

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

EIGHTEENTH MEETING

MINUTES

OCTOBER 4 2021

The regular meeting of the Council of the Township of Enniskillen was held on October 4th, 2021 at 7:00 pm with access to the public to electronically join or view the meeting through a Zoom Teleconference format. Information was available on the municipal website to gain access to the meeting. (www.enniskillen.ca)

Present: Kevin Marriott, Mary Lynne McCallum, Wally Van Dun, Judy Krall and Chad Burke

Mayor Marriot 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 Krall

Seconded by Councillor Burke

That the minutes of the meeting of September 20th 2021 be adopted as circulated.

Carried.

B. Public Meeting to Consider Closure of Unopened Road Allowance in Plan 52

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the public meeting to consider the closure of the unopened road allowance in Plan 52 be opened.

Carried.

Present: Wallace Lang

The Clerk reported that Wallace Lang had submitted a request to close the unopened road in Plan 52 located in Lot 15 Concession 12. The request was made to clarify the title to the surrounding farm parcel.

The Clerk noted that the road allowance was .42 acres in size and was landlocked by the abutting farm parcel.

Notices had been sent to utilities and public agencies. No utility or public agencies expressed any interest in the use of the road allowance.

The Clerk noted that the notice of the public meeting had been sent to the County of Lambton, Town of Petrolia and abutting property owners. An ad for the meeting had been placed in the local newspaper.

Wallace Lang confirmed that the surrounding farm property could not be registered in land titles. The closure of the road allowance and transfer to the abutting farm property would address the title issue.

Mayor Marriott questioned whether the Council wanted to proceed with the passage of a bylaw to close and sell the road property.

Moved by Councillor Krall
Seconded by Councillor Van Dun
That first and second reading be given to Bylaw 50 of 2021.
Carried.

Moved by Councillor Van Dun
Seconded by Councillor Burke
That third and final reading be given to Bylaw 50 of 2021.
Carried.

C. Interviews

1. Consideration of the Bradley Drain 7:15 pm (adjourned from Sept 20 2021).
2. Phillip Drain site meeting report

David Moores outlined to Council that a request had been received from David Byers to replace a culvert on his property. He noted that a new report would be required since no provisions existed in the old report to provide for the culverts.

Moved by Councillor Krall
Seconded by Councillor Burke
That R Dobbin Engineering be appointed to prepare a report under Section 78 of the Drainage Act for the Philips Drain.
Carried.

The Clerk reported that tenders had been opened on October 1 2021 for maintenance of the Noble Brownlee Drain.

GM Construction: \$ 89,630.47
J&L Henderson: \$ 61,460.15
Bruce Poland: \$ 69,002.56

Moved by Councillor McCallum
Seconded by Councillor Krall
That the low tender from J&L Henderson be accepted for the maintenance of the Noble Brownlee Drain.
Carried.

Moved by Councillor Krall
Seconded by Councillor Van Dun
That the meeting to consider the Bradley Drain be opened.
Carried.

Present: Doug Parks, David McKeown, Mr. and Mrs. John McKeown
Ray Dobbin and David Moores.

Ray Dobbin reported that the consideration of the Bradley Drain report had been adjourned to provide time for John McKeown to consider what type of access he wanted over the Bradley Drain.

Mr. McKeown discussed the engineer's expenses associated with the drain to date. He noted that he expected that he would be provided estimates for options without the need for a drainage report. David McKeown reported that his parents were not aware of the cost implications for the request for drainage work. Mrs. McKeown indicated that they were interested in getting pricing on options for the drainage work.

Ray Dobbin indicated that Mr. McKeown was provided with the cost associated with filling in the drain on his property in 2018. The work did not proceed. Mr. Dobbin reported that a site meeting had been held with the outcome that the McKeown access would be moved to the easterly boundary of the property. Mr. Dobbin reported that while at the site meeting it was determined that a final report would be prepared based on that option.

John McKeown reported that since the meeting to consider the report he had entertained replacing the culvert in its current location.

David McKeown noted that they anticipated that an estimate for the work would be provided prior to completion of the report.

Doug Parks noted that he had discussed with John McKeown extending tile into the McKeown farm and providing a lower cost access over the drain.

Doug Park reported that field stones had been placed at the edge of his field to prevent erosion into the open drain.

After further discussions John McKeown requested that the access culvert be installed at the same location as the existing culvert.
Doug Park agreed with the proposed location.

Moved by Councillor Krall

Seconded by Councillor McCallum

That the Bradley Drain report be referred back to the engineer for revision to place the McKeown culvert in the same location as the existing culvert.
Carried.

3. Review of Water Rates 2022, verbal update on activities

The Clerk reported that the Town of Petrolia had exercised its option to increase the water rates to the Township of Enniskillen for 2022 based on the consumer price index for August of 2021.

The Clerk reported that a bylaw had been prepared to increase the sale rates by 6 cents per cubic meter.

4. Oil City Sewer verbal update

Mike Cumming reported that the alum had been placed in the sewer lagoon. It was noted that sample results had not been received.

Mr. Cumming reported that a water service leak on Thistle Street had led to interruption in service in the area. The outage was made worse as a result of an additional leak in a valve on the street.

Mr. Cummings reported that the Ministry of Environment inspection of the water system had started in the current week.

Mr. Cumming reported that the snow equipment for the new tandem truck would not start to be constructed until November 10 2021. Delivery of the truck was estimated to be in mid December.

D. Correspondence for information

1. Lambton Group Police Services Board minutes June 19 2021
2. Lambton Group Police Services Board report May/June 2021
3. Lambton Public Health Positive West Nile Virus
4. Lambton Public Health proof of vaccination
5. Lambton Public Health proof of vaccination clarification
6. Ontario Human Rights Commission discriminatory display of names, words and images

7. Ontario Human Rights Commission COVID-19 vaccine mandates
8. Anishinabek Nation proof of identification for Vaccination Passport
9. Sarnia passing of zoning bylaw lot coverage for accessory buildings

Moved by Councillor Krall

Seconded by Councillor Burke

That correspondence items 1-9 be received and filed.

Carried

- E. Correspondence requiring motions
1. Resolution Sarnia-Renovictions

Moved by Councillor McCallum

Seconded by Councillor Burke

That the resolution from Sarnia regarding renovictions be received and filed.

Carried.

2. Resolution Scugog more funding to support infrastructure projects

Moved by Councillor Krall

Seconded by Councillor Burke

That the resolution from Scugog regarding additional funding for infrastructure be supported.

Carried.

3. Central Lambton Family Health Team request for 2022 grant

Moved by Councillor Krall

Seconded by Councillor Burke

The grant request from the Central Lambton Family Health Team be referred to the 2022 budget.

Carried.

- F. Accounts

Moved by Councillor McCallum

Seconded by Councillor Van Dun

That the accounts be paid as circulated:

Cheque 15786-15820: \$ 137,454.18

Carried.

- G. Other Business

1. Memo- Assessment and Tax Rate Review

2. Budget to actual August 31 2021
3. Cannabis resolution discussion

Councillor McCallum noted that the resolutions had been shortened and should be distributed in a similar manner as others circulated to Council.

Councillor Krall reported that she was fine with the two cannabis resolutions circulated from Councillor McCallum.

Councillor Krall reported that she had investigated whether Health Canada was to proceed with a review of the Cannabis legislation. She noted that the decision had not been made by the new federal government. Councillor Krall reported that information had been submitted to Health Canada regarding the Cannabis issues earlier in the year.

Moved by Councillor Krall

Seconded by Councillor McCallum

As the Council of the Corporation of the Township of Enniskillen through a resolution January, 2021 had enacted an Interim Control Bylaw to undertake a review of land use policies related to Cannabis Production & Processing Facilities.

The Township of Enniskillen is considered rural with several settlement areas and is primarily zoned Agricultural and has endured the placement of a cannabis facility in our township since the inception of the *Cannabis Act* with little or no compliance, enforcement or oversight from Health Canada. Furthermore, dealing with the enforcement of nuisances such as odour, lights and noise and having only one recourse which is an appeal to the *Normal Farm Practices Protection Board*. This process is costly, lengthy and, in the meantime, causes negative impacts on neighbouring homeowners and unsatisfactory living conditions with the end results costing ALL of the ratepayers of this municipality.

And Whereas correspondence from Health Canada has stated that licenses have regulatory requirements for producers and Health Canada has a range of enforcement tools at its disposal to verify compliance including regular inspections of license holders. This has been proven ineffective in our municipality with both *medicinal and recreational licensed cannabis*. Health Canada also encouraged to immediately contact our local law enforcement should we suspect illegal activity in our community. Enniskillen, as well as municipalities all across Ontario have incurred extraordinary expenses due to this “encouragement” as the only alternative.

And Whereas with the establishment of cannabis growing operations, and lights, odours and noise are not being properly regulated, and being left up to municipalities to shoulder these concerns, and Health Canada controls the regulations for cannabis growing operations.

THEREFORE, BE IT RESOLVED the Council of the Township of Enniskillen enacts the following:

- **that Health Canada research more fully when AND before an applicant is issued a license for either medicinal or recreational cannabis**
- **AND notification and/or communication be given to the appropriate municipality**
- **AND that regular inspections of these facilities should be MANDATORY to verify compliance by license holders**
- **AND upon complaints received by Health Canada online reporting should trigger an unannounced inspection.**
- **AND a comprehensive study of the Cannabis Act be undertaken as many Ontario municipalities have encountered problems.**

AND That copies of this resolution be forwarded to **ALL** Ontario municipalities, and the following:

Federal Minister of Health – Hon. Patty Hajdu
Provincial Minister of Health – Hon. Christine Elliott
Minister of Municipal Affairs & Housing – Hon. Steve Clark
Sarnia-Lambton-Kent MP – Marilyn Gladu
Sarnia-Lambton-Kent MPP – Bob Bailey
London West MPP - Peter Fragiskatos

As the Council of the Corporation of the Township of Enniskillen through a resolution January, 2021 had enacted an Interim Control Bylaw to undertake a review of land use policies related to Cannabis Production & Processing Facilities.

And Whereas the Township of Enniskillen is considered rural with several settlement areas and is primarily zoned Agricultural and has endured the placement of a cannabis facility in our township since the inception of the *Cannabis Act* with little or no compliance, enforcement or oversight from Health Canada. Furthermore, dealing with the enforcement of nuisances such as odour, lights and noise on the shoulders of the ratepayers of this municipality, with the only recourse being an appeal to the *Normal Farm Practices Protection Board or LPAT*. These processes are both costly and lengthy and, in the meantime, causes negative impacts on neighbouring homeowners and unsatisfactory living conditions.

And Whereas Ministry of Agriculture, Food and Rural Affairs stated Dec 20, 2019 “The ministry recognize the broader concerns raised about the potential for nuisance impacts with the expansion of federally licensed and registered cannabis operations in the province. We also recognize the need for research to inform control measures and effective planning.” We are still waiting for this research.

And Whereas the Minister also recommended townships have “tools under the Planning Act and Municipal Act to set siting requirements providing the Provincial Policy Statement 2014 is followed.” The “tools” as such consist of Official Plans and Zoning Bylaws. Many municipalities have tried to use these tools effectively only to be slammed with appeals to LPAT and NFFPP at huge expense. Many of the surrounding municipalities have allowed cannabis facilities to be situated only in Industrial/Commercial Zones. For those allowing these facilities in Agriculturally zoned, there are required setbacks. However, our experience has shown the setbacks to be too small and of little assistance to neighbours as far as nuisance complaints.

And Whereas the Minister of Agriculture, Food and Rural Affairs has stated cannabis is an agricultural product with little regard to the PPS. Provincial Policy Statement must be read in its entirety and make reference to *Part IV: Vision for Ontario’s Land Use Planning System* – “The Province’s natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic, and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for **the production of food, fur and fiber**, minimize environmental and social impacts, provide for recreational opportunities (e.g., fishing, hunting and hiking) and meet its long-term needs.” This statement explicitly identifies **food, fur and fiber** and this reference sets the playing field for Agricultural Resources. Cannabis is neither food, fur nor fiber.

Now therefore, the Council of the Township of Enniskillen enacts the following:

- That Minister of Agriculture and Rural Affairs re-evaluate their position that cannabis is **not** an agricultural product such as food, fur and fiber but is in-fact Industrial/Commercial in nature;

- That Minister of Agriculture and Rural Affairs support all Ontario municipalities to be able to determine appropriate setbacks in Zoning Bylaws as appropriate for their municipality for the placement of cannabis facilities within their Official Plan knowing full well that one size does not fit all;
- That copies of this resolution be forwarded to **ALL** Ontario municipalities, and the following:
Federal Minister of Agriculture & Rural Affairs – Hon. Marie-Claude Bibeau
Provincial Minister of Agriculture & Rural Affairs – Hon. Lisa Thompson
Minister of Municipal Affairs & Housing – Hon. Steve Clark
Sarnia-Lambton-Kent MP – Marilyn Gladu
Sarnia-Lambton-Kent MPP – Bob Bailey
London West MPP - Peter Fragiskatos

Councillor Krall reported that the IODE would be placing 3 crosses up at the entrance to the Oil City Cemetery from November 1 to 12 2021.
Councillor Krall reported that the Legion had placed symbols on veterans' grave sites at the Oil City Cemetery.

Councillor McCallum questioned the status of the Oil City Sewer pump test.
The Clerk noted that the report from OCWA had not been received at this date.

Councillor McCallum questioned the status of the request from Jim Hewitt regarding a community safety zone in Marthaville.
The clerk noted that the matter would be brought back for discussion at the next meeting.

Councillor McCallum questioned whether an activity report had been received from the dog control officer. The Clerk noted that Mrs. Kyle had been present at a meeting to provide an opportunity for Council to ask questions regarding activities.

Mayor Marriott discussed the difficulty of operating the meeting electronically. He noted that staff review other options to provide a more robust platform.

- H. Bylaws
1. Bylaw 48 of 2021 Water Rates and Fees
 2. Bylaw 49 of 2021 Confirmation Bylaw

Moved by Councillor Krall

Seconded by Councillor Van Dun

That first and second reading be given to Bylaws 48 and 49 of 2021

Carried.

Moved by Councillor Burke

Seconded by Councillor McCallum

That third and final reading be given to Bylaws 48 and 49 of 2021.

Carried.

H. Adjournment

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the meeting be adjourned.

Carried.

Mayor

Clerk