

The Corporation of the Township of Malahide

January 6, 2022– 7:30 p.m.

Virtual Meeting – https://youtu.be/nUH1_i1R70

The Malahide Township Council met via videoconference. The Clerk, Allison Adams and Director of Finance Adam Boylan were 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 and Water/Waste Water Manager S. Gustavson.

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 Glinski disclosed a pecuniary interest with respect to Council Agenda Report item PW22-04 and PW-22-05. The nature of the conflict being that he is an owner of one of the affected properties.

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda Report item PW22-02, PW22-03, PW22-04 and PW-22-05. The nature of the conflict being that a Junior Partner at Spriet Associates is an immediate relative of his.

MINUTES:

No. 22-01

Moved by: Rick Cerna

Seconded by: Max Moore

THAT the minutes of the regular meeting of the Council held on December 16, 2021 be adopted as printed and circulated.

Carried.

PRESENTATIONS/DELEGATIONS/PETITIONS:

Public Hearing – Minor Variance Application - Applicant Matthew Morrison,
relating to property at Part of Lot 19, Concession 12, municipally known as 12215
Dorchester Road

No. 22- 02

Moved by: Dominique Giguère

Seconded by: Mark Widner

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:32 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 Matt Morrison. 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 requirements of the Township of Malahide Zoning By-law which prohibit accessory structures from being located in the required 6.0 meter exterior side yard and closer to the road than the dwelling. The property owners seek to construct a detached accessory building 4.5 metres from the exterior side lot line and closer to Dorchester Road than their existing 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 and there were none.

No. 22-03

Moved by: Max Moore

Seconded by: Mark Widner

THAT Report No. DS-22-01 entitled “Minor Variance Application No. D13-MV-10-21 of Mathew Morrison” and affecting lands described as Part of Lot 19, Concession 12 in the Township of Malahide (12215 Dorchester Road) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-10-21 to permit a detached accessory building approximately 4.5 meters from the exterior side lot line and closer to Dorchester Road than the existing dwelling;

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

1) That the owner/applicant obtain the necessary Building and Demolition Permits within two (2) years 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 illustrated with the application; and,

2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:35 p.m.

Carried.

Public Meeting - Zoning By-law Amendment Application – TMP Haulage (2713612 Ontario Inc.) relating to Part of Lot 19, Concession N Gore, Geographic Township of Malahide, municipally known as 50845 Glencolin Line.

No. 22-04

Moved by: Rick Cerna

Seconded by: Chester Glinski

THAT the Public Meeting concerning the Zoning By-law Amendment Application of TMP Haulage (2713612 Ontario Inc.) relating to Part of Lot 19, Concession N Gore, be called to order at 7:36 p.m.

Carried.

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property located at 50845 Glencolin Line from Small Lot Agricultural (A4) to 'site-specific' Small Lot Agricultural (A4-23).

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express on December 15, 2021 and December 22, 2021. In addition, affected property owners within 120 meters were sent a notice by prepaid first class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested that Dan Smith from Monteith Brown acting on behalf of the Township, provide an overview of the application. Mr. Smith provided an overview of the zoning application as detailed in the report and that based on the review the proposal could be supported given the conditions outlined in the report.

Mayor Mennill asked if the agent for the applicant, David Roe, wished to make any comments. Mr. Roe stated he was in attendance for any questions regarding the application and agreed with what was being recommended by the Township.

Mayor Mennill asked if the applicants Mr. Empey and Constance Camilleri had any comments. Mr. Empey provided a brief overview of the application and provided an explanation of why the application was applied for in order to shift routine maintenance and repair to this location of the business.

Mayor Mennill asked if any Council Members wished to make any comments regarding the application.

Councillor Widner asked if there were any plans to change the parking areas. Mr. Empey indicated that these issues of parking had already been addressed.

Councillor Widner inquired if the owner planned to increase the size of the building and Mr. Empey indicated he had no plans at this time to increase the building size.

No. 22-05

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT the Public Meeting concerning the Zoning By-law Amendment Application of TMP Haulage (2713612 Ontario Inc.) relating to Part of Lot 19, Concession N Gore, be adjourned and the Council meeting reconvene at 7:45p.m

Carried.

No. 22-06

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. DS-22-02 entitled “Zoning By-law Amendment Application of Ted Empey and Constance Camilleri” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z15-21 of Ted Empey and Constance Camilleri, relating to the property located at Part of Lot 19, Concession N Gore; Part 1 of 11R1958, and known municipally as 50845 Glencolin Line, BE APPROVED for the reasons set out in this Report.

Carried.

No. 22-07

Moved by: Max Moore

Seconded by: Dominique Giguère

THAT By-law No. 22-03-being a By-law to amend Zoning By-law No. 18-22 insofar as it relates to the property Ted Empey and Constance Camilleri, relating to the property located at Part of Lot 19, Concession N Gore; Part 1 of 11R1958, be given first, second and third readings, and properly signed and sealed.

Carried.

The Mayor thanked Dan Smith, David Roe, Ted Empey and Constance Camilleri and they retired from the meeting.

REPORTS:

Director of Fire and Emergency Services

- Emergency Services Activity Report – November 2021

No. 22-08

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. F21-16 entitled “Emergency Services Activity Report – November” be received.

Carried.

Director of Public Works

- Malahide Water Distribution System – 2021 Review and Provision of Infrastructure Report

No. 22-09

Moved by: Chester Glinski

Seconded by: Rick Cerna

THAT Report No. PW-22-01 entitled “Malahide Water Distribution System – 2021 Review and Provision of Infrastructure Report” be received.

Carried.

- Petition for Drainage – Burks Petition

Councillor Widner declared a conflict of interest with respect to Council Agenda Report PW22-02, PW22-03, PW22-04 and PW-22-05. He retired from the meeting and abstained from all discussions and voting on the matter.

No. 22-10

Moved by: Max Moore

Seconded by: Rick Cerna

THAT Report No. PW-22-02 entitled “Petition for Drainage – Burks Petition” be received;

AND THAT George Vereyken, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for the Burks Petition.

Carried.

- Request for Improvement – J.L. Ferguson Drain

No. 22-11

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. PW-22-03 entitled “Request for Improvement – J. L. Ferguson Drain” be received;

AND THAT Mike Devos, P. Eng. of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for this petition.

Carried.

- Drainage Update Report

Councillor Glinski declared a conflict of interest with respect to Council Agenda Report PW22-04 and PW-22-05. He retired from the meeting and abstained from all discussions and voting on the matter.

No. 22-12

Moved by: Rick Cerna

Seconded by: Dominique Giguère

THAT Report No. PW-22-04 entitled “Drainage Update Report” be received.

Carried.

- Re-Appointment of Drainage Engineers – Various Drains

No. 22-13

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. PW-22-05 entitled “Re-Appointment of Drainage Engineers – Various Drains” be received;

AND THAT Mike Devos, P.Eng, of Spriet Associates London Ltd. be re-appointed to prepare an Engineer’s Report for the Woolleyville Line Drain, (Township of Malahide petition);

AND THAT Andrew Gilvesy, P.Eng., of Cyril J. Demeyere Limited, be re-appointed to prepare an Engineer’s Report for Cook Drain, (Aylmer Evangelical Mennonite Mission Church and Banman petition);

AND THAT Peter Penner, P.Eng., of Cyril J. Demeyere Limited, be re-appointed to prepare an Engineer’s Report for the Thompson Drain – Branches D & E;

AND THAT Mike Devos, P.Eng, of Spriet Associates London Ltd. be re-appointed to prepare an Engineer’s Report for the Tate Drain.

Carried.

Councillor Widner and Councillor Glinski returned to their seats.

Director of Financial Services/Treasurer

- Draft Malahide Water Budget 2022 and User Fee Schedule

Deputy Mayor Giguère noted the [powerpoint presentation](#) that was included to further detail the report was a resourceful tool as it provided rational behind the strategy and recommended it be added to the minutes.

In response to an inquiry from Deputy Mayor Giguère regarding the continuation of surplus funds being placed in reserves, the Director advised that this would be the

best approach in order to ensure the Township's ability to fund a capital project.

Councillor Widner said not having money in reserves isn't an excuse and is two million in reserves enough to fix a major problem. Director Boylan stated that regardless of the reserve amount if there was an issue that affected public health and safety that the project would be done as finances do not come before health and safety and the Township would take on the debt.

Deputy Mayor Giguère inquired if there is a target of where the reserves should be. Director Boylan stated that with the rates study lapsing in 2022 the Township doesn't have a strong financial plan going forward and a rate study to be completed next year is important. He noted it was important to develop these targets for our reserve balances to ensure accountability for how money is spent.

No. 22-14

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. FIN 21-01 titled "Draft Malahide Water 2022 Budget and User Fee Schedule" be received;

AND THAT the Draft Malahide Water 2022 Budget and the User Rates for 2022 be approved;

AND THAT the Municipal Staff be authorized to carry out the administrative acts necessary to implement such budget and user rates as approved.

Carried.

- Draft Malahide Sewer 2022 Budget and User Fee Schedule

Deputy Mayor Giguère noted the [powerpoint presentation](#) that was included to further detail the report was as a resourceful tool as it provided rational behind the strategy and recommended it be added to the minutes.

No. 22-15

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. FIN 22-02 titled "Draft Malahide Sewer 2022 Budget and User Fee Schedule" be received;

AND THAT the Draft Malahide Sewer 2022 Budget and the User Rates for 2022 be approved;

AND THAT the Municipal Staff be authorized to carry out the administrative acts necessary to implement such budget and user rates as approved.

Carried.

CORRESPONDENCE:

No. 22-16

Moved by: Max Moore

Seconded by: Rick Cerna

THAT the City of Sarnia’s resolution requesting that the Federal & Provincial Governments to find meaningful improvements to the current state of “catch and release” justice in the Ontario legal system as the Police Services across Ontario are exhausting precious time and resources having to manage the repeated arrests of the same offenders which impacts to officers and the system be supported.

Carried

No. 22-17

Moved by: Max Moore

Seconded by: Rick Cerna

THAT South Frontenac’s resolution supporting Bill 214 passed by the Legislative Assembly of Ontario in 2020 to make Daylight Saving Time standard time be supported.

Carried

No. 22-18

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 December 9, 2021, December 16, 2021 and December 23, 2021. (Pages C3 - 9)**
- 2. Fort Erie – Resolution requesting that the provincial government take the necessary steps to work with the federal government on a bilateral agreement to ensure the new national child care program be made available to all Ontarians, and that it focuses on increased access, affordability, quality and responsiveness; and that staff actively monitor**

- federal developments and engage in provincial and regional discussions. (Pages C10-12)**
- 3. Southwestern Public Health – Southwestern Public Health Issues Letter of Instruction – Reinstatement of Capacity Limits related specifically at businesses in municipalities with weekly incidence rates of 80 cases per 100,000 people or greater and/or vaccination rates of fewer than 80% of 12+ fully vaccinated. (Pages C13-14)**
 - 4. Township of Mulmur – Resolution authorizing the Township of Mulmur and the Province to take the actions listed in Mulmur’s correspondence/resolution dated December 13, 2021, to address the Truth and Reconciliation Commission’s Calles to Action directed at municipal government. (Pages C15-17)**
 - 5. Township of Southgate – Resolution requesting the Province of Ontario to amend Ontario Regulation 380/04 under the Emergency Management and Civil Protection Act to provide an exemption to the annual exercise requirement for municipalities that have activated their Emergency Control Group and/or Emergency Response Plan in response to an actual emergency that year in recognition of the significant resources used to respond to the emergency and the effectiveness of such response in evaluating the municipality’s emergency response plan and procedures. (Pages C18-19)**
 - 6. Elgin County – Proposed Draft Plan of Subdivision Notice relating to: (Page C22)**
 - Clergy Reserve Lot "D" North of the Lake Road, Part of James Begg Lots 14 & 15, Registered Plan No. 20 (MIDD), Part of Road Allowance Between Lots 14 & 15 North of the Lake Road, and all of Lot "T", Registered Plan No. 39 in the Township of Southwold now Municipality of Central Elgin.**
 - 7. Town of Aylmer – Notice of Public Hearing relating to 140 Elk Street Aylmer. (Pages C23-24)**
 - 8. Municipality of Central Elgin – Notice of Passing Zoning By-law Amendment relating to the following: (Pages C25-26)**
 - 44598 Dexter Line**
 - 44651 Roberts Line**

Carried.

OTHER BUSINESS:

- Enhancing Program and Services for Older Adults in Elgin County – Strategic Review & Recommendations

No. 22-19

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT the correspondence received from the County of Elgin, relating to an Enhancing Program and Services for Older Adults in Elgin County – Strategic Review & Recommendations Report be received.

Carried.

- Municipal Staff meeting with CCCA Representatives

Councillor Cerna extended his thanks to the CAO and Director of Finance for meeting with the Catfish Creek Conservation Authority staff. He and the CCCA staff were appreciative to have had to opportunity to meet as there have been staff changes to both organizations.

BY-LAWS:

No. 22-20

Moved by: Max Moore

Seconded by: Chester Glinski

THAT By-law No. 22-01 being a By-law to provide for an interim tax levy for the year 2022, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 22-21

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Council move into Closed Session at 8:22 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, regarding advice that is subject to Solicitor Client privilege including communications necessary for that purpose relating to Public Works Tender matter.

Carried.

No. 22-22

Moved by: Max Moore

Seconded by: Chester Glinski

THAT Council move out of Closed Session and reconvene at 8:55 p.m. in order to continue with its deliberations.

Carried.

The Mayor advised that during the Closed Session, the Council provided direction to the Municipal Staff regarding advice that is subject to Solicitor Client privilege including communications necessary for that purpose relating to a public works tender. There is nothing further to report.

No. 22-23

Moved by: Rick Cerna

Seconded by: Max Moore

THAT By-law No. 22-02, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 22-24

Moved by: Mark Widner

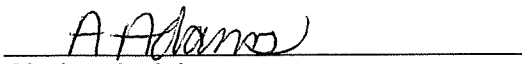
Seconded by: Chester Glinski

THAT the Council adjourn its meeting at 8:56 p.m. to meet again on January 20, 2022, at 7:30 p.m.

Carried.



Mayor – D. Mennill



Clerk – A. Adams