

ST CLAIR TOWNSHIP

COUNCIL MINUTES

SESSION # 21

St. Clair Civic Centre
 Council Chambers
 October 4, 2010
 7:00 p.m.

The regular semi-monthly meeting of the Council of the Corporation of the Township of St. Clair was held this evening with the following members present:

	S. Arnold	Mayor
	P. Gilliland,	Deputy Mayor
	P. Carswell-Alexander,	Councillor
	P. Brown,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. Baranek,	Deputy Clerk

AGENDA:**Declaration of Pecuniary Interest:****Adopt Minutes:**

Moore Museum minutes of September 1, 2010
 Regular Council meeting minutes of September 20, 2010 – Session #20
 Drainage Committee minutes of Wednesday September 29, 2010
 Sombra Museum minutes of September 15, 2010

Business Arising from the Minutes:**DEPUTATIONS AND APPOINTMENTS:**

7:00pm Brent Steeves – J. Hookey Memorial
 7:15pm Thomson Street – 5th and 6th Street Branches Court of Revision
 7:30pm North Courtright Drain – Court of Revision

CORRESPONDANCE:**INFORMATION:**

1. Karen Benoit – bus request

DRAINS:

Adopt Engineer's report dated August 31, 2010 for 10th Concession Drain
 By-law #70 of 2010 – McGillivray Drain – final reading
 By-law #71 of 2010 – 10th Concession Drain – 1st and 2nd reading

REPORTS OF COMMITTEES AND OFFICERS:

Property Standards Officer – status report

PLANNER'S REPORT:

Barry Uitvlugt and Jeff Baranek – Provident Energy
Ezio Nadalin – B. Arundel – minor variance application fee reimbursement

TREASURERS REPORT:

CLERK'S REPORT:

CAO'S REPORT:

Great Lakes Initiative – Membership

MOTIONS:

BY-LAWS:

By-law #48 of 2010 – Inaugural Meeting of Council
By-law #49 of 2010 – Joint Compliance Committee

COUNCILLOR'S REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

IN-CAMERA:

Property – Personnel – Legal

UPCOMING MEETINGS:

Regular meeting of Council Monday October 11, 2010 – postponed
Committee of the Whole Monday October 18, 2010 – 6pm
Regular meeting of Council Monday October 18, 2010 – 8pm (approximately)

ADJOURNMENT:

The Mayor called the meeting to order at 7:00 p.m. and asked members of Council to declare any possible conflicts of interest at the appropriate time.

DECLARATION OF PECUNIARY INTEREST:

None declared.

MINUTES:

Council proceeded to review the minutes as listed on the agenda.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #1: That the minutes of the Moore Museum meeting held September 1, 2010 be adopted as printed and circulated.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #2: That the minutes of the Council meeting held September 20, 2010 Session #20 be adopted as printed and circulated as corrected.

CARRIED

Councillor Randell Stated it was the intention of his motion, identified as Motion #6 to provide financial support at the 2009 level for the Brigden, Corunna and Wallaceburg Legion

Moved by S. Miller
Motion #3: That the minutes of the Drainage Committee meeting held September 29, 2010 be adopted as printed and circulated.

Seconded by P. Carswell-Alexander

CARRIED

Moved by D. Randell
Motion #4: That the minutes of the Sombra Museum meeting held September 15, 2010 be adopted as printed and circulated.

Seconded by J. Agar

CARRIED

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

At the appointed time, Mayor Arnold on behalf of Council welcomed Brent Steeves to speak to Council in regards to a memorial for the late Joel Hookey.

Mr. Steeves spoke on behalf of a support group made up of friends, family, neighbours and co-workers of the late Joel Hookey who were in support of assisting with financing a memorial garden at the emergency services building in Joel's honour. Mr. Steeves indicated that he had spoke with the OPP Sergeant and that they are going to assist with the finances. In addition, the support group Mr. Steeves represents is also prepared to share in the cost of the project if Council is considering the proposal.

Councilor Carswell-Alexander acknowledged the achievements and service Joel provided and served for the Township but wished to encourage a design that would lend itself to incorporate room for future memorials. The Mayor asked that Council wait to see the proposed design for the Memorial before making final decisions.

Moved by D. Randell
Motion #5: That Staff be directed to work with Police Association and the Residents to design a memorial garden to be located at the corner of Lyndoch and Hill Streets at the Emergency Services Building and that this design incorporate a suitable marker commemorating the contributions of the late Constable Joel Hookey to this Community and that once the design and cost have been established that this project come back to Council for final approval.

Seconded by J. Agar

CARRIED

At the appointed time, Mayor Arnold called the Court of Revision for Thomson Street 5th and 6th Street Branches to order. Councilor's Brown and Miller excused themselves from the proceedings. The Mayor opened up the floor to anyone wishing to challenge their assessment. There was nobody in attendance wishing to speak to their assessment.

Moved by D. Randell
Motion #6: That the court be closed and that Council adopt the engineer's report dated August 3, 2010 and confirm the assessments.

Seconded by J. Agar

CARRIED

At the appointed time, Mayor Arnold called the Court of Revision for the North Courtright Drain to order. Councilor's Brown and Miller remained excused for the proceedings. The Mayor asked the Clerk if any written submissions had been received and upon learning there were none, it was;

Moved by D. Randell
Motion #: That verbal appeals to the assessments on the North Courtright Drain be heard and considered.

Seconded by J. Agar

CARRIED

Terry Little – 1402 St. Clair Parkway – was sworn in by the Clerk and addressed the Court. Mr. Little's initial concern was the pasture on his mother's lot at 1402 St. Clair Parkway. He is under the understanding that the guide wires for the new hydro poles will come down in his pasture and is concerned with the safety for his horses. The Mayor reminded Mr. Little that the purpose for this court was exclusively to debate dollars and cents as per assessments in the engineer's report. The Clerk assured Mr. Little that Drainage Superintendent was aware of the pasture also and would be taking that into consideration.

Mr. Little then inquired as to why both the drain on the east side of the CSX railway and the Easterbrook were being done. He thought one side – the east – could be done and perhaps once it was completed the Easterbrook would not need to be done at all. The Clerk informed Mr. Little that Council has already approved the work in the report and that any alterations were to be proposed at the consideration meetings.

Mr. Little then suggested that because the Easterbrook Drain runs through his mother's private property, his assessment should be lower than \$3200. The Mayor asked Mr. Little to refer to pages 12 and 14 of the Engineer's report dated August 3, 2010. The Mayor then explained that there allowances and reductions shown here that would reduce the assessment to approximately \$1100 and asked if that was sufficient. Mr. Little agreed that this was a fair assessment.

Jim Stewart – 1440 St. Clair Parkway – is sworn in by the Clerk. Mr. Stewart inquired as to why he has 1.1 acres and his assessment was going to be higher than the Little's when the Little property has larger land area. The Mayor pointed out that one difference would be his property was a residential property and the Little's is a farm eligible for an OMAFRA grant. The Mayor then asked Jim to look at pages 12 and 14 of the engineer's report where the allowances and reductions are listed. The Mayor indicated the net sum of what Mr. Stewart would owe would be approximately \$1265. Upon further investigation, the Mayor noticed that after the damages deduction, Mr. Stewart's assessment would be approximately \$700.

Deputy Mayor Gilliland pointed out to those in attendance that these figures are not etched in stone as they are estimates. The Mayor confirmed this and informed the members of the audience that a tender of 120% of what is shown by these figures would be accepted according to the Drainage Act, anything over 120% of the quoted figures would trigger another consideration meeting.

Jim Stewart asked the Mayor what his assessment for the east side of the drain would be. The Mayor informed Mr. Stewart that with the east and Easterbrook portions, his total assessment would be approximately \$1915.

Al Hunter – 1424 St. Clair Parkway – was sworn in by the Clerk. Mr. Hunter just wished to ask Council which part of the drain would be done first, and when that would be occurring. The Mayor informed Mr. Hunter that the portion east of the tracks would be done first and would be going to tender this month in hopes of starting in November.

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #7: That the court be closed and that Council adopt the engineer's report dated August 3, 2010 and confirm the assessments.

CARRIED

Dave Neely is instructed to tender the work in order to have it considered by Council on November 1, 2010.

CORRESPONDANCE:

A letter dated October 5, 2010 was submitted by Peter Pickfield of Garrod Pickfield Environmental Law Office in regards to the labor dispute at Clean Harbours Canada Inc. The purpose of the letter was to request a meeting with Clean Harbours representatives and representatives from the Ministry of the Environment.

Moved by P. Gilliland

Seconded by S. Miller

Motion #8: That the letter authored by Peter Pickfield dated October 5, 2010 be sent to Clean Harbours requesting a meeting to discuss potential and ongoing concerns with the site's labor dispute.

CARRIED

A letter from Ralph Coe, the General Manager of the St. Clair Conservation Authority dated October 4, 2010 indicating the intent of Enbridge to plant tree cover on approximately 75 hectares on two separate lots in the Township of St. Clair was discussed. The Mayor indicated the news was to become public later in the week.

INFORMATION:

Council proceeded to review the information as listed on the agenda.

Moved by J. Agar

Seconded by P. Brown

Motion #9: That the letter received from Karen Benoit regarding a bus request for the north part of the Township be received and filed.

CARRIED

DRAINS:

Moved by P. Gilliland

Seconded by D. Randell

Motion #10: That the engineer's report dated August 31, 2010 prepared by Spriet Associates for the 10th Concession Drain be adopted and approved.

CARRIED

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #11: That Drainage By-law #70 of 2010, being a by-law to raise the sum of \$176,423.52 being money expended out of the General Funds of the Township of St. Clair geographic township of Moore for the final construction and improvements to the McGillivray Drain be read the third time, signed by the Mayor and the Clerk and Corporate Seal affixed thereto and be finally passed.

CARRIED

Moved by S. Miller

Seconded by P. Brown

Motion #12: That Drainage By-law 71 of 2010, being a by-law to authorize the financing and construction of the 10th Concession Drain East be read the first and second time and be provisionally adopted.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Moved by S. Miller

Seconded by P. Brown

Motion #13: That the update report of the Property Standards Officer dated October 1, 2010 be received and accepted as information.

CARRIED

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #14: That the Property Standards Officer be directed to impose a 30 day timeline for the cleanup of the property at 507 Colborne Street.

CARRIED

PLANNERS REPORT:

Moved by J. Agar

Seconded by D. Randell

Motion #15: That the report received from Jeff Baranek dated September 30, 2010 recommending that Council permit Provident Energy begin work on the development east of Highway #40 be received and accepted.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #16: That the report received from Barry Uitvlugt dated September 29, 2010 recommending that Council requires the landscaping plan to identify the existing tree replanting areas, naturalized areas and area details to species and plant spacings and to ensure landscaping or reforestation abutting public streets with tree plantings along LaSalle Line with an emphasis on an evergreen / deciduous mix east of Talfourd Creek along LaSalle Line in addition to berming abutting new above ground holding tanks/tank vehicles areas involving volatile materials be received and accepted.

CARRIED

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #17: That the report received from Ezio Nadalin dated September 28, 2010 regarding the minor variance application filed by Bill Arundel be received and accepted as information.

CARRIED

DIRECTOR OF COMMUNITY SERVICES REPORT:

Moved by J. Agar

Seconded by D. Randell

Motion #18: That the report submitted by Director of Community Services dated September 29, 2010 regarding the Sombra Community Hall tender recommending that the tender of Pickard Construction in the amount of \$100,090.00 for the completion of the new kitchen as well as the quote for \$15,500.00 for siding of the balance of the Community Hall, with overrun coming from the Education and Environment fund be received and accepted.

CARRIED

CLERK'S REPORT:

Moved by P. Gilliland

Seconded by D. Randell

Motion #19: That the contract be renewed collecting \$2,300.00 per kilometer from the County of Lambton for the Township of St. Clair's winter road maintenance of County Roads #1, #28, and #36 as per a letter from the County of Lambton dated September 28, 2010.

CARRIED

CAO'S REPORT:

Moved by S. Miller

Seconded by P. Brown

Motion #20: That the report received from the CAO dated September 29, 2010 regarding the Great Lakes and St. Lawrence cities initiative be received and accepted as information and that St. Clair Township apply for membership.

CARRIED

BY-LAWS:

Moved by D. Randell

Seconded by J. Agar

Motion #21: That By-law Number 48 of 2010, being a by-law to establish the inaugural meeting of the Council of the Municipal Corporation if the Township of St. Clair for its 2010-2014 term being on December 6, 2010, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #22: That By-law Number 49 of 2010, being a by-law to appoint members to the Joint Compliance Audit Committee, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

COUNCILLOR'S REPORTS:

Pete Gilliland:

Deputy Mayor Gilliland raised concern that the new traffic light at St. Clair Ave and Lyndoch Street was no longer on "as needed" sequence. John Rodey agreed to contact the Director of Public Works and Operations to look into the matter. The Deputy Mayor then inquired as to the status of the hole in the fence along Parkdale Park and the Deputy Clerk informed him that a letter had been sent to Sam Youssef establishing an October 31, 2010 deadline to have the fence fixed before the Township would undertake the work charging the subdivider.

The Deputy Mayor then reported his displeasure with the amount of complaints he has been receiving about the waterline installation on Parkdale and Manitou Streets in Corunna. Three basements have been flooded as a result and he is wondering the best way to go about the insurance claims. John Rodey informed Council that to his knowledge you make the claim with your own insurance company and then they pursue the contractor's insurance company leaving the homeowner with no consequence for the claim.

Patricia Carswell-Alexander:

Councilor Carswell-Alexander read a letter from Barb Leaper addressed to Council in regards to a historical book of Brigden which she would like to have a copy placed in all 7 libraries, the Lambton room, and both the Moore and Sombra Museums. The books are \$30 each Councilor Randell explained that he would like to see these types of things come through and be endorsed by the museum boards.

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #23: That Council purchase and place a copy of the book about the history of Brigden in each of the Township libraries, the Lambton Room, and the Moore and Sombra Museums at an estimated cost of \$300.

CARRIED

Pat Brown:

Councilor Brown wished to commend the staff at the arena complex for their prompt response to refuse bins which had been overturned and had become unsightly. The staff did a prompt and effective job cleaning them up.

Mayor Arnold:

The Mayor advised Council that he had a meeting with Lambton Generating Station tomorrow and filled them in on his week's events including attending CAER meetings. Mayor Arnold updated Council that Shell headquarters in Calgary had expressed concern about playground equipment being potentially located in Guthrie Park. He suggested that it was a good location for visitors to the park as well as to serve as a recreational location for children already living in the area. The decision from Shell should come down later in the week.

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #24: That the meeting enter an in-camera session to discuss a legal, a property, and a personnel issue.

CARRIED

ADJOURNMENT:

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

CARRIED

Council Meeting Minutes
Of October 4, 2010

The meeting adjourned at 9:15 pm.

MAYOR

CLERK