. Simpson commented that Nativescape did not own a planter small enough to stay within the five foot buffer.

Mr. Simpson commented that best practices indicated that the buffer strip should be planted the year after the harvest of roundup ready beans.

He questioned the eventual damage to farm tile by the planting of some prairie grasses.

Mr. Simpson in his presentation asked that landowners be given the option to choose to put in their own buffer strips, that the bylaw requiring buffer strips be rescinded, that the Township assume liability for tile maintenance if the buffer strips remain and that the Kilmer Drain residents not be required to pay any costs associated with the buffer strips.

Councillor Krall noted that she had attended the Simpson property and did not want to see a buffer strip full of weeds.

Councillor O'Hara Wilson reported that she had visited a number of sites with two board members from Ontario Nativescape. The board members had confirmed that the employees from Nativescape had not planted the blend of seeds recommended by the Board.

Councillor Van Dun noted that he had attended the Simpson farm to view the status of the buffer strip. He noted that the buffer strips were a good idea but they should have been checked after planting and cut once it became clear that the weeds were taking over.

Councillor McCallum noted that the buffer strips were nasty. She noted that if people on the drain would create the strips themselves there would not be a need to have buffer strips installed.

Jim Annett commented that the buffer strips were a good idea but that they needed to be maintained.

Christa Woods noted that where a farmer has several hundred acres they do not have the time to maintain a buffer strip.

Mayor Marriott noted that the decision to establish buffer strips was an attempt to get ahead of provincial discussions to establish buffer strips that were 26 feet wide.

Mayor Marriott noted that the buffer strip on the Kilmer drain went wrong.

Christa Woods questioned whether the property assessment should be lowered if a buffer strip were established on their property.

John Klapak noted that the weeds on the buffer strip needed to be cut down regularly.

Ken Simpson questioned whether the Township had paid any expenses associated with the buffer strips.

Ray Levasseur noted that he was growing crops for food grain and that the buffer strip was solid weeds.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Krall

That the Township of Enniskillen buffer strip program be canned.

Carried.

Recorded Vote:

Councillor O'Hara Wilson: Yes

Councillor Krall: Yes

Councillor Van Dun: Yes

Councillor McCallum: No

Mayor Marriott: Yes

Mayor Marriott noted that the Stewardship group had indicated that if the Township abandoned the project there would be no cost for the work undertaken by the group on Township drains in 2018.

C. Court of Revision LeCocq Drain 7:30 pm

1. Appeal Stan Klapak- assessment too high

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the Court of Revision for the LeCocq Drain be opened.

Carried.

Present: Stan Klapak, Charles Lassaline, Randy Clark, Leland Martin, Rob Core and Louie Podolinsky.

The Clerk reported that one written assessment appeal was received from Stan Kalpak. The Clerk read the written appeal in which Mr. Klapak noted that he was assessed too high on the branch drain.

Ray Dobbin reviewed the comments made in the appeal regarding the method of assessing the property owners. He reviewed the drainage area for each property owner in the branch drain listing the area that was forested and actively farmed. He explained the method used to assess both types of land. He noted how the assessment was broken down for each property owners section to the new tile drain.

Mr. Klapak noted that his assessment was too high and he planned to tile land out of the LeCocq drainage area.

Mr. Dobbin noted that after the site meeting there had been two meetings with the ratepayers on the drain to discuss alternatives. He noted that the report was only completed after the second meeting in which all property owners had agreed to retain the branch drain.

Mr. Lassaline noted that his farm was not tiled into the LeCocq Drain branch drain.

Councillor McCallum reviewed her notes from the second drain meeting confirming the consensus of the ratepayers to retain the branch drain.

Councillor Van Dun asked Mr. Klapak if all of his questions concerning the drain were answered.

Mr. Klapak asked what historical records existed in regards to the tiling of the Lassaline farm.

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the LeCocq Drain assessments be confirmed.

Carried.

1. Drainage: Tenders: LeCocq Drain, Noble Brownlee/Center Street and Scott Drain East

Tender results were reviewed for the LeCocq Drain.

Robinson Farm Drainage: \$137,942.49

Dan McNally: \$ 112,457.08

The Engineer reported that the construction estimate was about \$25,000 lower than his estimate.

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson
That the low tender from Dan McNally on the LeCocq Drain be accepted subject to any appeal on the drain report.
Carried.

Councillor O'Hara Wilson questioned about the purple loosestrife growing in the Township. The Engineer was requested to prepare information on the control of loosestrife on municipal drains.

Tenders were opened on the Noble Brownlee/Center Street and Scott Drain East.

J & L Henderson:	\$16,482.91
Dan McNally:	\$ 11,994.44
Bruce Poland:	\$ 15,535.64
GJS Contracting Inc.:	\$ 11,175.87

Moved by Councillor O'Hara Wilson
Seconded by Councillor Krall
That the low tender from CJS Contracting Inc be accepted.
Carried.

Ray Dobbin reported on site meetings.

From the McRie Drain site meeting it had determined that a culvert required replacement on the Elliott property. He reported that the drainage area for the McRie Drain had been changed due to the removal of up to 20 hectares of bush on farm properties on LaSalle Line.

Moved by Councillor Van Dun
Seconded by Councillor McCallum
That R Dobbin Engineering be directed to prepare a Section 76 report to incorporate maintenance provisions for the replacement of culverts as well as making amendments to the drainage area.
Carried.

Mr. Dobbin reported on the McKenzie Drain site meeting. He noted that the owner of the E1/2 Lot 1 Concession 11 had requested access over the McKenzie Drain to provide access to his farm.
Mr. Dobbin also noted that discussions had taken place regarding the extension of a tile on the E1/2 Lot 2 Concession 11 on the Lennan- McGregor Drain. He noted that the owner wanted to extend the tile further into the open drain and fill in the open portion of the drain. The new access would

accommodate larger farm equipment. He noted that 100% of the cost of the work would be paid by the landowner requesting the change.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Krall

That Ray Dobbin Engineering be instructed to prepare a Section 78 report on the McKenzie Drain to accommodate the construction of the new accesses.
Carried.

Mr. Dobbin reported that the Department of Fisheries and Oceans was restricting tree cutting to one side of the McRie Drain due to the presence of fish in the drain.

Mr. Dobbin was requested to review brush removal on the Kilmer Drain.

Becky Brand was present to discuss her mother's concerns regarding the operation of the greenhouse on LaSalle Line. Ms. Brand reported on an incident regarding lights being left on during the early evening which had lit up her mother's property. She reported on the destruction of her mother's mail box and the failure of the greenhouse operators to immediately address the issue.

Ms. Brand complained about the noise from the fans on the property.

Ms. Brand noted that her mother was quite distressed.

2. Water: Update on Water Department Activities
3. Sewer: Update on Ministry of Environment Inspection Verbal

The Clerk reviewed recent activities on the municipal water system and the Oil City Sewer system.

4. Roads: Update on Construction Verbal
The Clerk reviewed the resurfacing work undertaken on municipal roads and the complaints received during construction.

D. Correspondence for information

1. Promises Made, Promises Kept
2. Hydro One Governance
3. Lambton County Plowing Match
4. Globe and Mail- drugged driving rules
5. CBC black market for waste soils
6. Judith and Norman Alix Foundation funding applications
7. Sarnia Official Plan # 12
8. OPSEU sale of cannabis
9. Petrolia Lions parks bench

Councillor McCallum noted that the Township would be working on the sidewalk along Petrolia Line. She recommended that the work on the park bench be left until next year to avoid any elevation issues regarding the sidewalk.

Moved by Councillor O'Hara Wilson
Seconded by Councillor Krall
That correspondence items 1-9 be received and filed.
Carried.

E. Correspondence requiring motions

1. Resolution North Frontenac- funding of firefighter training

Moved by Councillor Krall
Seconded by Councillor O'Hara Wilson
That the resolution from North Frontenac regarding funding for volunteer firefighter training be supported.
Carried.

2. Resolution Oakville- regulating the display and distribution of objectionable images

Moved by Councillor Krall
Seconded by Councillor McCallum;
That the resolution from Oakville regarding regulating display sign graphics be received and filed.
Carried.

F. Accounts

Moved by Councillor McCallum
Seconded by Councillor O'Hara Wilson
That the accounts be paid as circulated:
Cheque: 12398-12418: \$ 44,944.06
Cheque: 12419-12441: \$ 17,733.92
Carried.

G. Bylaws

1. Bylaw 54 of 2018 Groves Drain third reading
2. Bylaw 62 of 2018 Confirmation Bylaw

Moved by Councillor Krall
Seconded by Councillor O'Hara Wilson
That first and second reading be given to Bylaw 62 of 2018.

Carried.

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That third and final reading be given to Bylaws 54 and 62 of 2018.

Carried.

H. Other Business

1. High Park night lighting photos

2. Memo 2018 Election Update

The memo outlined preparations for the 2018 municipal election for representatives to the French language boards of education.

3. Memo 2018 Accessibility report

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the municipal accessibility report be accepted.

Carried.

4. Memo Waste and Recycling Depot Update

The Clerk reported that continuing discussions had taken place with Waste Management to finalize an agreement for the operation of the depot.

Moved by Councillor Krall

Seconded by Councillor McCallum

That any member of Council be authorized to attend the Ontario Association of Committee of Adjustments in Guelph.

Carried.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Krall

That the following Council meeting dates be established;

October 9th and 27th 2018

November 13th and 23rd of 2018.

Carried.

Mayor Marriott discussed the placement of a donated bench to the Oil City Cemetery by the Bailey family. The matter would be discussed with the Cemetery Board at the next meeting.

Councillor O'Hara Wilson requested that the Road Superintendent attend the next Cemetery Board meeting.

I. In camera Meeting

1. An in-camera meeting will be held under the provisions of Section 239 (2) b of the Municipal Act regarding a personal matter about an identifiable individual.

Mayor Marriott declared an interest and left the meeting in that the complaints received were in regarding the use of his social media account.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Van Dun

That the in camera meeting be adjourned and the meeting of Council be reconvened.

Carried.

The Clerk reported that Council of the Township of Enniskillen does not support or condone comments presented on the Mayor's personal social media account. That the Council has reviewed the two complaints received and accepts the explanation provided by Mayor Marriott that he was not the author of the comments and that no further action will be taken.

J. Adjournment

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the meeting be adjourned.

Carried.

Mayor

Clerk