

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 24**

St. Clair Civic Centre
Council Chambers
October 3, 2011
6:00 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 meeting minutes of September 19, 2011
Public Works and Operations meeting minutes of September 19, 2011
Council meeting minutes of September 19, 2011
Moore Museum minutes of September 7, 2011
Sombra Museum minutes of September 15, 2011

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

6:00pm - Gary Smith – Town Crier
6:10pm – Mark Dunn – MOE
8:00pm – Sinclair Drain – Court of Revision
8:15pm – South Courtright Drain – Court of Revision

CORRESPONDENCE:

- a) Gunther Tippelt – Sinclair Drain appeal
- b) B & J Buckingham – South Courtright Drain appeal
- c) Jim Good - South Courtright Drain appeal
- d) Raymond Bedard - South Courtright Drain appeal
- e) G. Bruce Jackson – Sombra Community Hall
- f) Royal Canadian Legion Br. 447 – poppy week
- g) Gary Smith – town crier
- h) Vonda DeBoer – Rokeby Line
- i) Jane Marsh – resignation
- j) Mary Lou Mcvey – water/sewer usage
- k) Fred and Doris Schutse – South Courtright Drain appeal

INFORMATION:

- 1) Nova Chemicals – Genesis pipeline
- 2) Muscular Dystrophy – thank you
- 3) Royal Canadian Legion Br. 447 – invitation
- 4) Catherine McKenna – Lambton Historical report
- 5) Property standards – unsigned
- 6) Antonio Fracalanza – Clean Harbors
- 7) Kathleen Vansickle – property standards
- 8) MADD – request for support
- 9) TSL – August 16th minutes

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

LIVESTOCK VALUERS REPORT:

Claim
December 31, 2011 resignation

DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:

Monthly status of all planning applications

DIRECTOR OF PUBLIC WORKS AND ENGINEERING REPORT:

Regional WWTP RFP for Operation & Maintenance Results
St. Clair Energy – water modeling

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

BY-LAWS:

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Finance and Administration Committee – Monday October 17, 2011 ~ 6:00pm
Public Works and Operations Committee – Monday October 17, 2011 ~ 7:00pm
Regular meeting of Council – Monday October 17, 2011 ~ 8:00pm

ADJOURNMENT:

The Mayor called the meeting to order at 6:00 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.

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MINUTES:

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

Moved by P. Gilliland

Seconded by S. Miller

Motion #1 That the minutes of the Finance and Administration Meetings held September 19, 2011 be adopted as printed and circulated.

CARRIED

Moved by J. DeGurse

Seconded by J. Agar

Motion #2: That the minutes of the Public Works and Operations Meeting held September 19, 2011 be adopted as printed and circulated.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #3: That the minutes of the Council meetings held September 19, 2011, Session #23 be adopted as printed and circulated.

CARRIED

Moved by J. DeGurse

Seconded by P. Carswell-Alexander

Motion #4: That the minutes of the Moore Museum meeting held September 7, 2011 be adopted as printed and circulated and the recommendations contained within be approved.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #5: That the minutes of the Sombra Museum meeting held September 15, 2011 be adopted as printed and circulated.

CARRIED

CORRESPONDENCE:

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

The assessment appeal filed by Mr. Gunther Tippelt on the St. Clair Drain was referred to the Court of Revision to be held later in this meeting. Four appeals have also been received on the South Courtright Drain which were referred to the Court of Revision.

Moved by S. Miller

Seconded by D. Randell

Motion #6: That letter of concern regarding the operation and the facility at the Sombra Community Hall be referred to the Director of Community Services and to the Sombra Community Hall board together with the request to advise Councillor Agar of all upcoming meetings.

CARRIED

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

Motion #7: That Council support the Royal Canadian Legion poppy campaign in the amount of \$250.

CARRIED

In discussion of the Royal Canadian Legion Remembrance Day services, Deputy Mayor Gilliland to attend the services in Brigden, Councilors' Miller and Randell to attend in Wallaceburg and Mayor Arnold will attend the Corunna ceremony. Council reviewed the complaint received regarding the condition of the Rokeby Line and the CSX and the CN rail crossings.

Moved by S. Miller

Seconded by J. DeGurse

Motion #8: That staff be asked to contact CN and CSX regarding rail crossing repairs and that the letter of complaint be responded to.

CARRIED

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Moved by P. Gilliland

Seconded by D. Randell

Motion #9: That the resignation of Jane Marsh from the North Lambton Community Health Center be accepted with regret.

CARRIED

Council suggested Ms. Marsh be invited to a future meeting of Council to be thanked for her services in representing the Township.

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #10: That the request of Mary Lou McVey requesting a reduction in sanitary sewer usage fees based on a recent water leak be referred to the appropriate staff and the sanitary sewer account be adjusted accordingly based on Township policy.

CARRIED

Council also acknowledged to items of correspondence from Clean Harbors in being the community newsletter and the second a response to a question posed by Township solicitor Mr. Peter Pickfield and a letter from Enniskillen Township advising of the appointment of Kevin Marriott as Mayor to replace Jim Burns. Council also referred the assessment appeal on the South Courtright Drain filed by Fred and Doris Schutse be referred to the appropriate Court of Revision.

Moved by P. Carswell-Alexander

Seconded by J. DeGurse

Motion #11: That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Gunther Tippelt – Sinclair Drain appeal
Inst. Referred to Court of Revision
- b. B & J Buckingham – South Courtright Drain appeal
Inst. Referred to Court of Revision
- c. Jim Good – South Courtright Drain appeal
Inst. Referred to Court of Revision
- d. Raymond Bedard – South Courtright Drain appeal
Inst. Referred to Court of Revision
- e. G. Bruce Jackson – Sombra Community Hall
Inst. See motion #6
- f. Royal Canadian Legion Br. 447 – poppy week
Inst. See motion #7
- g. Gary Smith – Town Crier
Inst. Not dealt with
- h. Vonda DeBoer – Rokeby Line
Inst. See motion #8
- i. Jane Marsh – resignation
Inst. See motion #9
- j. Mary Lou Mcvey – water/sewage usage
Inst. See motion #10
- k. Fred and Doris Schultse
Inst. Referred to Court of Revision

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #12: That the items of information be received as information.

CARRIED

Council welcomed Mr. Mark Dunn, Regional Manager of the Ministry of the Environment and Marcelina Smith, inspector with the Ministry of the Environment to discuss current efforts being made by Clean Harbors to solve odor emissions issues. Mr. Dunn made available to Council and those in attendance copies of recent submission by Clean Harbors, outlining their efforts to solve the odor issue. Mr. Dunn pointed out that Clean Harbors has an October 14th deadline for a report to the MOE regarding the odor emissions. The MOE has received an interim report from Clean Harbors in advance of the October 14th report and as well as information on their communication plan and the draft response from Clean Harbors air quality consultant. This general agreement that communications protocol needs to be approved by Clean Harbors with the MOE and the Township. Deputy Mayor Gilliland questioned if Clean Harbors Community Liaison Committee is acting within the parameters established in the Clean Harbors certificate of approval. Mr. Dunn explained the current odor monitoring techniques and equipment and responded to several requests for improvement in the monitoring protocol with monitoring stations set up further from those currently located within 1.5 kilometers of the Clean Harbors site to perhaps the locations of residents who have become sickened by the smell or the use of portable hand held monitors. Butch Houle, Jim Stenton, Ed Walsh and Harry Rainsberry were present and were allowed the opportunity to pose questions to Council and the Ministry of the Environment. Suggestions raised included enlarging the monitoring area, providing monitoring and sampling in a time frame shorter than 12 days, Clean harbors to reduce leachate on site which is cited to be the cause of the noxious odors. The residents are requesting a report from the MOE as to the number of upsets and offsite impacts at the Clean Harbors facility from September 10th to date. At the conclusion of the discussion, it was suggested that members of senior staff meet with representatives of the MOE to develop an improved communications protocol between the Township and the MOE. At the conclusion of the discussion, Council thanked Mr. Dunn and Ms. Smith as well as those rate payers in attendance.

REPORTS OF COMMITTEES AND OFFICERS:

LIVESTOCK VALUERS REPORT:

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #13: That the verbal report given by the Clerk regarding the livestock valuers claim be accepted and received and compensation in the amount of \$400.00 be paid to Donald Anderson for damages caused by dogs.

CARRIED

Council was advised of Mr. Young's intention to retire as Township livestock valuer as of the end of December of this year. Mr. Young suggested a possible interested party to act as the Township livestock valuer. Council made several other suggestions and asked for a report from the Clerk as to how to fill the position.

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #14: That the verbal report given by the Clerk regarding the livestock valuers resignation be accepted and received and that the resignation of Don Young be accepted with regret.

CARRIED

DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:

Moved by P. Gilliland

Seconded by S. Miller

Motion #15: That the report submitted by the Deputy Clerk/Coordinator of Planning dated

September 26th, 2011 regarding the monthly status of all planning applications be received as information.

CARRIED

DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:

Moved by P. Carswell-Alexander

Seconded by J. Agar

Motion #16: That the report submitted by the Director of Public Works and Operations dated September 29, 2011 recommending that the proposal submitted by CH2M Hill for the operation and maintenance of the Regional WWTP system, including the air/vacuum relief valves on the forcemain, be accepted for a 10 year term with the option for two more 5 year terms and the Mayor and Clerk be authorized to sign the contract and other related documents be received and accepted.

CARRIED

Moved by S. Miller

Seconded by P. Gilliland

Motion #17: That the report submitted by the Director of Public Works and Operations dated September 29, 2011 regarding St. Clair Energy Center (Invenergy) request for an amendment to Development Agreement for water intake be received and accepted as information.

CARRIED

Council had several questions related to Mr. Burnham's report on the modeling for the Petrolia Line waterline and requested that Mr. Burnham be prepared to discuss the report at the next meeting of the Public Works & Operations Committee.

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

Mr. Rodey provided Council with a draft of the proposed plaque at the Emergency Services building memorial garden. Council approved of the wording and design of the plaque suggested by the Joel Hookey memorial committee.

Moved by P. Gilliland

Seconded by S. Miller

Motion #: That permission be granted for the placement of a memorial plaque at the Emergency Services building.

CARRIED

BY-LAWS:

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #18: That By-law Number 44 of 2011, being a by-law to authorize a Development Agreement with 1195714 Alberta Ltd (Provident Energy) and the Township of St. Clair at Part of Lots 23 and 23, Concession 12, geographic Township of Moore and Lots 1 to 18, 37 to 127, 137 to 227 and 237 to 327 all inclusive, Part of Lots 128, 136, 228, 236, 328 and 336, Blocks A, B, C and D, Part of Seminole Street on Registered Plan 30 (MO) as closed by Corporation of the Township of Moore By-law Instrument Nos. L450257 & L262360 and Part of Seminole Street, Part of Multnomah Street, all of Smith Street, Cherokee Street, Oneida Street and Griggs Street and all of the 18 foot lane on Registered Plan 30 (MO) closed by Instrument No L262360; Township of St. Clair, County of Lambton, designated as Parts 1 to 111, all inclusive on Plan 25R-9686 and Part Lot 24 Concession 12 (MO) mineral rights only designated as Parts 2 to 13 all inclusive on Plan 25R-304., 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 P. Gilliland

Seconded by D. Randell

Motion #19: That By-law Number 45 of 2011, being a by-law to authorize a Development Agreement with 1195714 Alberta Ltd (Provident Energy) and the Township of St. Clair as Part of PIN 43497-0214 LT, Part of Lot 25, Concession 12, and Part of Lot 26, Concession 12, Geographic Township of Moore, Township of St. Clair, County of Lambton, Designation as Parts 1 to 17 and 21 to 26, all inclusive on Plan 25R-9709 being part of the PIN. PIN 43497-0024 LT, Part of Lot 25, concession 12, and Part of Lot 26, Concession 11, geographic Township of Moore, Township of St. Clair, County of Lambton, Designated s Parts 17 to 20 and 27 to 34, all inclusive on Plan 25R-9709 and Part Lot 25 Concession 11 (MO) mineral right only designated as Part 1 on Plan 25R-304,

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

COUNCILLORS REPORTS:

Pete Gilliland

Deputy Mayor Gilliland questioned an earlier property standards complaint on a property on Curran Avenue. Deputy Mayor Gilliland advised of receiving a call from a concerned citizen that notwithstanding the file has been considered to be closed, the property has continued to deteriorate.

Moved by P. Gilliland

Seconded by J. Agar

Motion #20: That the property standards issue on Curran Ave be revisited for compliance status.

CARRIED

Darrell Randell

Councillor Randell questioned if a St. Clair Township representative for the Gardiner Drain Court of Revision scheduled for Thursday November 17th.

Moved by

Seconded by

Motion #21: That Councillor Darrell Randell be appointed as the Township representative on the Gardiner Court of Revision to be held at the City of Sarnia on Thursday November 17th, 2011.

CARRIED

Steve Arnold

Mayor Arnold presented to Council, several information packages from SCRCA and Conservation Ontario. It is available to interested members of Council. Mayor Arnold declared a brief recess until the Courts of Revision on the St. Clair Drain and the South Courtright Drain could be called to order at the appointed time.

The meeting returned to order and the Court of Revision on the Sinclair Drain was convened with the Mayor as Chair. The Court considered the written appeal of Mr. Gunther Tippelt. Court introduced Mr. Mike Devos of Spriet Associates, author of the engineer's report. Mr. Tippelt was duly sworn. Mr. Tippelt says that he does not think an assessment charge for his property is fair or appropriate since he does not drain into the Sinclair Drain which is located on the east side of the parkway which is opposite his property. Mr. Devos said the benefit assessment is for a cut off due to the fact if the Sinclair Drain was not located where it is, water could overtop the St. Clair Parkway and flood the Tippelt property. Mr. Devos presented the Court a written break down on the assessment rational of the St. Clair Drain. At the end of the discussion, it was;

Moved by D. Randell

Seconded by J. Agar

Motion #22: That the Gunther Tippelt appeal for a reduced assessment for the Sinclair Drain be denied.

CARRIED

Moved by D. Randell

Seconded by J. DeGurse

Motion #23: That the engineer's assessment on the Sinclair Drain according to the report dated July 15, 2011 be confirmed and that the Court of Revision on the St. Clair Drain be closed.

CARRIED

Mayor Arnold declared the Court of Revision on the South Courtright Drain be in session. The Court considered written appeals by John and Barb Buckingham, Jim Good, Raymond Bedard, Fred and Doris Schutse. Mr. Devos author of the South Courtright Drain report

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provided an explanation as to the assessment rational and response to the written complaints. Barb Buckingham, appellant was duly sworn. Ms. Buckingham stated that she has spent considerable money on her property approving the drainage and that an assessment to the proposed South Courtright Drain is unfair. Mr. Devos stated that there were continued improvements to be made to improve the drainage on the Bucking property which led to this assessment. Mr. Fred Shutse was duly sworn and stated that he has never had a drainage problem and the watershed area is too far from him to provide a benefit to his property. Mr. Schutse stated that the drainage problems in the area are further to the north of his property. Mr. Devos acknowledged that their drainage work has been carried out on the Schutse property but that the drainage proposed as the South Courtright Drain will improve the drainage further on the Schutse property. Raymond Bedard was duly sworn. Mr. Bedard stated that the flooding in the area is caused by water from the CSX property and that CSX should be responsible for correcting the issue and pay the full cost of full drainage work needed. The Court considered the appeal from Mr. Jim Good who was not present at the Court. Several rate payers were present who had not submitted a written appeal in advance of the Court.

Moved by D. Randell

Seconded by P. Gilliland

Motion #24: That the Court hear verbal appeals notwithstanding the fact that no written appeal has been received.

CARRIED

Mr. Ron Brander asked to address the Court. Mr. Brander advised that for some reason he was initially omitted from the mailing list and did not receive an invitation to attend the consideration meeting. Mr. Brander was very concerned that this lot is very narrow but relatively deep and the drainage proposal is to construct a drainage swale that would actually dissect his property making access via vehicle to the rear of his property more difficult. After considerable discussion, Mr. Devos and Mr. Dave Neely, Drainage Superintendent suggested that slight changes could be made in the field to solve the vehicle access problem such as widening the swale area or installing a relatively small diameter culvert. It was suggested that the Drainage Superintendent and Mr. Devos work with Mr. Brander for a recommended solution to the issue. Mr. Gord Dale, Mr. Dan DeGurse, Mr. Dave Tuplin were duly sworn. Mr. Dale questioned what he considers to be a relatively high assessment for his property. Mr. Devos stated that he revisited the issue of the Dale assessment in reaction to the appeal letter, recommending the assessment be lowered. Hearing Mr. DeGurse's appeal, Mr. Devos advised that since earlier measures had been taken on the DeGurse property, to reduce flooding Mr. DeGurse assessment should be reduced downward. Also Mr. Tuplin's question on the allowances provided to his property relative to his neighbors was explained by Mr. Devos.

Hearing no further appeals, it was;

Moved by D. Randell

Seconded by J. Agar

Motion #25: That the changes to the schedule of assessment on South Courtright Drain as per the engineer's report dated September 29th, 2011 be accepted and that the Court of Revision on the South Courtright Drain be adjourned until the October 17th meeting of Council.

CARRIED

Revised by the Court of Revision October 3, 2011

Branches 2 & 2C

20-213 C. Bedard Estate Front Concession Pt. Lot 20	reduced by \$570 to \$250
20-217 D & J DeGurse Front Concession Pt. Lot 20	reduced by \$100 to \$420
20-219 R. Dale & S. Guthrie Front Concession Pt. Lot 21	reduced by \$797 to \$1581
20-200-02 Ontario Power Generation Inc.	reduced by \$950 to \$8870

Roads

Township of St. Clair St. Clair Parkway	increased by \$2417 to \$24757
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Branches 2A & 2B

20-217 D. & J. DeGurse Front Concession Pt. Lot 20	reduced \$200 to \$786
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Roads

Township of St. Clair St. Clair Parkway

increased \$200 to \$19650

Council returned to order

ADJOURNMENT:

Moved by J. DeGurse

Seconded by D. Randell

Motion #26: That the meeting due hereby adjourn.

CARRIED

The meeting adjourned at 10:10 p.m.

MAYOR

CLERK