

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 17**

St. Clair Civic Centre
Council Chambers
Monday, September 18, 2006
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
	S. Miller,	Deputy Mayor
	P. Alexander,	Councillor
	S. Warner,	“
	P. Gilliland,	“
	D. Randell,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
	R. Kerr,	Director of Public Works

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of September 5, 2006
Finance and Administration – September 13, 2006
Public Works & Operations – September 13, 2006

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:15 p.m. – Sanitary Sewer Extension – St. Clair Pkwy. South of Courtright Line
7:45 p.m. – Ronald Schwartz – Fawn Island – Policing and waste collection

CORRESPONDENCE:

- a) Jim Stewart, (et-al) granular storage
- b) Kristal Caleffi – Property Standards
- c) Deb Dauw – permission
- d) Ronald Schwartz – complaint (Fawn Island)

INFORMATION:

- 1) Dave & Cathy Tuplin – Sanitary sewer and watermain
- 2) Fred and Doris Schulze – Sanitary sewer and watermain
- 3) AMCTO Express – Internships
- 4) AMO – Alert – LCBO deposit return
- 5) L.G.P.S.B. – minutes
- 6) Gary & Eva Davidson – sanitary sewers
Jerry Gramzow – sanitary sewers

DRAINS:

By-law 32 of 2006 – McIntosh Dr. – 1st and 2nd reading
By-law 33 of 2006 – Turnbull Dr. – 1st and 2nd reading

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-Applications A 15, A 16 and A 17/06

COORDINATOR OF ENGINEERING SERVICES REPORT:

- St. Clair Parkway Sanitary Sewer Extension
- Durco Development Stage V

COORDINATOR OF OPERATIONS REPORT:

- Rural mail boxes – south of Moore Line

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

- Tile loan approval – Brian Starr

BY-LAWS:

By-law 55 of 2006 - John Roesgen Development Agreement (Catalpa Way)
By-law 56 of 2006 – Non-union employees agreement
By-law 57 of 2006 – Acquisition of former St. Clair Parks Commission assets
By-law 58 of 2006 – Tile loan rating by-law

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Regular Council – Monday, October 2, 2006 – 7:00 p.m.
Committee of the Whole – F&A, PWO – Wednesday, October 11, 2006 – 2:00 p.m.
Regular Council – Monday, October 16, 2006 – 7:00 p.m.
Staff appreciation luncheon – Wednesday, October 11, 2006 – 12:00 noon
Drainage Committee – September 26, 2006 – 7:00 p.m.

IN CAMERA:

- To discuss a personnel issue.

ADJOURNMENT:

The Mayor Arnold 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

MINUTES:

Council proceeded to review the minutes as listed on the agenda. It was pointed out that the minutes for the September 5th meeting of Council on Page 6, Terra was incorrectly identified as Nova and relative to Motion 15, the meeting entered an in camera session.

Moved by D. Randell

Seconded by S. Warner

Motion #1 That the minutes of the Council meeting of September 5, 2006 Session #16 be adopted as printed and circulated and corrected.

CARRIED

Moved by D. Randell

Seconded by P. Alexander

Motion #2 That the minutes of the Committee of the Whole (Combined meeting of Finance & Administration and Public Works & Operations) meeting of September 13, 2005 be adopted as printed and circulated, with exception of Motion #10.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #3 That the membership package for 2007 for the St. Clair Golf Course be increased by 5% effective January 1, 2007 and that an early bird incentive program be made available offering 2007 memberships at 2006 rates until the end of 2006.

Councillor Gilliland spoke to the resolution and advised that in his opinion the 5% rate increase was excessive relative to cost of living, and that the seasonal golfers have been very patient and obliging for incidents where they were unable to golf due to tournament bookings. A recorded vote was asked for.

Councillor Randell	Yes
Councillor Warner	Yes
Deputy Mayor Miller	Yes
Councillor Gilliland	No
Councillor Alexander	Yes
Mayor Arnold	No

The motion was declared

CARRIED

In discussion of business arising out of the minutes the Deputy Mayor advised that he has received some negative comments regarding the proposed sidewalk construction on the north side of Broadway Street in Port Lambton.

CORRESPONDENCE:

Moved by P. Alexander

Seconded by S. Warner

Motion #4 That the Clerk be instructed to contact the owner of the property being used for the stock piling of granular material on the east side of the St. Clair Parkway in Courtright to advise that such use of the property is in contravention of the Township's current zoning by-law and that the stock pile be removed.

CARRIED

Moved by D. Randell

Seconded by S. Warner

Motion #5 That the property standards complaint received on behalf of property known as 1530 St. Clair Parkway be referred to the Property Standards Officer for investigation and report.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #6 That permission be granted to Deb Dauw for the establishment of an outdoor refreshment facility for a wedding planned for July 7, 2007 at Cathcart Park subject to the Township's liquor management policy .

CARRIED

Council requested that the Director of Community of Services be requested to provide a report to Council on the current policy for such use of public parks for a private function.

Moved by D. Randell

Seconded by S. Warner

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

- a. Jim Stewart, (et-al) granular storage
Inst. See Motion #4
- b. Kristal Caleffi – Property Standards
Inst. See Motion #5
- c. Deb Dauw - permission
Inst. See Motion #6
- d. Ronald Schwartz – complaint (Fawn Island)
Inst.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

The Mayor welcomed residents affected by the proposed watermain and sanitary sewer extension on the St. Clair Parkway south of the Courtright Line, present at Council's invitation to discuss the results of the recent tender call for the project. The Mayor called upon Director of Public Works Mr. Ron Kerr who provided an overview of the projects and the results of the tender.

Mr. Kerr broke down the tenders received compared to the original engineer's estimate. It was determined that sanitary sewer component tender was considerably higher than estimate due in part, to the need to complete the project through the winter months and the relative complexity of the project. In response to Council's questions, Mr. Kerr provided information as to the possible advantages of re-tendering the project in the winter to facilitate spring and summer construction and also responded to questions regarding the splitting of the overhead for the common elements of the sewer and watermain projects. Mr. Kerr also identified other options as opposed to the conventional sewer that is proposed with a low pressure force main or a small bore system.

The Mayor then called for comments from those in attendance.

Don Burns

Mr. Burns questioned if soil samples had been taken in advance of the tendering process. Mr. Kerr advised that such soil samples have been taken and the soil at the south end of the project is relatively poor to facilitate such construction.

Jackie McLellan

Mrs. McLellan questioned why the tenders received were so much higher than the original engineers estimate which Mr. Kerr responded to.

Ken Burns

Mr. Burns stated that in his opinion with only two bidders closing the tender process there seems to be little competition, also Mr. Burns questioned Mr. Kerr's opinion why the grant funding application was unsuccessful, and if grant funding may be available through the St. Clair Region Conservation Authority. It was pointed out that based on the Township's knowledge Conservation Authority funding is only available to private individuals to improve individual septic tank systems.

Dan DeGurse

Mr. DeGurse also questioned why the Township's grant efforts have proved unsuccessful. Mr. Kerr shared with those in attendance that one of the criteria for the grants was a certain level of sampling which was not achieved due to several owners' reluctance to allow the

test to be conducted on their property. Mr. Kerr further provided information as to the nature of the other options that may be available to provide sanitary sewers for the area other than the conventional force main and gravity sewer system as proposed in this tender call.

Brian Bedard

Mr. Bedard questioned if any of those in the audience felt that the current estimated individual costs were affordable for the individual ratepayers. Several ratepayers questioned the feasibility of completing the sampling process and reapplying for the grant. Mr. Kerr advised that the window of opportunity for the application for the grants has long since closed.

Dale Waybrant

Mr. Waybrant questioned the level of financial commitment promised by the municipality. Mr. Waybrant was advised that Council has previously committed \$150,000. to this project, and that amount has not changed.

The ratepayers and Council discussed the relatively high cost for the individual users of the system and at the conclusion of the discussion the consensus among the ratepayers was that the project should be re-tendered this coming winter to determine if more competitive prices could be received, and also the Township consider the feasibility and costs of alternative methods to provide sanitary sewer service.

Letters from Mr. and Mrs. Davidson and Mr. Jerry Gramzow requesting the Township to abandon the tender and re-tender in the winter of 2007 were presented for the record.

Dale Waybrant

Mr. Waybrant suggested that the problem in the area is not with the individual septic tanks but the fact that weeping beds failed due to the relatively heavy clay soils. He suggested the Township provide at the least expensive cost, an outlet for the sewage effluent with the individual owners being responsible for holding tanks and grinder pump units. At the conclusion of the discussion, it was;

Moved by P. Gilliland

Seconded by P. Alexander

Motion #8 That the tender received for the watermain replacement and sanitary sewer extension on the St. Clair Parkway south of the Courtright Line be abandoned and further that the project be re-tendered in the winter of 2007 with the tender to include consideration for one or two alternate methods to provide sanitary sewers for the designated area.

CARRIED

Council requested the staff prepare a report on possible alternatives to the conventional gravity and force mains sewers for discussion at the next meeting of the Public Works Committee.

Mayor Arnold on behalf of Council welcomed Mr. and Mrs. Ron Schwartz residents of Fawn Island present to discuss with Council the apparent lack of police protection on the Island as well as wintertime garbage disposal facilities on the mainland to accommodate island residents. Mr. Schwartz identified to Council an incident occurring in October 2005 regarding inappropriate use of fireworks that could have led to a fire hazard on the island. Council requested Mr. Schwartz to provide more specific information as to the time and date of the incident to be included in a request to the OPP for a report on the incident.

Councillor Miller a member of the Lambton Group Police Services Board advised that this issue has been discussed by the OPP in the past and the OPP is prepared to respond to emergency situations on Fawn Island.

Mr. Schwartz identified to Council the problem being experience by residents on the island who occasionally visit their cottage properties through the winter and have no method of

garbage disposal since the Township removes the garbage dumpsters at the end of the traditional season. At the conclusion of the discussion, it was;

Moved by D. Randell

Seconded by S. Warner

Motion #9 That the Public Works Staff be instructed to leave an appropriate garbage receptacle on the mainland to accommodate wintertime users of Fawn Island.

CARRIED

DRAINS:

Moved by S. Miller

Seconded by D. Randell

Motion #10 That By-law 32 of 2006, being a by-law to authorize the construction and the financing of the McIntosh Drain be read the first and second time and be provisionally adopted.

CARRIED

Moved by D. Randell

Seconded by S. Warner

Motion #11 That By-law 33 of 2006 being a by-law to authorize the reassessment for maintenance purposes of the Turnbull Drain be read the first and second time and be provisionally adopted.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed Applications A 15, A 16 and A 17/06 to the Committee of Adjustment and offered no comments.

COORDINATOR OF ENGINEERING SERVICES REPORT:

Council reviewed Mr. Burnham's report dated September 15, 2006 on the Durco Phase IV Construction Lien Letter of Credit.

Moved by D. Randell

Seconded by P. Gilliland

Motion #12 That St. Clair Township accepts the development work performed in Durco Phase V (lots 1-4 inclusive and lots 95-107 inclusive, of Plan 719) in the former Moore Township, as complete, and that the 2 year maintenance period be in force until May 19, 2008. The Construction Lien Letter of Credit in the amount of \$43,283.44 be released.

CARRIED

COORDINATOR OF OPERATIONS REPORT:

Council reviewed Mr. Berkvens report dated September 12, 2006 regarding the issue of mail box relocations south of Courtright. In his report Mr. Berkvens has stated that as a matter of policy Canada Post will not permit its mail delivery vehicles to travel on a sidewalk or designated walking trail.

Mr. Gerry Little was present to address Council on this issue strongly supporting the relocation of the mailboxes from the east side of the St. Clair Parkway to the west side. Mr. Little stated his opinion that the removal of the rural mail service from the homes on the east side of the St. Clair Parkway in favour of community mailboxes in either Courtright or Mooretown was inappropriate, and that the owner should have the option of relocating their mailboxes to the west side of the Parkway.

Council pointed out to Mr. Little that there is little doubt in their minds that the widened pavement on the west side of the St. Clair Parkway was designated and signed for the purposes of a pedestrian and cycle trail and access by way of this trail to rural mailboxes was against Canada Post policy.

Moved by S. Miller

Seconded by P. Gilliland

Motion #13 That a letter be sent to Canada Post from Council confirming the purpose of this asphalt surface as a walkway and not support this relocation.

DEFEATED

Moved by P. Alexander

Seconded by S. Warner

Motion #14 That the previous motion be amended to read that a letter be sent to Canada Post from Council confirming the purpose of this asphalt surface as a walkway.

CARRIED

Moved by D. Randell

Seconded by P. Alexander

Motion #15 That the Tile Loan Application submitted by Mr. Brian Starr in the amount of \$10,000. under the Tile Drainage Act be approved subject to Provincial funding.

CARRIED

BY-LAWS:

Moved by S. Warner

Seconded by P. Alexander

Motion #16 That By-law 55 of 2006 being a by-law to authorize the execution of a development agreement with Mr. John Roesgen be read the required number of times finally passed, signed and sealed.

CARRIED

Moved by P. Alexander

Seconded by P. Gilliland

Motion #17 That By-law Number 56 of 2006, being a by-law to authorize the acceptance and execution of an Employment Agreement with the Township's non unionized employees, 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 D. Randell

Seconded by S. Warner

Motion #18 That By-law Number 57 of 2006, being a by-law to authorize the acceptance of real assets owned by Her Majesty the Queen represented by the Ministry of Tourism, be given the necessary readings, signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by S. Miller

Seconded by P. Alexander

Motion #19 That By-law Number 58 of 2006, being a by-law to authorize a loan under the Provincial Tile Drainage Act be read the required number of times and be finally passed, signed and sealed.

CARRIED

COUNCILLORS REPORTS:

Steve Miller

Deputy Mayor Miller requested Community Services staff attention to the flag at Brander Park, for the flag is currently flying at half mast. Also, Deputy Mayor Miller requested Community Services staff to investigate and replace if necessary the flagpole at the Port Lambton Community Hall.

Shirley Warner

Councillor Warner advised of receiving complaints as to the placement and location of the newly licensed Hot Dog Cart on Lyndoch Street in Corunna.

Darrell Randell

Councillor Randell advised of attending the recent Clean Harbors tour that was delayed due to wet weather. Also, Councillor Randell is in possession of the St. Clair River Remedial Action Plan that was forwarded to Mayor Arnold for his review.

Pete Gilliland

Councillor Gilliland advised of receiving concern from a ratepayer regarding the CN rail crossing on the Petrolia Line West of Highway #40. Mr. Gilliland stated that the traffic

warning lights are often engaged with no train in sight. The motorist approaching the area has difficulty seeing if a train is in progress due to the heavy vegetation on the Southside of the intersection.

Deputy Mayor Miller volunteered to bring this request to the County Infrastructure Committee meeting later this week due to the fact the Petrolia Line in this location is a County Road.

Pat Alexander

Councillor Alexander advised that she hopes the hot dog cart identified in Councillor Warner's report is a success. Also, Councillor Alexander questioned if any member of Council was able to attend the river cleanup event hosted in Port Lambton this past weekend. Councillor Miller advised that the group was not particularly successful attracting local volunteers to the efforts due to scheduling conflicts.

Councillor Alexander also questioned the previous decision of Council to make a prize available to the Physician Recruitment Gala Ball available in the amount of \$200.00. Councillor Alexander advised if the package is to include complimentary rounds of golf perhaps the prize limit should be increased from \$200.00 to \$300.00. Council was in general agreement with this minor increase.

Councillor Alexander also advised that the St. Clair Township Auto Extrication Team will be competing this coming weekend in Burlington.

Steve Arnold

Mayor Arnold requested staff to contact Lambton County regarding the status of an earlier request supported by this municipality for the installation of rumble strips at the intersection of the Bentpath Line and Highway #79. Also, Mayor Arnold asked Council's consideration for the donation of up to \$500.00 to the St. Clair River Trail for the placement of a commemorative brick at the Dedecker Park North seating area in honour of Private William Cushley.

Moved by D. Randell

Seconded by P. Alexander

Motion #20 That staff be instructed to proceed with the provision of a donation in the amount of up to \$500.00 to the St. Clair River Trail to finance the placement of a memorial brick in honour of late Private William Cushley to be financed from the St. Clair Township Education and Environmental Reserve Fund.

CARRIED

Mayor Arnold also asked Council consideration for the donation of a new flagpole for the Veterans Memorial area of McDonald Cemetery in Port Lambton. Councillor Randell advised that McDonald Cemetery was only one of two in the former Sombra Township that had such a Veterans Memorial area, and that the same offer may be requested on behalf of the Duthill Cemetery Board.

Moved by S. Miller

Seconded by P. Gilliland

Motion #21 That the Township donate a flagpole to be placed at the Veterans Memorial area of McDonald Cemetery in Port Lambton to be coordinated through the Cemetery Management Board.

CARRIED

Mayor Arnold also questioned if the service awards would be presented to the Fire Fighter recipient prior to the next meeting of Council. Council was advised by the CAO that arrangements for this presentation would be confirmed.

The CAO advised Council of a request received from Jane Marsh regarding the status of a \$5,000. loan previously granted to the West Lambton Community Health Centre Group to facilitate the completion of an application for a Community Health Centre in St. Clair Township. It was pointed out that the original thought was that if the grant was successful

the Township \$5,000.00 contribution would be an eligible cost for the grant and would be reimbursed, unfortunately the grant application was unsuccessful.

Moved by S. Miller

Seconded by D. Randell

Motion #22 That the \$5,000.00 loan to facilitate the application for a West Lambton Community Health Centre, St. Clair location be written off and forgiven at the expense of the St. Clair Township Education and Environment Reserve Fund.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #23 That the meeting enter an in camera session with the Mayor as Chair to discuss a personnel issue.

CARRIED

Meeting returned to order.

ADJOURNMENT:

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 10:10 p.m.

MAYOR

CLERK