

The Corporation of the Township of Malahide

January 20, 2022– 7:30 p.m.

Virtual Meeting – https://youtu.be/aZ_-xDLUHbY

The Malahide Township Council met via videoconference. The Clerk, Allison Adams was present in the Township Office, 87 John Street South, Aylmer, Ontario.

Due to COVID-19 and public health concerns, public attendance was not permitted at this meeting. The Mayor and other Members of Council participated remotely.

The following members were present:

Council Members via Videoconference: Mayor D. Mennill, Deputy Mayor D. Giguère, Councillor M. Widner, Councillor M. Moore, Councillor R. Cerna, Councillor S. Lewis and Councillor C. Glinski.

Staff via Videoconference: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Financial Services A. Boylan, Director of Fire & Emergency Services J. Spoor, Director of Public Works M. Sweetland, Manager of IT C. Coxen, Drainage Superintendent B. Lopez, Roads & Construction Manager Ryan DeSutter and Manager of Building Services Scott Sutherland.

CALL TO ORDER:

Mayor Mennill took the Chair and called the meeting to order at 7:30 p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda Report in Section D, item (i) Court of Revision for Maginnis Drain 2021. The nature of the conflict being that a Junior Partner at Spriet Associates is an immediate relative of his.

MINUTES:

No. 22-25

Moved by: Rick Cerna

Seconded by: Max Moore

THAT the minutes of the regular meeting of the Council held on January 6, 2022 be adopted as printed and circulated.

Carried.

PRESENTATIONS/DELEGATIONS/PETITIONS:

Court of Revision – Maginnis Drain 2021 relating to property at Part Lots 20 - 22, Concessions 2 - 4, Geographic Township of Malahide.

No. 22- 26

Moved by: Rick Cerna

Seconded by: Chester Glinski

THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Maginnis Drain 2021:

Mayor Dave Mennill (Chair)

Deputy Mayor Dominique Giguère

Councillor Scott Lewis

Carried.

No. 22- 27

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT the Court of Revision for the Maginnis Drain 2021 be called to order at 7:32 p.m.

AND THAT Dave Mennill be appointed Chairman

Carried.

No. 22- 28

Moved by: Dominique Giguère

Seconded by: Scott Lewis

THAT the Court of Revision members for the Maginnis Drain 2021 do hereby accept the recommendations of Drainage Engineer Mike DeVos, Spriet Associates London Limited; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated October 28, 2021

Carried.

No. 22- 29

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT the Court of Revision relating to the Maginnis Drain 2021 be adjourned and the Council Meeting reconvene at 7:34p.m.

Carried.

No. 22- 30

Moved by: Dominique Giguère

Seconded by: Rick Cerna

THAT the tender for the Maginnis Drain 2021 be awarded to Laemers Excavating in the amount of \$6,090.00; subject to the expiration of all appeal periods and subject to no appeals having been received related to the Maginnis Drain 2021.

Carried.

The Mayor thanked Mike Devos of Spriet Associates and he retired from the meeting.

Public Hearing - Minor Variance Application – Applicant Doyle and Prendergast for Frank Enns relating to property at Part of Lot 35, Concession 4, municipally known as 6791 Richmond Road.

No. 22- 31

Moved by: Max Moore

Seconded by: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:35 p.m. and that Mayor Dave Mennill be appointed Chairperson for the “Committee of Adjustment”.

Carried.

Chair Mennill advised that the purpose of this Public Meeting is to consider an application for a Minor Variance as submitted by Doyle and Prendergast on behalf of Frank Enns. Chair Mennill requested the Chief Administrative Officer to provide an overview of the application. The CAO advised that the applicant is seeking relief from the requirement that a single unit dwelling be constructed prior to an accessory building. Such relief would allow the construction of an accessory building (a 26' x 40' shop) on the northwest corner of the property prior to the construction of a single unit dwelling. The property owner seeks to construct an accessory building prior to the single unit dwelling as construction access to the rear yard will decrease following the construction

of the single unit dwelling.

Chair Mennill asked the Applicant and/or their agent to provide any additional information and there were none.

Chair Mennill asked if any comments were received and the Clerk advised there were no additional comments received that weren't included in the report and no other correspondence was received.

Chair Mennill asked if any person in attendance wished to make any comments regarding the application and there were none.

Chair Mennill inquired if any Committee Members had any questions regarding the application. Councillor Glinski inquired what would happen if the house was not built after allowing the accessory building to be built first. CAO Betteridge indicated that there were draft clauses in the agreement to prevent this from happening. Councillor Glinski asked a follow-up question in regards to the one-year time restriction given there may be delays for the applicants given the current delays with materials. CAO Betteridge indicated that an extension to the agreement could be applied for without having to amend it given the intent to establish a dwelling within a reasonable time is there.

No. 22- 32

Moved by: Chester Glinski

Seconded by: Scott Lewis

THAT Report No. DS-22-03 entitled "Minor Variance Application No. D13-MV-11-21 of Frank Enns" and affecting lands described as Part of Lot 35, Concession 4 in the Township of Malahide (specifically being Part 2 on RP 11R-10782) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-11-21 to permit the construction of an accessory building (a 26' x 40' shop) on the nothwest corner of the property prior to the construction of a single unit dwelling;

AND THAT the approval shall be subject to the following conditions:

- 1) That the owner/applicant obtain the necessary Building Permit within 1 year from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as described and illustrated with the application;**

- 2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and building size) to the satisfaction of the Chief Building Official; and,
- 3) That the owner/applicant enter into a development agreement with the Township of Malahide to require the construction of a single-unit dwelling on the subject property within a specified period of time to the satisfaction of the Township of Malahide.

Carried.

No. 22- 33

Moved by: Chester Glinski

Seconded by: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:43 p.m.

Carried.

The Mayor thanked Mr. and Mrs. Enns and they retired from the meeting.

Presentation - Melissa Schneider and Greg Fentie, of the Ontario Federation of Agriculture (OFA), relating to the Home Grown Campaign Farmland Preservation

Mr. Fentie presented the Home Grown Campaign Farmland Preservation presentation referencing some of the highlights of the campaign and some of the challenges currently facing Ontario farmlands in respect to urban development.

Deputy Mayor Giguère inquired if this presentation was being presented to Elgin County Council and if the OFA had any specific recommendations for ways that the Elgin County Official Plan could align and address any of these concerns. Mr. Fentie stated that the presentation was not presented to Elgin County Council but instead presented to the lower tier municipalities. Deputy Mayor Giguère recommends that the organization contact Elgin County Council as there is a call to action and through the Official Plan we can address some of these concerns and Elgin County is currently in the process of updating and putting parameters in place to control land use and would welcome specific recommendations from the organization.

Councillor Widner agrees with what the OFA purposes but they need to let us know what their recommendations are to assist with their vision.

No. 22- 34

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT the presentation from Melissa Schneider and Greg Fentie, of the Ontario Federation of Agriculture, relating to the Home Grown Campaign Farmland Preservation, be received

Carried.

The Mayor thanked Greg Fentie and Melissa Schneider and they retired from the meeting.

REPORTS:

Director of Public Works

- Petition for Drainage – Giesbrecht Petition

No. 22-35

Moved by: Dominique Giguère

Seconded by: Scott Lewis

THAT Report No. PW-22-06 entitled “Petition for Drainage – Giesbrecht Petition” be received;

AND THAT, the Petition for Drainage be accepted by the Council and that notice be sent to the CA/MMNRF, OMAFRA and local municipalities affected so they may request a Benefit Cost Statement or Environmental Appraisal.

Carried.

- Petition for Drainage – Muilwyk/Dykhhoorn

No. 22-36

Moved by: Max Moore

Seconded by: Rick Cerna

THAT Report No. PW-22-07 entitled “Petition for Drainage – Muilwyk/ Dykhhoorn Petition” be received;

AND THAT the Petition for Drainage be accepted by the Council and that notice be sent to the CA/MMNRF, OMAFRA and local municipalities affected so they may request a Benefit Cost Statement or Environmental Appraisal.

Carried.

- Tender Results – Hydraulic Wood Chipper

No. 22-37

Moved by: Mark Widner

Seconded by: Scott Lewis

THAT Report No. PW-22-08 entitled “Tender Results – Hydraulic Wood Chipper be received;

AND THAT tender PW-21-10 for the procurement of a hydraulic wood chipper not be awarded at the recommendation of the Equipment Committee;

AND THAT remediation measures for existing fleet be brought to the 2022 Budget Committee.

Carried.

Building/Planning/By-law

- Application for Consent to Sever of Wendy D'Angelo

No. 22-38

Moved by: Max Moore

Seconded by: Dominique Giguère

THAT Report No. DS-22-04 entitled “Application for Consent to Sever of Wendy D'Angelo” be received;

AND THAT the Application for Consent to Sever of Wendy D'Angelo relating to the property located at Lots 105 through 110 on Plan 78, and known municipally as 11789 Superior Street, be supported for the reasons set out in this Report;

AND THAT this report and the recommended conditions be forwarded to the Land Division Committee for its review and consideration.

THAT the Malahide Township Council has no objection to the Land Severance No. E1/22 in the name of Wendy D'Angelo, relating to the property located at Lots 105 through 110, Plan 78,, Geographic Village of Springfield, subject to the following conditions:

- 1. That the applicant be required to initiate and assume, if required, all cost associate with connection to the Municipal Sanitary Sewer Service, with such**

costs to be paid in full to the township prior to the condition being deemed fulfilled.

2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
5. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
6. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
7. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
11. That the applicants initiate and assume the full cost associated with the required Development Agreement with the Township of Malahide in accordance with section 53 of the Ontario Planning Act, R.S.O. 1990 to ensure a single unit dwelling is constructed in accordance with the Ontario Building Code and within a specified period of time to the satisfaction of the Township of Malahide.

Carried.

No. 22-39

Moved by: Chester Glinski

Seconded by: Max Moore

THAT Report No. DS-22-05 entitled “2021 Building Permit Activity Report” be received.

Carried.

Clerk

- Multi-Year Accessibility Plan

No. 22-40

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. CLERK 22-01 entitled “Multi-Year Accessibility Plan” be received;

AND THAT the Municipal Staff be requested to post the Elgin County and Local Municipal Partners Joint Multi-Year Accessibility Plan 2021-2026 on the Township’s website.

Carried.

REPORTS OF COMMITTEES/OUTSIDE BOARDS

Long Point Region Conservation Authority Board of Directors

No. 22-41

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT the following Reports of Committees/Outside Boards be noted and filed:

- (i) Long Point Region Conservation Authority Board of Directors – Minutes of December 1, 2021.

Carried.

CORRESPONDENCE:

No. 22-42

**Moved by: Max Moore
Seconded by: Rick Cerna**

THAT the Township of South Frontenac resolution reaffirming its concerns regarding joint and several liability and requesting the Province to review the law to ensure a fair and reasonable way to ensure those who suffer losses are made whole while preventing the further scaling back of public services owing to the excessive insurance costs that result from joint and several liability be supported.

Carried

No. 22-43

**Moved by: Max Moore
Seconded by: Rick Cerna**

THAT the Ministry of Agriculture, Food and Rural Affairs correspondence to CN Rail advising federally regulated railways are subject to the Drainage Act and expecting CN Rail to pay its costs assessed under the Drainage Act and not hinder the progress of drainage projects be supported.

Carried

No. 22-44

**Moved by: Max Moore
Seconded by: Rick Cerna**

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario - Watch File – dated January 6 and 13, 2022. (Pages C2 - 5)**
- 2. Town of Bradford West Gwillimbury – Resolution declaring their opposition to Quebec’s Bill 21 and supports efforts to see this discriminatory law overturned. (Pages C7-8)**
- 3. Ministry of Northern Development, Mines, Natural Resources and Forestry – Correspondence advising of proposed regulatory changes under the *Aggregate Resources Act*. (Pages C9)**
- 4. Catfish Creek Conservation Authority – 2022 Meeting Dates. (Page C12)**

5. Kettle Creek Conservation Authority – Notice of Meeting for Conservation Authority Levy Approval. (Pages C13-15)

Carried.

OTHER BUSINESS:

- Municipal Staff Retirement Recognition

Councillor Widner extended his congratulations to Diana Wilson for her 31 years of service with the Township. He and other members of Council extended their congratulations to Diana on her upcoming retirement.

- Elgin Group Police Services Board – Request for reappointment of East Elgin representative until Ministry approves new Board composition.

No. 22-45

Moved by: Mark Widner

Seconded by: Max Moore

THAT Dan Froese be reappointed to the Elgin Group Police Services Board as the joint representative from the Eastern Elgin area, until the Ministry approves the Board Composition.

Carried.

- County of Elgin – Correspondence - Response to Malahide’s request for consideration of Guide rails on Imperial Road entering Port Bruce

No. 22-46

Moved by: Dominique Giguère

Seconded by: Rick Cerna

THAT the County of Elgin correspondence dated January 11, 2022, and Report of County of Elgin General Manager of Engineering, Planning and Enterprise dated December 21, 2021, relating to a safety review on Imperial Road entering into Port Bruce be received

Carried.

BY-LAWS:

No. 22-47

Moved by: Scott Lewis

Seconded by: Mark Widner

THAT By-law No. 22-05 being a Development Agreement with Frank Enns, relating to property at Part of Lot 35, Concession 4, municipally known as 6791 Richmond Road, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 22-48

Moved by: Max Moore

Seconded by: Rick Cerna

THAT By-law No. 22-04, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 22-49

Moved by: Chester Glinski


Seconded by: Mark Widner

THAT the Council adjourn its meeting at 8:15 p.m. to meet again on February 3, 2022, at 7:30 p.m.

Carried.



Mayor – D. Mennill



Clerk – A. Adams