

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

TWENTY-FOURTH MEETING

MINUTES

DECEMBER 21 2020

A regular meeting of the Council of the Township of Enniskillen was held on Monday December 21 2020 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.

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

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 Krall

Seconded by Councillor Burke

That the minutes of the meeting of December 7<sup>th</sup> 2020 be adopted as circulated.  
Carried.

B. Interviews:

C. Drainage: Draft Regulations to the Drainage Act,

Ray Dobbin reviewed the changes to the Drainage Act which were intended to provide a simpler process to address drain modifications on one property and to implement post construction changes to drain reports.

D. Court of Revision

1. 12<sup>th</sup> Concession Drain 7:05 pm

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the Court of Revision for the 12<sup>th</sup> Concession Drain be opened.  
Carried.

Present: Mike Annett, Jim Annett and Cindy Duncan

There were no appeals submitted for the assessment to the 12<sup>th</sup> Concession Drain.

Mike Annett confirmed that he had spoken with Ray Dobbin and had clarified his question about the drain assessments.

Moved by Councillor Van Dun  
Seconded by Councillor Burke  
That the assessments for the 12<sup>th</sup> Concession Drain be confirmed.  
Carried.

- Brooke-Alvinston appointment of Mayor Ferguson to the Court of Revision
2. 13<sup>th</sup> Concession Drain 7:15 pm
  3. 14<sup>th</sup> Concession Drain 7:15 pm

Moved by Councillor McCallum  
Seconded by Councillor Burke  
That Councillor Krall be appointed as Chair of the Court of Revision for the 13<sup>th</sup> and 14<sup>th</sup> Concession Drain and that Councillor Van Dun be appointed to the Court of Revision.  
Carried.

Mayor David Ferguson was present electronically for the Court of Revision.

The Engineer and Clerk reported that there were no appeals made to the Court of Revision for the 13<sup>th</sup> and 14<sup>th</sup> Concession Drain.

Ray Dobbin noted that the two projects were straight forward installation of culverts on the two drains.

Moved by Councillor Van Dun  
Seconded by Mayor Ferguson  
That the assessments in the reports for the 13<sup>th</sup> and 14<sup>th</sup> Concession Drains be confirmed.  
Carried.

Moved by Councillor Van Dun  
Seconded by Mayor Ferguson  
That the Court of Revision for the 13<sup>th</sup> and 14<sup>th</sup> Concession Drains be closed.  
Carried.

Drain Request 4<sup>th</sup> Concession Drain,

A request was received from Lisa Moffat to replace the access culvert on the 4<sup>th</sup> Concession Drain at 5476 Courtright Line. The Drainage Superintendent had reported that the culvert needed to be replaced. He recommended that since a tender had been received for replacement of another culvert on the drain that he be permitted to confirm with the contractor the installation of the culvert without proceeding to an additional tender.

Moved by Councillor McCallum

Seconded by Councillor Krall

That the Drainage Superintendent proceed to have the access culvert on the 4<sup>th</sup> Concession Drain replaced.

Carried.

Drain Tenders: 4<sup>th</sup> Con, 12<sup>th</sup> Con, 13<sup>th</sup> Con and 14<sup>th</sup> Con Drains

GM Construction: \$ 127,658.36

J&L Henderson: \$ 100,965.50

McNally Excavating: \$ 103,425.51

Bruce Poland: \$ 94,351.61

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the low tender from Bruce Poland Trucking be accepted for the culvert replacements on the 4<sup>th</sup> Concession Drain, 12<sup>th</sup> Concession Drain, 13<sup>th</sup> Concession Drain and the 14<sup>th</sup> Concession Drain.

Carried.

A drain maintenance request was received from Anson Racher for the replacement of the access culvert at 4340 Black Ash Road on the Richards Drain.

It was noted that work had started on construction of the drain which included the replacement of similar sized culverts. The Drainage Superintendent recommended that the current contractor install the additional access culvert based on the tendered costs for the similar culvert on the Richards Drain.

Moved by Councillor McCallum

Seconded by Councillor Krall

That the Drainage Superintendent be authorized to replace the access culvert at 4340 Black Ash Road on the Richards Drain.

Carried.

Working Group to Better Focus Conservation Authorities

The Clerk noted that the Minister of Environment announced the creation of a working group to provide guidance in the introduction of changes to the operational authority of Conservation Authorities.

Water:

Ray Dobbin presented an overview of the modelling undertaken of the LaSalle pumping station in Brooke-Alvinston. Using the Township modelling software he reported that restrictions would need to be implemented in one site to provide

water for hog operations. He also noted that there would be sufficient water to provide for a chicken barn and the remaining residential services in the area. He recommended that the livestock operators be required to maintain 48 hours on site water storage.

A discussion took place regarding the current limitations on water for additional growth in the pumped area. It was noted that additional discussions would take place with Brooke-Alvinston representatives on the matter.

#### DWQMS Annual Audit

Moved by Councillor McCallum

Seconded by Councillor Krall

That the 2020 Drinking Water Quality Management Audit report be accepted.  
Carried.

#### Sewer: Update on Sewer lagoon discharge

The Clerk reported that the discharge of the Oil City Sewage Lagoon had not taken place as the effluent had not met discharge standards.

#### Roads: LaSalle Line- Bear Creek Bridge tenders

Tender results for the deck refurbishment on the LaSalle Line Bear Creek Bridge were reviewed.

Theo Vendenberk Construction:\$ 168,774.00

Van Driel Excavating: \$ 199,195.00

Moran Contracting: \$ 200,140.00

Intrepid General: \$ 277,726.41

Facca Construction: \$ 428,500.00

Ken Graham recommended that the low tenderer would be able to complete the work on the bridge.

Moved by Councillor McCallum

Seconded by Councillor Van Dun

That the low tender from Theo Vendenberk Construction be accepted for the deck refurbishment on the LaSalle Line Bear Creek Bridge.  
Carried.

#### E. Public Meeting Rezoning 7:45 pm

Moved by Councillor Van Dun

Seconded by Councillor Burke

That the public meeting for a proposed zoning application for 3263 Petrolia Line be opened.

Carried.

The proposed zoning amendment to Bylaw 58 of 2015 as it applies to lands described as Concession 10 E ½ Lot 3 known as 3263 Petrolia Line. The rezoning is a condition of severance of an existing house from the property and would prohibit a dwelling on the retained farmland. The amendment would also recognize an oversized accessory building (214 square meters) and a reduced rear yard setback of 1.5 meter on the severed residential lot.

Present: Donna May Teskey, Marie Erickson  
Rob Nesbitt County of Lambton

1. Correspondence: Rob Nesbitt County of Lambton

Mr. Nesbitt reviewed his report regarding the proposed rezoning. He noted that the rezoning had been submitted to fulfill a condition of severance application B005/20. The approved severance provided that the house on the farm would be placed on a separate lot. The zoning on the remaining farm land would be changed so as not to permit a dwelling in the future.

The bylaw also recognized an oversized shed on the proposed residential lot with a reduced rear yard setback of 1.5 meters.

Mr. Nesbitt recommended approval of the rezoning.

Donna May Teskey noted that she had no comment on the application.

Moved by Councillor Van Dun

Seconded by Councillor Burke

That the rezoning application for 3263 Petrolia Line be supported.

Carried.

Moved by Councillor Krall

Seconded by Councillor Burke

That the public meeting regarding the rezoning of 3263 Petrolia Line be closed.

Carried.

Councillor Krall noted that the High Park cannabis facility was part of a corporate merger between Tilray and Aphria.

Councillor Krall questioned if the production of cannabis at the High Park greenhouse was to stop could another company continue to grow cannabis on the site.

The Planner noted that the growing of cannabis could continue at the site.

Mr. Nesbitt noted that some municipalities had implemented bylaws which restricted the growing of cannabis to specific industrial zones.  
Mr. Nesbitt noted that Plympton-Wyoming had introduced an interim control bylaw to permit time to study what type of restrictions could be put in place to grow cannabis.

Moved by Councillor Krall

Seconded by Councillor McCallum

That the Planner prepare a memo on cannabis growing and report back to Council in January of 2021.

Carried.

F. Correspondence for information

1. Resolution Orangeville repeal changes to Conservation Authorities Act
2. Resolution Puslinch withdraw amendments to the Conservation Authorities Act
3. Lambton Public Health testing expanded to returning post-secondary students
4. Resolution Leamington recommendations for change in Cannabis regulations
5. Minister of Municipal Affairs Ontario creates and restores wetlands
6. Resolution Georgian Bluffs Ranked ballots
7. Resolution Chatham-Kent Conservation Authorities Bill 229
8. Resolution Dufferin assessment of Gravel Pits
9. AMO membership 2021
10. Ontario distribution of COVID-19 vaccines
11. Ontario permanently allowing alcohol with food takeout and delivery
12. Resource Productivity & Recovery Authority Electronic recycling
13. Resolution Hamilton food delivery charges
14. MFOA fall economic statement review
15. COVID-19 Vaccine Distribution
16. Lambton's Creative County Committee Awards 2021 Funding
17. Ministry of Agriculture, Food and Rural Affairs RED Program funding
18. Resolution Port Colborne Ontario Heritage Act
19. Town of Petrolia Notice of Official Plan and Zoning Amendment
20. Resolution South Perth support of S/W Middlesex CN-Drainage
21. Financial Relief to Municipalities in Lambton County
22. County of Lambton Emergency Control Group December 16 2020
23. Minister of Municipal Affairs Safe Restart Agreement

Moved by Councillor Van Dun

Seconded by Councillor Burke

That correspondence items 1-23 be received and filed.

Carried.

G. Correspondence requiring motions

1. Petrolia & Enniskillen District Agricultural Society 2021 grant request

Moved by Councillor McCallum

Seconded by Councillor Burke

That the grant request from the Petrolia & Enniskillen Agricultural Society be referred to budget.

Carried.

2. Resolution S/W Middlesex CN rail and Drainage Act

Moved by Councillor Krall

Seconded by Councillor McCallum

That the resolution from S/W Middlesex regarding Drainage Assessments for railway properties be supported.

Carried.

3. Resolution Hamilton place limits on greenhouse gases from Gas Generators and phase out their usage

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the resolution from Hamilton regarding limits on the use of gas generators for electricity be received and filed.

Carried.

4. MFOA request for extension of Asset Management deadlines

Moved by Councillor Krall

Seconded by Councillor Burke

That the Township of Enniskillen support the extension of deadlines for the completion of asset management plans.

Carried.

5. Resolution Howick tile mapping

Moved by Councillor Van Dun

Seconded by Councillor Burke

That the resolution from Howick concerning tile mapping be received and filed.

Carried.

6. Resolution Matachewan lengthen grant application deadlines

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the resolution from Matachewan concerning grant deadlines be received and filed.

Carried.

7. Resolution Carleton Place more funding needed for day cares

Moved by Councillor Krall

Seconded by Councillor Burke

That the resolution from Carleton Place concerning funding of day cares be received and filed.

Carried.

H. Accounts

Moved by Councillor Krall

Seconded by Councillor Burke

That the accounts be paid as circulated:

Cheque: 15005-15030: \$ 61,859.42

Cheque: 15031- 15044: \$ 22,660.80

Carried.

I. Other business

1. Memo Open burning procedures

The Clerk reported that open burning notices would no longer be sent to the Communication Center as they were unable to handle the information.

2. Walter Brand Petrolia proposed ZBA and OPA 1432324 Ontario Limited

3. Memo payment of Council remuneration

The Clerk reported that Council remuneration would be paid electronically in 2021 in the municipal pay roll system.

4. Memo funding request Lambton Police Services Board

Mayor Marriott requested that the Council defer making a decision on the request for additional funding for the Lambton Police Service Board until further discussion took place with the Mayors of the affected municipalities. The Clerk noted that the matter would be circulated for the January 4 2021 meeting.

5. Memo Off Road Vehicles- Bylaw 68 of 2020



The Clerk reviewed proposed changes to regulations under the Highway Traffic Act as they related to off road vehicles. A bylaw had been circulated that would prohibit off road vehicles on Township roads starting January 1 2021.

The bylaw would recognize that farmers, trappers and public service employees would continue to have the right to use Township roads.

J. Bylaws

1. Bylaw 68 of 2020 Off Road Vehicle Bylaw
2. Bylaw 69 of 2020 Zoning Bylaw amendment
3. Bylaw 70 of 2020 Confirmation Bylaw

Moved by Councillor Krall

Seconded by Councillor Burke

That first and second reading be given to Bylaws 68, 69 and 70 of 2020.

Carried.

Moved by Councillor McCallum

Seconded by Councillor Van Dun

That third and final reading be given to Bylaws 68, 69 and 70 of 2020.

Carried.

Councillor Krall noted that a ratepayer had requested whether the Township could install snow fencing on municipal roads to control snow drifting.

The Clerk noted that the Road Superintendent would be requested to respond to the request.

Councillor Krall questioned whether weight restrictions existed on the Gypsie Flats Road Durham Creek Bridge. She expressed concern regarding the number of large trucks on the road.

The Clerk reported that the Road Superintendent would be requested to respond to the question.

K. Adjournment

Moved by Councillor Krall

Seconded by Councillor Burke

That the meeting be adjourned.

Carried

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Mayor

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Clerk