

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

St. Clair Civic Centre
Council Chambers
September 19, 2011
7:30 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:

Council meeting minutes of September 6, 2011 Session #22

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

Peter Pickfield & MOE representatives – Clean Harbors issues

CORRESPONDENCE:

- a) Westover – Draw tickets
- b) Harold and Elizabeth Merton – second residence
- c) Southwest Economic Alliance – resolution
- d) Missi McNaughton – request

INFORMATION:

- 1) Hydro One – emergency number
- 2) Premier Dalton McGuinty – election
- 3) Megan Vandendool – thank you
- 4) CCPC – September 6th minutes
- 5) Lambton County – Council highlights
- 6) Nova Chemicals – shut down
- 7) CUPE – resolution
- 8) SSL – landfill
- 9) LAS – rebate
- 10) Ontario Health Coalition – membership
- 11) Mike Moroney – MOE September 9 (M. Smith)
- 12) Mike Moroney – MOE Directors orders
- 13) EBR – notice
- 14) Peter Pickfield – August 18th

Council Meeting Minutes
Of September 19, 2011

- 15) Peter Pickfield – September 7th
- 16) Peter Pickfield – September 9th

DRAINS:

By-law #10 of 2011 – Whitebread Tap Drain - amending

REPORTS OF COMMITTEES AND OFFICERS:

PLANNING APPLICATIONS:

A12/11, A13/11, A14/11, A15/11 & B6, 7, 8/11

COORDINATOR OF PLANNING/DEPUTY CLERK:

Development Agreement Amendment

DEPUTY TREASURER'S REPORT:

Tax levy for Multi-residential, commercial and industrial lands

DRAINAGE SUPERINDENT'S REPORT:

Results of quotation for Elliott Drain
Nova/Parkway Drainage improvements – No.1

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

BY-LAWS:

By-law #43 of 2011 – Development agreement

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

Legal issue

UPCOMING MEETINGS:

Regular Council – Monday October 3, 2011 ~ 6:00 pm
Committee of the Whole – Monday October 17, 2011 ~ 6:00 pm
Regular Council – Monday October 17, 2011 ~ 8:00 pm

ADJOURNMENT:

The Mayor called the meeting to order at 7:30 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 P. Carswell-Alexander

Seconded by J. DeGurse

Motion #1 That the minutes of the Council meeting held September 6, 2011 – Session # 21 be adopted as printed and circulated

CARRIED

CORRESPONDENCE:

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

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #2: That the Westover Treatment Center be authorized to sell raffle tickets within the Township of St. Clair during the Brigden Fair under the authority of a Chatham/Kent license.

CARRIED

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #3: That permission be granted to Harold and Elizabeth Merton, owners of property known as 1799 St. Clair Parkway to allow a second residence while a new residence is being built subject to the standard form agreement.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #4: That the correspondence from the Southwest Economic Alliance be received and filed.

CARRIED

Moved by D. Randell

Seconded by J. DeGurse

Motion #5: That the request for waving of a tax penalty in the approximate amount of \$16 submitted by Ms. McNaughton be accepted and that the penalty be so removed.

CARRIED

Moved by D. Randell

Seconded by S. Miller

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

- a. Westover – draw tickets
Inst. See motion #2
- b. Harold & Elizabeth – second residence
Inst. See motion #3
- c. Southwest Economic Alliance – resolution
Inst. See motion #4
- d. Missi McNaughton – request
Inst. See motion #5

CARRIED

Council reviewed the information correspondence.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #7: That the information correspondence be received and filed as information.

CARRIED

DRAINS:

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #8: That Drainage By-law #10 of 2011, being a by-law to raise the sum of \$3,262.38 being money expended out of the General Funds of the Township of St. Clair for the maintenance expenses to the Whitebread Tap Drain be given the necessary readings and signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

PLANNING APPLICATIONS:

Moved by S. Miller

Seconded by P. Gilliland

Motion #9: That the application to the Committee of Adjustment be received as information.

CARRIED

COORDINATOR OF PLANNING/DEPUTY CLERK'S REPORT:

Moved by P. Gilliland

Seconded by D. Randell

Motion #10: That the report submitted by the Planning Coordinator Jeff Baranek dated September 14, 2011 recommending that Council approve the amendment to an existing development agreement increasing permitted flows of potable water to Invenergy on Petrolia Line from 0.22 cubic meters per minute to 0.5 cubic meters per minute be received and accepted.

CARRIED

Mayor Arnold advised staff that Council should be made aware of the modeling study conducted on the Petrolia Line watermain to determine sufficient capacity was available for Invenergy.

DEPUTY TREASURER'S REPORT:

Moved by J. DeGurse

Seconded by J. Agar

Motion #11:

That the report received from the Deputy Treasurer/Coordinator of Accounting dated August 11, 2011 recommending that it be resolved that the tax levy for the Multi-Residential Commercial and Industrial related tax classes shall become due and payable in two installments as follows: 50% of the levy rounded upwards to the next whole dollar shall become due and payable on the 8th day of September, 2011 and the balance of the levy shall become due and payable on the 5th day of October, 2011 and non payment of the amount on the dates stated in accordance with this resolution shall constitute default be received and accepted.

CARRIED

DRAINAGE SUPERINTENDANT'S REPORT:

Moved by P. Carswell-Alexander

Seconded by J. Agar

Motion #12: That the report submitted by the Drainage Superintendent dated August 11, 2011 recommending that Council approve the lowest quotation of \$28,632 (excluding taxes) from the GJS Contracting Inc. for the cleanout and access culvert replacement on the Elliott Drain as a maintenance expense to the drain be received and accepted.

CARRIED

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #13: That the report submitted by the Drainage Superintendent dated August 11, 2011 recommending that Council approve a cost sharing amount of \$53,769.73 for the Nova/Parkway Drainage Improvements project with \$53,500 to be paid from the 2011 Capital Budget Baseline Road-Murphy Drain Culvert replacement and the remaining cost to be paid from Public Works Road Operational Budget be received and accepted.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #14: That the report submitted by the Drainage Superintendent dated August 11, 2011 recommending that Council approve the lowest quotation of \$174,000 (excluding taxes) from Cope Construction & Contracting Inc. for the Nova/Parkway Drainage Improvements be accepted and that the Mayor and Clerk be authorized to sign the contract and other related documents be received and accepted.

CARRIED

CLERK'S REPORT:

The Clerk advised of a need of an in-camera session to discuss a legal issue.

MOTIONS:

Moved by S. Miller

Seconded by D. Randell

Motion #15: That the recommendations to Council made at the September 19, 2011 meeting of the Finance and Administration Committee and the Public Works and Operations Committee be accepted and approved.

CARRIED

BY-LAWS:

Moved by J. DeGurse

Seconded by J. Agar

Motion #16: That By-law Number 43 of 2011, being a by-law to amend By-law #60 of 2006 which authorized a Development Agreement with St. Clair Power, L.P. and Shell Canada Limited for Part of Lots 22 and 23, Concession 11, geographic township of Moore, Township of St. Clair, County of Lambton having been given the third and final reading, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

COUNCILLORS REPORTS:

Jim DeGurse

Councillor DeGurse posed a question for Council consideration as to the ability of someone to be buried on their own property. It was suggested that the question be referred to a person or ministry who has the correct answer to that question.

Steve Arnold

Mayor Arnold advised of a recent conversation with MP Pat Davidson where it was determined that the signature of the Federal Minister is the only hurdle in extending the Building Canada funding for the new Froomfield area sanitary sewer project. It is anticipated that the approval will be received within the next few days.

At the appointed time, Mayor Arnold on behalf of Council welcomed Mr. Mark Dunn Regional Officer of the Sarnia and District office of the Ministry of the Environment, Ms. Marcelina Smith, Clean Harbors site inspector for the Ministry of the Environment and Mr. Peter Pickfield, the Township's environmental solicitor as well as interested member of the public present to hear the MOE response to questions posed by the Township's solicitor, members of the public by letter dated September 19th and comments from the Lambton Federation of Agriculture dated September 19th. Mr. Dunn advised that in response to neighborhood and Council request for 24/7 site supervision at the Clean Harbors site, frequency of site attendance has increased to include after hour visits as well as on the weekend. Several copies of the Ministry of the Environment current order against Clean Harbors was available to those in attendance. It was suggested that Clean Harbors will host a public open house to provide an information forum to the public. The Ministry also requests Clean Harbors to provide further details on their air monitoring protocols and direction to improve communications with the neighbors and the Township. A suggestion was made at the meeting that the air monitoring system is inadequate with the appropriate

Council Meeting Minutes
Of September 19, 2011

air monitoring equipment stationed out of the regional office in London and not available readily to monitor the Clean Harbors site. It was also suggested that the air monitoring protocols have been too narrowly focused to the plant site. Mr. Dunn advised that Clean Harbors is operating under the existing certificate of approval that in his opinion the unusual noxious odors are a result of what seems to be an unusually large volume of leachate on the site and does not have any form of airborne containment. Several comments were made that the odors are a result of an inappropriate operation of the TDU unit. Mr. Dunn did state that the request for an amendment to the certificate of approval relative to the TDU unit has been filed by Clean Harbors and in his opinion, the site is not operating as predicted. In response to Council's questions, Mr. Dunn advised that the current Clean Harbors landfill capacity is limited to approximately 12 -18 months based on current landfill intake. Mr. Dunn restated his position and that of the MOE that Clean Harbors has been asked to develop an improved communication plan, a list of work that has been done on the site to solve the problem and a list of what they plan to do in the future to completely eliminate the odor issue. Council has requested the MOE to provide recent responses from Clean Harbors relative to the MOE order. Mayor Arnold stated his opinion that the area of impact could be considered to go beyond the current 1.5 kilometer radius as evidenced by residents considerably farther away who have become sickened on several occasions by the odors of the site. On behalf of the Municipality Mr. Pickfield identified three issues of concern, one being the odor issue, the second being the response system to alert neighbors of off site impacts or the lack there of and the status of the TDU unit. Mr. Harry Rainsberry questioned Council if it on behalf of the neighbors could launch a class action suit against Clean Harbors or a court order to force operation of the site as to not have any off site impacts. Mr. Pickfield explained to those in attendance, the court procedures that would be necessary such as legal action. At the conclusion of the discussion, Mr. Pickfield advised those in attendance that anyone who has suffered from off site emissions through Clean Harbors should file through the Township, an impact statement that will be forwarded to Mr. Pickfield for future use. Mayor Arnold suggested that in effort to improve communications the representatives of the MOE be asked to attend the next and subsequent regular meetings of Council to provide to Council the status of the activities at Clean Harbors and that the Township be conduit for information exchange between area residents, Clean Harbors and the MOE. Copies of the correspondence would then be channeled to Mr. Pickfield. At the conclusion of the discussion, Mayor Arnold thanked those in attendance for their interest in the subject.

Moved by P. Gilliland

Seconded by D. Randell

Motion #17: That the meeting enter an in-camera session to discuss legal issues.

CARRIED

Meeting returned to order.

Moved by J. Agar

Seconded by P. Gilliland

Motion #18: That St. Clair Township, through its solicitor Peter Pickfield ask the MOE for an extension for the review period of the Clean Harbors TDU proposal.

CARRIED

Council discussed with Mr. Pickfield, possible future dates which may involve the appropriate peer review team.

ADJOURNMENT:

Hearing no further business, it was;

Moved by S. Miller

Seconded by D. Randell

Motion #19: That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 10:25 p.m.

Council Meeting Minutes
Of September 19, 2011

MAYOR

CLERK