

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

FIRST MEETING

MINUTES

JANUARY 16 2023

A meeting of the Council of the Township of Enniskillen was held on Monday January 16 2023 at 7:00 pm at the Enniskillen Council Chambers.

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 19 2022 be adopted as circulated.  
Carried.

B. Public Meeting- Official Plan & Zoning Bylaw amendments 7:00 pm

Ken Melanson-Planning Report

Scott Snider-Turkstra Mazza commenting on planning bylaw amendments

Present: Trevor Brand, Cathy Brand, Jack Greydanus, Christine Greydanus,  
Peter Greydanus, Scott Snider, Kirsty Burns  
County of Lambton Ken Melanson, Maria Cossa-Rossa  
Aaron Butler

Ken Melanson provided a review of his planning report on the proposed Official Plan amendment and the Zoning amendment regarding growing cannabis in the Township.

He noted that the zoning bylaw provide that indoor growing of cannabis would be permitted in a special Agricultural Zone or in the mixed commercial zone.

He noted that no current properties were proposed to be zoned.

Mr. Melanson noted that the Enniskillen Pepper property would be grandfathered as a legal non-conforming use subject to compliance to the most recent site plan agreement.

Councillor Krall asked for confirmation from Mr. Melanson that the Enniskillen Pepper greenhouse facility was to be grandfathered in the planning process.

Mr. Melanson noted that the work contemplated by the site plan agreement had not been fully completed.

Scott Snider noted that he was present representing Enniskillen Pepper.

Mr. Snider noted that the proposed Official Plan and Zoning Bylaw would effectively down zone the Enniskillen Pepper property.

Mr. Snider recommended that the current operation should be clearly permitted by the Township Zoning Bylaw.

Mr. Snider noted that the recognition of the property as a legal non-conforming use placed limitations on the use of the property.

Mr. Snider recommended that the existing thirteen-acre greenhouse site be recognized as a permitted use in the zoning bylaw.

He noted that the same approach had been used in Pelham to recognize two existing cannabis operations.

Mr. Snider noted that if neighbouring owners have concerns with the operations of the cannabis greenhouse they would have the opportunity to appeal the matter to the Normal Farm Practices Review Board.

Mr. Snider noted that he would not recommend to his clients to accept the legal non-conforming status.

Councillor Krall questioned what the process would be to acknowledge a site-specific status of the Enniskillen Pepper site.

Councillor Krall questioned whether any expansion would be required to proceed through a planning process.

Mr. Melanson noted that subject to Council's direction changes could be made to the zoning bylaw to create a site specific zoning for the Enniskillen Pepper property. He noted that the issues associated with the site plan agreement would need to be addressed.

Moved by Councillor Krall

Seconded by Councillor Burke

That the draft Official Plan Amendment and Zoning Bylaw be reviewed by staff and a report be prepared for Council at a future date;

That no further notice of the zoning amendment is required as provided by Section 34 (17) of the Planning Act.

Carried.

Trevor Brand explained to Council that the costs to the neighbours as a result of the operation of the Cannabis greenhouse should be taken into consideration by Council. Mr. Brand noted that the adverse effects of the cannabis operations affected a number of people and should be fixed by the bylaw. He noted that the costs to make an appeal to the Normal Farm Practices Board were prohibitive.

- C. Court of Revision- Lewis McDougall Drain 7:30 pm  
Present: Bill Myers St Clair Township representative  
Ray Dobbin and David Moores R Dobbin Engineering

Moved by Councillor Van Dun  
Seconded by Councillor McCallum  
That Councillor Krall and Councillor Burke be appointed as the Enniskillen Township representatives to the Court of Revision for the Lewis McDougall Drain.  
Carried.

No ratepayers were present for the Court of Revision.

Ray Dobbin reported that he had two telephone calls with ratepayers on the drain but had not received any written or verbal appeals.  
The Clerk reported that no written or verbal appeals had been received.

Moved by Councillor Burke  
Seconded by Councillor Myers  
That the assessments in the report of the Lewis McDougall Drain be confirmed.  
Carried.

Moved by Councillor Burke  
Seconded by Councillor Myers  
That the Court of Revision for the Lewis McDougall Drain be closed.  
Carried.

Simpson Drain 7:40 pm

Moved by Councillor Van Dun  
Seconded by Councillor McCallum  
That the Court of Revision for the Simpson Drain be reconvened.  
Carried.

Present: Ray Levasseur, Eugene Levasseur, Tom Dobbin, Cale Hunter and Carl Martin  
Ray Dobbin, David Moores-R Dobbin Engineering

Mr. Dobbin noted that a revised schedule had been circulated to ratepayers regarding the removal of a culvert assessment from the the property of Carl Martin and placing it on a farm owned by the Hunter brothers.  
Mr. Dobbin discussed the report assessment for the culvert on the Levasseur farm. Mr. Dobbin provided an estimate of the overall assessment to the

Levasseur farm. He noted that the low tender for the Simpson Drain was 93% of the engineer's estimate.

Mr. Levasseur recommended to Council that all future drainage reports should not include engineer's estimates for the work. He noted that this would require the contractors to generate their own cost of the work.

Ray Dobbin noted that the recommended process would be discussed by Council.

Moved by Councillor Van Dun

Seconded by Councillor Burke

That the revised Schedule for the Simpson Drain report be confirmed.

Carried.

#### D. Interviews

Drainage: Site Meeting Shepherd Drain

Tender Results: Phillips Drain, Caroline Street Drain, Shepherd Drain

Simpson Drain Tenders:

Bruce Poland	\$221,329.71
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Gillier Drainage	\$244,721.99
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JLH Excavating	\$274,400.16
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Van Bree Drainage	\$335,003.53
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Moved by Councillor Burke

Seconded by Councillor Krall

That the low tender on the Simpson Drain from Bruce Poland be accepted.

Carried.

Lewis McDougall Drain Tenders:

Bruce Poland	\$108,107.15
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JLH Excavating	\$137,293.87
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Van Bree Drainage	\$152,258.57
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Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the low tender on the Lewis McDougall Drain from Bruce Poland be accepted.

Carried.

Caroline Street Drain Tenders:

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GM Construction	\$21,967.20
Gillier Drainage	\$26,540.76
JLH Excavating	\$33,629.93
KT Excavating	\$37,465.15
HE Construction	\$38,939.92
McNally Excavating	\$42,149.00
Van Bree Drainage	\$52,588.17

Moved by Councillor McCallum

Seconded by Councillor Burke

That the low tender on the Caroline Street Drain from GM Construction be accepted.

Carried.

Shepherd Drain Tender:

Bruce Poland	\$59,456.18
JLH Excavating	\$66,015.13
Gillier Drainage	\$75,949.96
GM Construction	\$71,724.08
Van Bree Drainage	\$82,615.66

Moved by Councillor Van Dun

Seconded by Councillor McCallum

That the low tender from Bruce Poland be accepted for the work on the Shepherd Drain.

Carried.

Phillips Drain Tenders:

Bruce Poland	\$67,229.38
Gillier Drainage	\$69,884.77
JLH Excavating	\$72,505.32
HE Construction	\$79,093.86

Moved by Councillor McCallum

Seconded by Councillor Krall

That the low tender on the Phillips Drain be accepted subject to third reading of the authorizing bylaw.

Carried.

Marthaville Drain Site meeting:

The Clerk reported that the phragmites in the open portion of the Marthaville Drain had been cut by Township public works.

The Clerk noted that a request had been received for replacement of a culvert on the McCrie Drain. Repairs to the headwalls on the bridge had determined that the culvert required replacement.

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the Drainage Superintendent be authorized to replace the culvert on the McCrie Drain on a time and material basis.

Carried.

Notice Court of Revision Stewart Drain St Clair Twp

The Clerk noted that the St Clair Township Stewart Drain report had been circulated to Council for information.

Philippe Abergel-Renewable Energy Systems Canada Inc. 8:00 pm

Aren Necessian- Consultant

Mr. Abergel provided an overview of the proposal to construct a battery storage facility that would be connected into the Hydro One electrical network east of Oil City. He provided a brief history of the company that he represented.

The company proposed to submit an RFP to the Independent Electrical System Operator to supply up to 250 MW of electricity from the proposed battery storage facility. The RFP would be required to be submitted by February 16 2023.

If approved electricity would need to be available by May 1 2025. Construction would take place in 2024.

Mr. Abergel reviewed the public meeting that had taken place in Oil Springs.

He indicated that he wanted Council to provide a resolution of support for the project.

He noted that the company would be prepared to provide a vibrancy fund to the municipality should the project be constructed. This would generate an estimated \$500,000 to the township the first year of operation and \$125,000 per year for the length of the 22 year project.

He noted that the Township would receive additional taxation for the development.

Mr. Abergel noted that the company would address road upgrading costs associated with the construction. The company would work with the Fire department to provide training to the volunteer department.

A noise modeling study would be undertaken to confirm that the project met provincial standards.

He noted that the project would install barriers to obstruct view of the operations as well as address noise from the site.  
Specific measures would be undertaken to address light pollution from the site.

Councillor Krall noted that persons in Oil City did not receive notice of the open house.  
Cale Hunter questioned the use of the Hydro One property and its impact on farmers in the area.

A question was posed regarding the impact of the project on future development of nearby properties.  
It was noted that the environmental assessment would review impacts on nearby properties.

Council took no action in supporting the project.  
The Clerk was requested to circulate the IESO draft resolution to the next Council meeting.

Ken Melanson reported to Council that two new planners had been hired at the County of Lambton.

Sewer: verbal update  
The Clerk noted that a smoke test for the Oil City Sewer System would take place the first week of May. Notices were being prepared for circulation to the residents in Oil City.

Water: Management Review of the DWQMS Operational Plan

Moved by Councillor Burke  
Seconded by Councillor Krall  
That Council accept the DWQMS Management Review minutes of December 21 2022.  
Carried.

E. Correspondence for Information

1. County of Lambton Avian Influenza confirmed in Lambton County
2. County of Lambton Art & Ideas Lectures
3. Lambton Police Services Board Meeting Agenda Dec 21-22
4. Ontario Clean Air Alliance IESO and decarbonizing electricity
5. Elections Ontario Municipal Vote Notes Dec 2022
6. Ministry of Health Local Pharmacies to prescribe drugs
7. Association of Municipalities 2023 Membership
8. Ministry of Natural Resources and Forestry changes affecting conservation authorities

9. Minister of Energy local support required for energy projects
10. Lambton Group Police Services Board Minutes Oct 19 2022
11. Lambton Group Police Services Board meeting highlights Dec 2022
12. Ministry of Municipal Affairs and Housing Bill 3, Bill109, Bill 23
13. Ontario Regulations taking effect January 1 2023.
14. Lambton County Farm Safety Association Agenda
15. Municipal Affairs Financial Indicators
16. Municipal Affairs Training Building Inspectors
17. Lambton Building Services Proposed Fee Changes

Moved by Councillor Krall

Seconded by Councillor Van Dun

That correspondence items 1-17 be received and filed.

Carried.

F. Correspondence requiring motions

1. Resolution Tweed control natural gas price

Moved by Councillor Krall

Seconded by Councillor Van Dun

That the resolution from Tweed regarding control of natural gas pricing be supported.

Carried.

2. Resolution Lanark County Violence in rural communities

Moved by Councillor Krall

Seconded by Councillor Burke

That the resolution from Lanark County regarding Violence in rural communities be supported.

Carried.

3. Lambton Plowmen's Association grant request

Moved by Councillor Krall

Seconded by Councillor McCallum

That the request for a grant from the Lambton Plowman's Association be referred to budget.

Carried.

4. Resolution Kingston RPRA Administrative Penalties

Moved by Councillor Krall

Seconded by Councillor Van Dun



That the resolution from Kingston regarding RPRA administrative penalties be received and filed.  
Carried.

5. Resolution Bayham urgent health care crisis

Moved by Councillor Krall  
Seconded by Councillor Van Dun  
That the resolution from Bayham regarding the health care crisis be supported.  
Carried.

6. Petrolia North Enniskillen Fire Department 2022 Annual Report

G. Accounts

Moved by Councillor McCallum  
Seconded by Councillor Krall  
That the accounts be paid as circulated:  
Cheque 17091-17164: \$ 721,679.83  
Carried.

H. Other Business

1. BM Ross Completion of Bear Creek Erosion Class EA
2. Integrity Commissioner Appointment

Moved by Councillor Van Dun  
Seconded by Councillor Burke  
That the Clerk be authorized to discuss reappointment of the integrity commissioner.  
Carried.

3. Memo- Circular Materials Ontario
4. Building permit report 2022

I. Bylaws

1. Bylaw 64 of 2022- Caroline Street Drain third reading
2. Bylaw 1 of 2023 Borrowing Bylaw
3. Bylaw 2 of 2023 Confirmation Bylaw
4. Bylaw 3 of 2023 Council Remuneration
5. Bylaw 4 of 2023 Rokeby Line Road Widening

Moved by Councillor McCallum

Seconded by Councillor Krall  
That first and second reading be given to Bylaw 1, 2, 3 and 4 of 2023.  
Carried.

Moved by Councillor Burke  
Seconded by Councillor Van Dun  
That third and final reading be given to Bylaw 64 of 2022 and Bylaws 1, 2, 3  
and 4 of 2023.  
Carried.

J. Adjournment

Moved by Councillor Burke  
Seconded by Councillor Van Dun  
That the meeting be adjourned.  
Carried.

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Mayor

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Clerk