

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 23**

St. Clair Civic Centre
Council Chambers
December 3, 2012
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
	J. DeGurse,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
	J. Baranek	Deputy Clerk/Coordinator of Planning

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Finance and Administration - November 19, 2012
Public Works and Operation - November 19, 2012
Regular Council – November 19, 2012 - Session #21
Moore Museum – November 7, 2012

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:30 pm Mike Moroney - MOE – Clean Harbors issues
7:45 pm Larry Vansickle – Property Standards

CORRESPONDENCE:

- a) Randi Kitchen – water bill
- b) Meadowview Villa - request

INFORMATION:

- 1. Royal Canadian Legion
- 2. Drinking water Source Protection
- 3. Lambton Historical – minutes
- 4. Heritage St. Clair – Oct 29 minutes
- 5. L.C.B.O. - store hours
- 6. Larry Vansickle – Oct 15th, Nov 5th, and Nov 20th letters
- 7. County of Lambton – Council highlights – Creative County Committee
- 8. Kelly Bedard – Property Standards issues

Council Meeting

DRAINS:

By-law 26 of 2012 – amending various drains
By-law 27 of 2012 – amending various drains
By-law 28 of 2012 – amending various drains
By-law 29 of 2012 – amending various drains

REPORTS OF COMMITTEES AND OFFICERS:

BY-LAW ENFORCEMENT OFFICER REPORT:

Property Standards Update

COORDINATOR OF OPERATIONS (WORKS) REPORT:

Waste Management Contracts
Municipal Dock Lease

COORDINATOR OF ENGINEERING REPORT:

Nantais Court Subdivision

DRAINAGE SUPERINTENDENT REPORT:

South Courtright Drain – Branch 3
South Courtright Drain – Branch 5A

WATER/WASTE WATER SPECIALIST:

Maternity Leave

DIRECTOR OF COMMUNITY SERVICES REPORT:

Dining Room Kitchen Supplies Golf Course

DEPUTY CLERK/CO-ORDINATOR OF PLANNING:

Site Plan amendment-Clean Harbours
Site Plan amendment-Enbridge Gas Distribution
Site Plan amendment-No Frills
697 St. Clair Parkway Boat house
St. Clair Heritage draft terms of reference

TREASURER'S REPORT:

DIRECTOR OF PUBLIC WORKS REPORT:

CLERK'S REPORT:

CAO'S REPORT:

Council Meeting

MOTIONS:

BY-LAWS:

By-law 42 of 2012 Property purchase – 233 Cameron St.
By-law 43 of 2012 Enbridge site plan amendment
By-law 44 of 2012 Clean Harbors site plan amendment
By-law 45 of 2012 Naming D. Drouin Drive.

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

487 Polymore Dr. – solar array proposal

NEW BUSINESS:

In Camera - property

UPCOMING MEETINGS:

Committee of the Whole – Monday December 17, 2012 - 3:00 pm
Regular Council – Monday December 17, 2012 ~ 4:30 pm (following Committee)
Finance and Administration Capital Budget - Thursday Dec 6, 2012 – 5:00pm

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 CONFLICT OF INTEREST:

None declared.

ADOPT MINUTES:

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

Moved by J Agar

Seconded by J. Degurse

Motion #1 That the minutes of the Finance and Administration Committee meeting held on Nov 19, 2012 be received and accepted as printed.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #2 That the minutes of the Public Works and Operations Committee meeting held on Nov 19, 2012 be received and accepted as printed.

CARRIED

Moved by P. Gilliland

Seconded by P. Carswell Alexander

Motion #3 That the minutes from the Council meeting held, 2012 – Session #22 be received and accepted as printed.

CARRIED

Moved by P. Gilliland

Seconded by S. Miller

Motion #4 That the minutes of the Moore Museum Committee meeting held on November 7, 2012 be received and accepted as printed.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

Council Meeting

The Townships Environment Solicitor Mr. Peter Pickfield attended a meeting today with the Mayor and CAO and Clean Harbors Officials. Mayor Arnold invited Mr. Pickfield to attend this meeting of Council to brief Council on the discussion with Clean Harbors. Mr. Pickfield advised that Clean Harbors reactivated, after a period of approximately a one year recess the environmental review process for the possible expansion of the Clean Harbors site. Outstanding issues were discussed relative to the position of the Clean Harbors consultants and the Townships peer review team with the only outstanding item being the health risk assessment that Clean Harbors seems to be agreeing with the Townships peer review group. Clean Harbors has been requested and advised that they will agree to a ten year operational history of the facility and that Clean Harbors will continue to fund the Townships peer review costs. It is anticipated that a joint meeting between the Clean Harbors consultants and the Township peer review group could be held possibly as early as January 2013. Clean Harbors hopes that by early 2014 the study process will be complete. The second item discussed at the meeting was the current Clean Harbors proposal to initiate the land fill capacity recovery program that would involve accessing unused approved capacity. It was suggested that the Township peer review group look at the proposal and report. Clean Harbors has been asked to fund this review and the request will be taken under advisement by Clean Harbors. Mr. Pickfield stated that the third item he would like to discuss with council is the pending Township defense of the Seward rezoning OMB hearing.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #5 That the meeting enter into an in camera session to discuss a legal issue that is subject to lawyer client privilege.

CARRIED

Meeting returned to order

Mike Moroney district officer of the Ministry of the Environment and Mr. Duane Reed, the Ministry of Environment Clean Harbors site inspector were present at Councils invitation to discuss current issues with Clean Harbors disposal facility. Mr. Maroney stated that in 2012 there have been five off site complaints relative to the Clean Habrors facility, two were received in June and one each in September, October and November. One complaint **was** relative to the TDU operation, two complaint involved the incineration operation and two were undetermined. Orders have been issued relative to the TDU issue in July. An issue that arose from the Order was the need for emergency stand by power at the site. Clean harbors is also working on improved surface water management as well as storm water management issues. Mr. Moroney touched on Clean Harbors application for a recovery of unused landfill capacity in the order of approximately 100,000 cubic meters. It was felt that this application is not subject to a new environmental assessment process but would require Ministry of the Environment approval. Mr. Moroney briefly touched upon and expanded on Mr. Pickfields comments relative to the reinitiated environment assessment process. At the conclusion of the presentation it was suggested that the Minister provide to Council quarterly updates as to Clean Harbors operational issues. Mayor Arnold on behalf of Council thanked Mr. Maroney and Mr. Reed for their attendance at this meeting.

Mr. Larry Van Sickle was present to discuss with Council several property standards issues involving his property on the Courtright line in Brigden and his property on the Bickford Line. Mr. VanSickle posed several questions as to the authority for the Property Standards Officer to enter into his property. The fact that in his opinion the clean up on his Courtright Line property was more extensive than the items listed on the order. Mr. VanSickle also explained his position and past history relative to the outstanding Property Standards issue on his Bickford Line property. After considerable discussion Mayor Arnold suggested that Mr. VanSickle concentrate his efforts on improvements to his Bickford Line property and Council considers the Property Standards issue on his Courtright Line property closed.

CORRESPONDENCE:

Council directed that the correspondence received by Randi Kitchen relative to her water bill be forwarded to the appropriate Public works staff for a report to the next Public Works and Operations Committee.

Moved by P. Carswell-Alexander

Seconded by J. Degurse

Motion #6 That a donation in the amount of \$75.00 be provided to the Meadow View Villa auxiliary to sponsor a social event for the residence.

CARRIED

Moved by J. Degurse

Seconded by P. Carswell-Alexander

Motion #7 That the information correspondence be received and dealt with as per Council's instructions as noted:

- a) Randi Kitchen – water bill
-referred to staff for report to Public Works and Operation Committee
- b) Meadowview Villa – request-Motion #6

CARRIED

INFORMATION:

Council reviewed the item on information correspondence.

The information from the County of Lambton regarding the Creative County Committee be referred to the two Township Museum Boards for comment.

Moved by P. Gilliland

Seconded by J. Agar

Motion #8 That the items of information correspondence be received as information.

CARRIED

DRAINS:

Moved by D Randell

Seconded by S. Miller

Motion #9 THAT Drainage By-law #26 of 2012, being a by-law to raise the sum of money being expended out of the General Funds of the Township of St. Clair for the maintenance to various drains in the Township be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by P. Carswell-Alexander

Seconded by J. Degurse

Motion #10 THAT Drainage By-law #27 of 2012, being a by-law to raise the sum of money being expended out of the General Funds of the Township of St. Clair for the maintenance to various drains in the Township be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by P. Gilliland

Seconded by S. Miller

Motion #11 THAT Drainage By-law #28 of 2012, being a by-law to raise the sum of money being expended out of the General Funds of the Township of St. Clair for the maintenance to various drains in the Township be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Council Meeting

Moved by P. Carswell-Alexander

Seconded by J. Degurse

Motion #12 THAT Drainage By-law #29 of 2012, being a by-law to raise the sum of money being expended out of the General Funds of the Township of St. Clair for the maintenance to various drains in the Township be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Council discussed the report of the Property Standards Officer dated November 30, 2012 relative to property on 2662 Berman Line

CARRIED

BY-LAW ENFORCEMENT OFFICER REPORT:

Moved by P. Gilliland

Seconded by J. Degurse

Motion #13 That the November 30, 2012 report of the Property Standards Officer be accepted including the recommendation for the placement of a Order with a 30 day deadline on property known as 2662 Berman Line.

CARRIED

COORDINATOR OF OPERATIONS (WORKS) REPORT:

Moved by D. Randell

Seconded by P.Carswell-Alexander

Motion #14 That the issue of the Waste Management Agreements Contracts Tabled earlier by Council be lifted from the table.

CARRIED

Council review the report dated November 27, 2012 providing a clarification of the relationship between Emterra Environmental and Waste Management relative to past practice. Council has requested a further clarification based on past practice and the relationship of the two contractors.

Moved by S. Miller

Seconded by P. Gilliland

Motion #15 That the Waste Management agreement with Marcotte Disposal Incorporated, Emterra Environmental and Waste Management are approved and the Mayor and Clerk be authorized to sign the agreement and other related documents.

TABLED

Moved by J. Agar

Seconded by P.Carswell-Alexander

Motion #16 That a new Municipal Dock Use agreement between St. Clair Township and Southwestern Sales Corporation Ltd. for the rental of the Township owned stone dock south of Sombra be accepted, and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

COORDINATOR OF ENGINEERING REPORT:

Moved by S. Miller

Seconded by P. Gilliland

Motion #17 That St. Clair Township accepts the development work performed at Nantais Subdivision in the former Moore Township and that the 2-year maintenance period be in force until November 16, 2014.

CARRIED

DRAINAGE SUPERINTENDENT REPORT:

Prior to the discussion of the Drainage Superintendents report relative to the South Courtright Drain Branch 3 and Branch 5A several ratepayers were present to discuss their concerns on these portions of the South Courtright Drain.

Moved by D. Randell Seconded by J. Agar

Motion #18 That the concerns of several ratepayers on the South Courtright Drain be heard prior to Councils consideration of the Drainage Superintendents report and recommendation on the issue.

CARRIED

Mayor Arnold explained to the ratepayer present the details of Mr. Neely's reports on Branch 3 and Branch 5A dated November 27th and November 28th respectively. It was pointed out that Mr. Neely's recommendation that relative to Branch 3 Council appoints Spriet Associates to prepare a new drainage report for partial enclosure of the South Courtright drain –Branch No. 3 under section 78 of the Drainage Act. Questions were raised as to the cost of the report and any prescribed work. The Mayor advised that the Township is prepared to initiate the request for the report and would probably be responsible for its cost but the cost of any changes or improvements to the drain would have to be assessed in accordance with the engineers investigation and findings. The Mayor explained that drainage superintendent is recommending regrading improvements to that portion of Branch 5A. Cindy Dubois advised she may not necessarily be satisfied with the net result for the regrading of the swale in question and asked for a guarantee from Council that she would be satisfied with the end result. Ms Dubois was advised that her initial request to Council to have the drain on her property abandoned could not be accomplished by the Drainage Superintendent since it is contrary to the Engineers report that has been adopted by By-law by Council.

Moved by J. Agar

Seconded by J. Degurse

Motion #19 That Council appoint Spriet Associates to prepare a new drainage report for partial enclosure of the South Courtright drain –Branch No. 3 as an improvement under Section 78 of the Drainage Act.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #20 That Council Approve the recommendations of Spriet Associates to modify the South Courtright drain No. 5A by changing the side slope of the swale and berm to 5:1, lowering the berm top height by 150mm (6") and raise the swale bottom 100mm (4") to make it more easily maintained while still providing the drainage intended.

CARRIED

WATER/WASTE WATER SPECIALIST REPORT:

Moved by J. Degurse

Seconded by P. Carswell-Alexander

Motion #21 That CH2M Hill is contracted for ORO/DWQMS/Training support required for a temporary 1 year period.

CARRIED

DIRECTOR OF COMMUNITY SERVICES REPORT:

Council discussed Mr. Hackett's report regarding used kitchen equipment he has investigated for possible purchase for the St. Clair Parkway Golf Course. Council was advised that it is the opinion of the Director of Community Services the only equipment that he proposes to try to negotiate for the purchase of are equipment that is needed at the Golf Course facility.

Moved by P. Gilliland

Seconded by S. Miller

Motion #22 That Council Authorize the Director of Community Services to negotiate for the purchase of noted items.

CARRIED

DEPUTY CLERK/CO-ORDINATOR OF PLANNING:

Moved by J. DeGurse

Seconded by J. Agar

Motion #23 That Council authorize the Mayor and Clerk to enter into a site plan amendment with Clean Harbours that replaces all existing site plan agreements and amendments to such agreements by granting the bylaw all three readings.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #24

That Council authorize the Mayor and Clerk to enter into a site plan amendment with Enbridge Gas Distribution that permits the erection of acoustical walls and silencers as per requirements of the Ministry of the environment and pass the accompanying bylaw giving it all three readings.

CARRIED

Moved by J. Agar

Seconded by J. DeGurse

Motion #25 That Council approve by receiving and filing a request from Simon and Sherrol's No Frills in Corunna to place a 20 pound propane tank exchange depot at their gas bar kiosk.

CARRIED

Moved by P. Gilliland

Seconded by S. Miller

Motion #26 That Council directs the Chief Building Official to place an Order to Comply on the owner of 697 St. Clair Parkway to remove an illegally built boathouse by April 30, 2012. If the time period lapses, the Township would reserve the right to seek legal action.

CARRIED

Moved by J. Agar

Seconded by J. DeGurse

Motion #27 That Council reviews and recommends modifications to the attached Terms of Reference for the establishment of a St. Clair Township Heritage Committee. Council also authorizes staff to submit the draft Terms of Reference to the Heritage Committee for their review.

CARRIED

In discussion of the possible establishment of a St. Clair Township Heritage Committee Council was of the consensus that the Committee should consist of one member of Council.

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

The CAO advised Council of information received from the Director of Community Services regarding a recent break in at the Cathcart Park Maintenance shop where small tools were stolen and damage was sustained to the building during the break in. Value of the stolen items and cost to repair the building will be less than the typical Township insurance deductible.

BY-LAWS:

Moved by S. Miller

Seconded by D. Randell

Motion #28 That By-law #42 of 2012 being a By-law of the Township of St. Clair to authorize the purchase of property be given the required three readings, be signed by the Mayor and Clerk, the Corporate seal affixed.

CARRIED

Moved by J. Agar

Seconded by J. Degurse

Motion #29 That By-law 43 of 2012 Being a by-law to authorize execution of a Site Plan Amendment Agreement with 912176 Ontario Limited (Enbridge Gas Inc.) and the Township of St. Clair for the lands known as Part Lot 19 Concession 7, geographic township of Moore, Township of St. Clair (3595 Tecumseh Road)

CARRIED

Council Meeting

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #30 That By-law #44 of 2012 being a By-law to authorize the execution of a site plan Amendment with Clean Harbors be given the required three readings, be signed by the Mayor and Clerk, the Corporate seal affixed.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #31 That By-law #45 of 2012 Being a by-law to rename a street be given the required three readings, be signed by the Mayor and Clerk, the Corporate seal affixed.

CARRIED

COUNCILLORS REPORTS:

Pete Gilliland

Deputy Mayor Gilliland asked staff to investigate paving on Church St. following the recent sanitary sewer construction project to accommodate both gates of the cemetery. The Deputy Mayor also received a call from a concerned citizen regarding the proposed Township purchase of property at 233 Cameron St. The Deputy Mayor also received information on a former Township resident of note. This information is to be passed on to the proposed St. Clair Heritage Committee.

Darrell Randell

Councillor Randell attended the recent Accommodation Review Committee hosted by the Lambton Kent District School Board. They requested a summary of possible future industrial development that may effect school populations in St. Clair Township.

Pat Carswell-Alexander

Councillor Carswell-Alexander questioned how the new neighbor to the Clean Harbors facility will be notified about facility issues. Also the Councillor reported a street light out at 208 Hill St. and as well as a street light out at the Seniors building in Brigden at 2444 Jane St.

Jim DeGurse

Councillor Degurse advised relative to his request for rumble strips at the intersection of Maundaumin Rd. and County Rd. 80 that the County is aware of the earlier request. Also in response to the Councilors questions he was advised that Council has already reviewed and declined the request of Mr. Gary O'Dell for slope improvements on the west side of the St. Clair Parkway following the sanitary sewer forcemain installation last year.

Steve Arnold

Mayor Arnold attended five Santa Clause parades on behalf of Lambton County and attended a recent LAWS meeting at which time the engineering for a proposed twining of the water main into St. Clair Township was approved in the 2013 budget. Also attended the recent Nova open house and the fire fighters Christmas party.

UNFINISHED BUSINESS:

Council considered the request received previously for consideration for the placement of a solar panel array on Municipal property known as 487 Polymore Dr. submitted on behalf of Solar Power Network.

Moved by J. Agar Seconded by P. Carswell-Alexander
Motion #32 That the Township accept option # 3 as per the proposal from Solar Power Network dated November 20, 2012 to facilitate the installation of a Solar panel array on Municipal property known as 487 Polymore Dr.

TABLED

Moved by D.Randell Seconded by P. Gilliland
Motion #33 That the issue of possible construction of a Solar array panel on Municipal property known as 487 Polymore Dr. be Tabled.

CARRIED

Moved by D. Randell Seconded by J. Degurse
Motion #34 That the meeting enter into an in camera session to discuss a property and legal issue.

CARRIED

Meeting returned to order

Moved by P. Gilliland Seconded by J. Agar
Motion #35 That the issue of possible placement of solar panel arrays on Municipal property known as 487 Polymore Dr. be lifted from the table

CARRIED

Moved by J. Agar Seconded by P. Carswell-Alexander
Motion #36 That the Township accept option # 3 relative to offer dated November 20, 2012 received from Solar Power Network for the possible installation of a Solar panel arrays on Municipal property known as 487 Polymore Dr.

A recorded vote was requested

Councillor Randell	No
Councillor Miller	No
Deputy Mayor Gilliland	Yes
Councillor Agar	Yes
Councillor Carswell-Alexander	No
Councilor Degurse	No
Mayor Arnold	Yes

DEFEATED

Moved by J. Agar Seconded by P. Carswell-Alexander
Motion #37 That the Township accept option # 2 relative to offer dated November 20, 2012 received from Solar Power Network for the possible installation of a Solar panel arrays on Municipal property known as 487 Polymore Dr.

A recorded vote was requested

Councillor Randell	No
Councillor Miller	No
Deputy Mayor Gilliland	No
Councillor Agar	Yes
Councillor Carswell-Alexander	Yes
Councilor Degurse	No
Mayor Arnold	Yes

DEFEATED

Moved by D. Randell

Seconded by S. Miller

Motion #38 That The Township deny any request for the installation of Solar panel arrays on any Municipal or Municipally owned building

A recorded vote was requested

Councillor Randell	Yes
Councillor Miller	Yes
Deputy Mayor Gilliland	No
Councillor Agar	No
Councillor Carswell-Alexander	Yes
Councilor Degurse	No
Mayor Arnold	No

DEFEATED

Moved by J. Agar

Seconded by P. Gilliland

Motion #39 That the Township accept option # 1 relative to offer dated November 20, 2012 received from Solar Power Network for the possible installation of a Solar panel arrays on Municipal property known as 487 Polymore Dr.

A recorded vote was requested

Councillor Randell	No
Councillor Miller	No
Deputy Mayor Gilliland	Yes
Councillor Agar	Yes
Councillor Carswell-Alexander	No
Councilor Degurse	No
Mayor Arnold	No

DEFEATED

Moved by J. Agar

Seconded by J. Degurse

Motion #40 That the Township accept option # 4 relative to offer dated November 20, 2012 received from Solar Power Network for the possible installation of a Solar panel arrays on Municipal property known as 487 Polymore Dr., subject to consultation with the current building tenants and review by the Township's Solicitor of the draft lease agreement.

A recorded vote was requested

Councillor Randell	No
Councillor Miller	No
Deputy Mayor Gilliland	Yes
Councillor Agar	Yes
Councillor Carswell-Alexander	No
Councilor Degurse	Yes
Mayor Arnold	Yes

CARRIED

Draft lease agreement to be forwarded to the Township's Solicitor for review and report.

NEW BUSINESS:

ADJOURNMENT:

Moved by S. Miller

Seconded by D. Randell

Motion #41 That this meeting do hereby adjourn

CARRIED

The meeting adjourned at 10:15 p.m.

MAYOR

CLERK