

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

THIRTY SECOND MEETING

MINUTES

DECEMBER 18 2012

A meeting of the Council of the Corporation of the Township of Enniskillen was held on Tuesday December 18 2012 at 7:00 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, John Phair, Mary Lynne McCallum 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 McCallum

That the minutes of the meeting of December 4 2012 be adopted as circulated.

Carried.

B. Interview: Dave Posliff County of Lambton 7:05 pm

Present: Dave Posliff County of Lambton and Tim Payne St Clair Region Conservation Authority.

Mr. Posliff thanked Council for the invitation to make a presentation on the amendments to the County woodlot bylaw. He noted that the review was directed by County Council as a result of perceived holes in the County woodlot bylaw. Tim Payne introduced the changes being considered for the bylaw. It was noted that the St Clair Region Conservation Authority had been engaged for the preparation of the bylaw. He noted that the bylaw had removed the reference of tree circumference as the basis of tree removal. Instead a woodlot management plan was required to be prepared by a member of the Ontario Professional Foresters Association.

He noted that limits were to be placed on tree cutting for personal use. Limits were to be placed on the damage to the woodlot through rutting and trail development.

In response to questions posed by the Council Mr. Payne noted that:

1. The Municipal Act prevented the tree cutting bylaw to affect urban areas. Tree management could be accommodated in the approval process in the Planning Act.
2. Regulations concerning skid trails were introduced to reduce the area affected by trails and to reduce rutting that damaged tree roots.

3. The qualified forester could provide expertise in the harvesting of the timber. No indication was presented as to the costs associated with employing a forester.
4. The limit on personal use of wood was prepared to prevent gradual removal of forests. He noted that discussions on this proposed rule were still underway.
5. The permit fees were introduced as a cost recovery method for the operation of the bylaw.
6. The penalties established in the bylaw were taken from the Municipal Act. The final amount would be determined by the presiding Judge during a trial.

A discussion took place in regards to the inclusion of fence rows within the regulations of the bylaw.

Mr. Posliff noted that an advisory committee was being established to assist in commenting on the bylaw. The final recommendations would be submitted to a county council committee for review.

Arnold Syer noted that the County had been unsuccessful in many court appearances. He noted that the fees proposed were excessive. Ron MacDougall noted that the Federation of Agriculture had been reviewing the bylaw to stop undue burdens being placed on normal farm practices. He discussed the cutting of woodlots that affected agricultural field tile. He also noted that the farming community was absorbing the financial burden of the regulations.

Mayor Marriott thanked Mr. Posliff and Mr. Payne for their presentation.

Moved by Councillor Phair  
Seconded by Councillor O'Hara Wilson  
That the meeting of Council move into a meeting of the Committee of Adjustment.  
Carried.

Moved by Kathy O'Hara Wilson  
Seconded by Mary Lynne McCallum  
That the meeting of the Committee of Adjustment be adjourned and the meeting of Council be reconvened.  
Carried.

- C. Court of Revision: Garrett Drain 8:00 pm  
Appeal: (1) Town of Petrolia- assessment too high  
(2) County of Lambton – assessment too high

Moved by Councillor McCallum  
Seconded by Councillor Phair  
That the Court of Revision for the Garrett Drain be opened.  
Carried.

Present: Anne Garrett, Mr. and Mrs. Tuckey, Joe Adamson and Mandi Pearson  
Ray Dobbin reviewed an appeal received from the Town of Petrolia representing the Hillsdale Cemetery and the County of Lambton concerning Petrolia Line. Both had expressed concern in regards to the assessments charged to their respective properties.

Mr. Dobbin reviewed the history of the area noting that a private tile drain had been installed along the north side of Petrolia Line and crossed through the road and the cemetery operated by the Town of Petrolia. He noted that the tile drain was not working. Mr. Dobbin reviewed the location of the proposed tile drain. He reviewed in detail the methodology used in the establishment of the assessment for the Hillsdale Cemetery as well as Petrolia Line.

Joe Adams noted that he agreed that the cemetery should receive cut off benefit from the work but indicted that the amount was too large. He noted that the cemetery did not have a lot of money.  
Ann Garrett provided information on the construction of the private tile drain and noted that she has had drainage problems for seven years.

The Engineer was asked whether the statements made during the meeting had provided the rational for changing any assessments in the report.  
The Engineer noted that he recommended that the assessments not be changed.

Moved by Councillor McCallum  
Seconded by Councillor O'Hara Wilson  
That the assessments provided in the Garrett Drain report be confirmed without modification.  
Carried.

- D. Interview Public Works:  
Drainage:  
1- Request for Drain Maintenance- Fox Creek

A request was received for maintenance of Fox Creek to remove a beaver dam in Concession 5. A discussion took place in regards to the removal of dams in other areas of the Township. The Drainage Superintendent was advised to begin the removal process.

The Engineer provided an update on the work on the McNabb Drain, McMillan Drain, O'Dell Park Drain, Omerod McBride Drain, Dawn Anderson Drain and Fox Creek Drain.

The Engineer reported on the site meeting held on the Graham Bourne Drain. He reported that a new report was required to prepare design specifications to replace existing culverts for two property owners.

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson

That the Engineer be directed to prepare a report under Section 78 of the Drainage Act to provide specifications for new access culverts on the Graham Bourne Drain.

Carried.

## 2- Drain Tenders: Garrett Drain, O'Dell Park Drain

Tender results were received for the Garrett Drain and the O'Dell Park Drain.

Garrett Drain:

Van Bree Drainage: \$ 16,010.52

AG Hayter: \$14,068.00

J& L Henderson: \$14,237.55

O'Dell Park Drain:

Hornblower Horizontal: \$13,899.00

Van Gorp Drainage: \$14,226.00

Moved by Councillor Phair

Seconded by Councillor O'Hara Wilson

That the low tender from AG Hayter be accepted for the Garrett Drain.

Carried.

The Engineer reported that he would discuss the results of the O'Dell Park Drain with the County of Lambton and report back at the next regular meeting.

## E. Correspondence for information

- 1 Federation of Canadian Municipalities- communique- Nov 30, Dec 7-12
- 2 Federation of Canadian Municipalities- Sustainable Communities Conference Feb 13-15-12
- 3 AMO- November 2012 Board Meeting
- 4 County of Lambton- New Warden

- 5 MPAC update
- 6 Ministry of the Attorney General Commissioners and Other Persons who may take Affidavits.
- 7 Ministry of Agriculture 2013 Premier's Award For Agri-Food Innovation Excellence
- 8 Municipal Drinking Water Licensing Program Bulletin
- 9 Gary Goodyear Minister of State- Re Infrastructure Improvement Fund

Moved by Councillor McCallum

Seconded by Councillor Phair

That correspondence items 1-9 be received and filed.

Carried.

F. Correspondence requiring motions

1. Lambton 4H Association 2013 Grant request

Moved by Councillor Phair

Seconded by Councillor O'Hara Wilson

That the grant request from the Lambton 4H Association be referred to the 2013 Budget consideration.

Carried.

2. Heaven's Wildlife Rescue

Moved by Councillor O'Hara Wilson

Seconded by Councillor Phair

That the request for access to the Township's waste dumpsters by Heaven's Wildlife Rescue be received and filed.

Carried.

G. Accounts

Moved by Councillor McCallum

Seconded by Councillor Phair

That the accounts be paid as circulated:

Cheque: 5405-5439: \$ 77,847.10

Cheque: 5440: \$47,480.28

Cheque: 5441-5451: \$ 3,127.12

Carried.

H. Bylaws

1. Bylaw 82 of 2012 Boundary Road Agreement Forest Road
2. Bylaw 83 of 2012 Road Closure Policy
3. Bylaw 84 of 2012 Notice Bylaw

4. Bylaw 85 of 2012 Confirmation Bylaw
5. Bylaw 86 of 2012 Drain Rating Bylaw 8<sup>th</sup> Concession Drain
6. Bylaw 87 of 2012 Drain Maintenance Bylaw
7. Bylaw 88 of 2012 Burnison Drain
8. Bylaw 89 of 2012 A Tile Loan Bylaw

Moved by Councillor O'Hara Wilson

Seconded by Councillor Phair

That first and second reading be given to Bylaws 82, 83, 84, 85, 86, 87, 88 and 89.

Carried

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson

That third and final reading be given to Bylaws 82, 83, 84, 85, 86, 87, 88, and 89.

Carried.

I. Other Business

1. Feddev Ontario- Community Infrastructure Improvement Fund  
The Clerk reported that confirmation had been provided concerning the Krall Park lighting project.
2. Memo- internet service  
The Clerk reported that the current internet supplier was ceasing service in the area in 2014. A search would begin in 2013 to obtain an alternative service provider.
3. Memo- Landfill Dumpsters Tonnage 2012  
The billing report from Waste Management noted that the tonnage of wastes for the last three years for October and November were within one tonne.
4. Memo Council Municipal Wage review  
A discussion took place in regards to municipal wage review. Councillor O'Hara Wilson discussed a wage grid for staff.

Moved by Councillor McCallum

Seconded by Councillor O'Hara Wilson

That an in camera meeting be held on January 8<sup>th</sup> 2012 under the provisions of Section 239 (2) (b).

Carried.

## 5. Draft Cemetery Bylaw

Councillor O'Hara Wilson reported to Council on the new cemetery bylaw. She reported that the Oil City Cemetery Board had met several times in the last year to review various bylaws for operating cemeteries. She noted that the bylaw established the authority for a scattering area in the cemetery. A review was made of the policy to buy back interment rights. A review was made of the proposed rates for the purchase of lots.

Moved by Councillor McCallum

Seconded by Councillor Phair

That the cemetery bylaw be brought back to Council for adoption.

Carried.

6. The Association of Municipalities of Ontario circulated a memo concerning recommendations made to consolidate Electrical distribution utilities in the province. The report recommended consolidation of 73 utilities into 8-12 regional distributors.
7. The provincial auditor had released comments on the review of the Ontario Provincial Police. The auditor had commented that crime rates were decreasing but policing costs were increasing. There was concern expressed in regards to the municipal costs for policing.
8. The Clerk noted that introduction letters were being received from EDF the wind tower company. The letters indicated that they would be in touch in the new year to discuss their projects.
9. A newsletter was circulated to Council outlining Ontario Municipal government concerns over the increasing policing costs for the OPP.
10. The Ministry of Citizenship and Immigration submitted a letter seeking applications for the Ontario Medal for Young Volunteers. Application deadline was set for January 31 2013.
11. The Ontario Federation of Anglers and Hunters submitted a letter requesting that the Council consider passing a bylaw permitting Sunday hunting. No action was taken on the request.
12. The Clerk noted that the Property Standards Officer would be present for the meeting of January 8 2013 to discuss property standards complaints.

Moved by Councillor O'Hara Wilson

Seconded by Councillor Phair

That an in camera meeting be held on January 8<sup>th</sup> 2013 under the provisions of Section 239 (2) (b).

Carried.

## J. Adjournment

Moved by Councillor O'Hara Wilson  
Seconded by Councillor Phair  
That the meeting be adjourned.  
Carried.

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Mayor

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Clerk