

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION # 25**

St. Clair Civic Centre  
Council Chambers  
November 22, 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
	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
Absent:	P. Brown,	Councillor

**AGENDA:**

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Council meeting minutes of November 1, 2010 ~ Session #23  
Special meeting of Council minutes of November 4, 2010 ~ Session #24  
Finance and Administration meeting minutes of November 8, 2010  
Public Works and Operations meeting minutes of November 8, 2010  
Finance and Administration meeting minutes of November 18, 2010

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:15 pm ~ Fred Strickland – Moore Optimist presentation  
7:30 pm ~ Joe Vye – various issues

**CORRESPONDENCE:**

- a) Jeff Provost – deeming by-law
- b) Joe Walsh – road repair invoice
- c) St. Clair Regional Conservation – appointment
- d) Barb and Bob Quinn – alley closing
- e) CEE Hospital – celebration and fundraiser
- f) Jane Heymen – Thomson Street stop signs

**INFORMATION:**

- 1) CCPC – November 2<sup>nd</sup> meeting minutes
- 2) Lambton Farm Safety – September 20<sup>th</sup> meeting minutes
- 3) MIG – congratulations
- 4) Lisa Dubois – French immersion
- 5) Catherine McKenna – thank you
- 6) AMO – 2010 Ontario West Conference

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**PLANNING REPORT:**

Applications A23/10, A24/10 and B11/10  
Provident Energy ~ B. Uitvlugt

**DIRECTOR OF EMERGENCY SERVICES REPORT:**

Equipment

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:**

Bear Creek Bridge on Stanley Line

**COORDINATOR OF OPERATIONS (ROADS/DRAINAGE) REPORT:**

Wilkesport Operations Center  
Seismic Testing  
Municipal Dock Use Agreement

**TREASURER'S REPORT:**

Resolution for the Farmland and Managed Forest Component of the OMPF

**CLERK'S REPORT:**

**CAO'S REPORT:**

Clean Harbors proposal

**MOTIONS:**

**BY-LAWS:**

By-Law #53 of 2010 – OPA #16 Provident Energy  
By-Law #54 of 2010 – Rezoning Provident Energy  
By-Law #56 of 2010 – Deeming by-law Lots 9 & 10, Plan 2 & 9  
By-Law #57 of 2010 – Confirming by-law

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Inaugural meeting of Council ~ Monday December 6, 2010 – 7:00 pm  
Committee of the Whole ~ Monday December 13, 2010 – 6:00 pm

**ADJOURNMENT:**

Council Meeting Minutes  
Of November 22, 2010

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.

**MINUTES:**

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

Moved by S. Miller

Seconded by P. Carswell-Alexander

**Motion #1** That the minutes of the Council meetings held November 1, 2010 – Session #23 and November 4, 2010 – Session #24 be adopted as printed and circulated

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #2:** That the minutes of the Finance and Administration meetings held November 8, 2010 and November 18, 2010 be adopted as printed and circulated.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #3:** That the minutes of the Public Works and Operations meeting held November 8, 2010 be adopted as printed and circulated.

**CARRIED**

**CORRESPONDENCE:**

Council proceeded to review the correspondence as listed on the agenda. The request of Mr. Jeff Provost for council consideration to pass the deeming by-law will be considered under the by-law section of the agenda.

Council reviewed the communication received from Mr. Joe Walsh regarding road repair. In response to questions from the Deputy Mayor, Council was advised that there was an error in the original invoice sent to Mr. Walsh and that the cost to repair the damage has been reduced to \$1879 from the original \$2689.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #4:** That the cost to repair the road damage originally invoice to Mr. Joe Walsh in the amount of \$1879 be cost shared with Mr. Walsh and the Township each paying 50% of the cost.

**CARRIED**

The request from the St. Clair Regional Conservation Authority for appointments to the Authority for 2011 was tabled until Council can consider the comprehensive appointments by-law.

Council reviewed the correspondence received from Barb and Bob Quinn regarding the possibility of closing an alley north of Hill Street. The request was forwarded to Public Works who do not recommend closing the alley but stated that discussions have been held within the department to do the required clean up of the alley in question. Council directed that Mr. and Mrs. Quinn be advised accordingly.

Council reviewed the request received from the CEE Hospital auxiliary regarding a fundraiser for the tornado project.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #5:** That a contribution be made in 2011 for the CEE fundraising campaign known as the tornado project in the amount of \$500.

**CARRIED**

Council Meeting Minutes  
Of November 22, 2010

Council was advised of a letter of request for additional stop signs on Thomson Street in Courtright has not as of yet been received from Mrs. Heymen.

Council reviewed the invitation received from AMO regarding the 2010 Ontario West Conference and no members of Council expressed interest in attending.

Moved by D. Randell

Seconded by P. Gilliland

**Motion #6:** That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Jeff Provost – deeming by-law  
**Inst.** See motion #18
- b. Joe Walsh – road repair amount  
**Inst.** See motion #4
- c. St. Clair Regional Conservation Authority – appointment  
**Inst.** Direction by Council
- d. Barb and Bob Quinn – alley closure  
**Inst.** Referred to staff
- e. CEE Hospital – celebration and fundraiser  
**Inst.** See motion #5
- f. Jane Heymen – Thomson Street stop signs  
**Inst.** Pending

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

At the appointed time several members of the Moore Optimist Club were present to present to Council a partial payment on the funds owed by the Optimist club for the CAP Park splash pad project. Mr. Fred Strickland present to Mayor Arnold a cheque in the amount of \$10,000 as the latest payment of the Optimist Club financial commitment leaving a balance of approximately \$28,000 to be repaid. Mayor Arnold on behalf of the Township gratefully accepted the cheque and praised the Optimist Club and other similar groups in the Township for the strong sense of volunteerism that has improved the quality of life for citizens of St. Clair Township.

**DRAINS:**

Moved by D. Randell

Seconded by P. Gilliland

**Motion #7:** That By-Law #71 of 2010 being a by-law to authorize the financing and construction of the 10<sup>th</sup> Concession Drain be read the third time, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

**PLANNER'S REPORT:**

Moved by J. Agar

Seconded by D. Randell

**Motion #8:** That the applications received from the Planning Department for the month of November 2010 being A23/10, A24/10 and B11/10 be received as information.

**CARRIED**

Deputy Mayor Gilliland asked the Clerk to obtain information on a previous property standards complaint affecting one of the subject properties.

Council reviewed the planning report submitted by Barry Uitvlugt submitted November 17th and 22<sup>nd</sup> regarding the Provident Energy proposal.

Moved by S. Miller

Seconded by P. Carswell-Alexander

**Motion #9:** That the report received from Barry Uitvlugt dated November 17 and 22, 2010 regarding Provident Energy be received and accepted as information.

**CARRIED**

Mr. Uitvlugt presented to Council the summary of his report. In response to Council's questions, Mr. Uitvlugt advised that the risk study has been completed by the Provident consultant that contained suggested distance separations. Councillor Agar questioned the berming proposed for the property and Mr. Uitvlugt advised that the berms would be required as part of the site plan process for noise attenuation and esthetic purposes. Also, Mr. Uitvlugt detailed his definition of a rail marshalling yard, he pointed out that his original proposal provided for marshalling yard capable of accommodating 480 rail cars but now the yard has been downsized to accommodate a maximum of 48 railcars. Also, in response to Council's questions, Mr. Uitvlugt advised that the draft by-law being considered by Council provided for a front yard set back from Hill Street of 48 meters. Councillor Carswell-Alexander stated that she would like to see the noise study referred to in Mr. Uitvlugt's report as concern what safe guards could be put in place so noise generation on the site could not be increased and aggravated in the future. At the conclusion of the discussion Council asked Mr. Uitvlugt to redraft sections of the draft by-law to incorporate some of the comments and concerns raised during this discussion with Council with the amended draft to be considered later in this meeting.

Mr. Joe Vye asked to address Council on several issues. Mr. Vye had a concern on the recent election and questioned why several people commented to him that notwithstanding they received regular tax bills, they did not receive a ballot in the mail. Mr. Vye also had concerns about the berm at the proposed Provident Energy site and as well as the sewer force main going from Corunna to Courtright and the capacity of the Courtright Treatment Plant to handle the Corunna capacity. Council advised that Mr. Vye that the new Regional Wastewater Treatment Plant being built at the Courtright facility was designed to accommodate current needs as well as needs well into the future with the plants expandability. Mr. Vye also questioned the abandoned fuel tanks at the former Van Sickle gas station in Brigden. Council suggested that the requirement for decommissioning the tanks could fall under the Fuel Safety Branch mandate or that of the MOE. Councillor Carswell-Alexander seemed to recall that when the building was reconstructed in the late 90's after a fire, new tanks were installed perhaps on Township road allowance property. It was suggested that Township records be investigated to determine if such was the case.

**DIRECTOR OF EMERGENCY SERVICES REPORT:**

Council reviewed Chief Dewhirst's report requested by the Finance and Administration Committee at its recent budget session regarding emergency vehicle needs. In his report and the supplementary report, Chief Dewhirst is recommending the purchase of a pumper truck and a rescue van. These items would be financed from the existing fire services life cycle costing reserve. After considerable discussion, it was

Moved by J. Agar

Seconded by D. Randell

**Motion #10:** That the report from the Director of Fire Emergency Services regarding the purchase of a new truck be received and recommendation # 1 be accepted.

**CARRIED**

Moved by S. Miller

Seconded by D. Randell

**Motion #11:** That the report from Director of Emergency Services regarding the purchase of a new rescue van as identified in recommendation #2 be accepted.

**CARRIED**

The Mayor asked staff to clarify with Chief Dewhirst that the rescue van would be what is considered to be a 360 degree vehicle similar to the last rescue vehicle purchased.

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #12:** That the report submitted by the Director of Public Works dated November 17, 2010 recommending immediate closure of the Bear Creek Bridge on Stanley Line be received and accepted.

**CARRIED**

**COORDINATOR OF OPERATION (ROADS/DRAINAGE) REPORT:**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #13:** That the report submitted by the Coordinator of Operations (Works) dated November 17, 2010 recommending that an expenditure of \$10,000 be approved for the upgrading of the equipment storage shed at the Wilkesport Operations Center to be paid from the surplus of the 2010 Capital Budget item "Painting Wilkesport Operations Center" be received and accepted.

**CARRIED**

Moved by S. Miller

Seconded by P. Carswell-Alexander

**Motion #14:** That the report submitted by the Coordinator of Operations (Works) dated November 17, 2010 regarding seismic testing with Enbridge Gas Distribution Inc. be received and accepted as information.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #15:** That the report submitted by the Coordinator of Operations (Works) dated November 17, 2010 recommending that the 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**

**TREASURER'S REPORT:**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #16:** That the report received from the Treasurer dated November 17, 2010 recommending that the Township of St. Clair endorses the Property tax resolution from United Counties of Stormont, Dundas & Glengarry to the Province of Ontario and forwards a copy to appropriate Ministries be received and accepted.

**CARRIED**

**CLERK'S REPORT:**

The Clerk advised of a need to discuss a property issue in camera.

**CHIEF ADMINISTRATIVE OFFICER'S REPORT:**

Mr. Rodey provided a report that stating his planning opinion that the proposal put forth earlier by Clean Harbors for a waster transfer station could not be located in the Township's Industrial Park with the current zoning in place.

Moved by J. Agar

Seconded by P. Gilliland

**Motion #17:**

That the report received from the CAO dated November 17, 2010 regarding a proposal from Clean Harbors be received and accepted as information.

**CARRIED**

Council asked the CAO to communicate this information to Clean Harbors

**BY-LAWS:**

Moved by J. Agar

Seconded by D. Randell

**Motion #18:** That By-law Number 56 of 2010, being a deeming by-law for Con 6, Lots 9 and 10, Plan 2 and 9 in the village of Port Lambton to be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #19:** That By-law Number 57 of 2010, the By-law for the Township of St. Clair to confirm the resolutions and motions of St. Clair Township which were adopted up to and including the November 4, 2010 Council meeting, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

**CARRIED**

**COUNCILLORS REPORTS:**

**Pete Gilliland**

Deputy Mayor Gilliland had several issues that he may report on since the problems may have already been solved.

**Jeff Agar**

Councillor Agar had a concern with a Colborne Street flooding issue.

**Darrell Randell**

Councillor Randell advised of attending the recent Warden's banquet at which time Mayor Arnold announced his intention to seek the Warden's office.

**Pat Carswell-Alexander**

Councillor Carswell-Alexander advised of street light outages at the intersection of Emily Street and Moore Line and the street light to the west of that light. Also the Councillor advised that the Brigden Christmas tree lighting ceremony will be held this Sunday at 7pm.

**Steve Arnold**

Mayor Arnold advised of attending the recent funding announcement for the Sombra Museum, Remembrance Day services in which he laid three wreaths on behalf of the Township, attended the recent Warden's banquet and a trip to Michigan to look at the Clean Harbors facility, attended the recent budget meeting and the Links for Life ceremony at which time local resident Ed Linton was recognized for his work in worker's Health and Safety. He also attended a recent accessibility forum and the firefighter's Christmas party with his thanks to Chief Roy, Deputy Chief's Tom and Steve and Irene for their organization of the Christmas party that included long service awards and in particular the two awards that were given to firefighters with over 40 years service. Mayor Arnold also acknowledged that this was the last meeting of the current Council and thanked Deputy Mayor Gilliland, members of Council and staff for the cooperation and the efforts devoted for numerous successful public service efforts in the last four years.

Mr. Uitvlugt returned to Council with the re-draft of the proposed rezoning by-law to accommodate the Provident Energy facility. Council reviewed the revised by-law and Mr. Uitvlugt responded to several questions.

Moved by D. Randell

Seconded by S. Miller

**Motion #20:** That By-law #53 of 2010 being a by-law to adopt Official Plan Amendment #16 as it pertains to property described as Parts of Lot 25 & 26 Concession 11 geographic Township of Moore, Township of St. Clair 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 #21:** That By-law Number #54 of 2010, being a zoning by-law affecting the lands described as Part of Lots 25 & 26, Concession 11, geographic Township of Moore, Township of St. Clair, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed

**CARRIED**

**UNFINISHED BUSINESS:**

Mayor Arnold advised of a recent meeting with himself, the CAO, the Clerk and representatives of Union Gas to discuss the draft Union Gas franchise agreement with the Municipality that would provide for the existence of Union Gas pipeline facilities on Township road allowance properties. Mayor Arnold advised that several of the concerns raised by Council and expressed by way of a letter from the Township's Environmental Solicitor, Mr. Pickfield to Union Gas have been clarified.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #22:** That Council approves the form of draft by-law and franchise agreement attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of the Municipal Franchises Act and that this Council requests that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the attached draft by-law and franchise agreement pertaining to the Corporation of the Township of St. Clair is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #23:** That By-law #31 of 2010 being a by-law to authorize the execution of a franchise agreement with Union Gas be read the first and second time and be provisionally adopted.

**CARRIED**

Mayor Arnold pointed out that Union Gas did not want to establish a precedent by reimbursing the Municipalities for legal costs involved in the consideration of the draft agreement but that perhaps Union Gas may be in a position to make other accommodations not related to the legal fees.

**NEW BUSINESS:**

Councillor Carswell-Alexander commented on the recent announcement by the Provincial Government to advance the smart meter billing protocol but with the change not being proposed to take effect until May of 2011.

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #24:** That Premier McGuinty be asked to reconsider his position on smart meter rate protocol to take effect starting in December in 2010 and not May of 2011.

**CARRIED**

Mayor Arnold brought forth a request received from a rate payer that is a future participant on the Kerr Line rural watermain looping with the request that their relatively expensive buy-in costs be deferred over a longer payment on the municipal property taxes. The Clerk advised that Council could pass a local improvement by-law that once registered would give the Township the authority to place the annual payments including principal and interest on the property tax role for a specific period. There was some discussion by Council as to the route of the line and how many people are being serviced and if there are any similar interests in a local improvement by-law.



Council Meeting Minutes  
Of November 22, 2010

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #25:** That the issue of the possibility of a possible local improvement by-law for the Kerr water line be tabled until further information is received from Public Works as to the proposed route of the line, the timing of the construction and the number of people that will be served.

**CARRIED**

Mayor Arnold also advised of a request received from Mr. Gerry Mullen for Public Works to carry out tree trimming on Municipal property adjacent to his house, west of the St. Clair Parkway. Mr. Mullen volunteered to the Mayor that he does not own the property in question but rather owned by the Township and he has early permission to construct a dock. It was suggested that Mr. Mullen be asked to produce a copy of the agreement with the former Township of Moore to see if there is any provision for maintenance on the site.

Moved by P. Carswell-Alexander

Seconded by J. Agar

**Motion #26:** That staff be instructed to purchase and have suitably installed full-size refrigerator in the Council counter area.

**CARRIED**

Moved by P. Gilliland

Seconded by S. Miller

**Motion #27:** That the meeting enter an in-camera session to discuss a property and legal 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 8:50 p.m.

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MAYOR

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CLERK