

The Corporation of the Township of Malahide**March 3, 2022 – 7:30 p.m.****Virtual Meeting - <https://youtu.be/piBRMy1R1J8>**

Due to COVID 19 and Public Health concerns, the Malahide Township Council met at the Malahide Community Place, at 12105 Whittaker Road, Springfield, at 7:30 p.m. in order to allow for physical distancing. No public attendance was permitted. The following were present:

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

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Public Works M. Sweetland, Director of Fire and Emergency Services J. Spoor, and IT Manager C. Coxen.

Staff via Zoom: Roads Manager R. DeSutter and Director of Finance A. Boylan.

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 (ii) Petition for Drainage – Giesbrecht and Petition for Drainage – Muilwyk/Dykxhoorn. The nature of the conflict being that a Junior Partner at Spriet Associates is an immediate relative of his.

MINUTES:**No. 22–69****Moved By: Max Moore****Seconded By: Scott Lewis**

THAT the minutes of the regular meeting of the Council held on February 3, 2022, be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:**REPORTS:**Director of Fire & Emergency Services

The Mayor thanked the firefighters for their dedication and commitment in reference to the recent Port Bruce Flood event.

Councillor Cerna wanted to recognize the Mayor for his kindness in shuttling residents who needed assistance during the Port Bruce Flood event.

- Emergency Services Activity Report – January

No. 22–70

Moved by: Rick Cerna

Seconded by: Chester Glinski

THAT Report No. F-22-04 entitled “Emergency Services Activity Report – January” be received.

Carried

-Fire Communication Agreement

No. 22–71

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. F-22-05 entitled “Fire Communication Agreement” be received;

AND THAT the Township of Malahide Council authorize the signing of the Tillsonburg Fire Service Agreement for Dispatching Elgin County.

Carried

Director of Public Works

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda Report in Section D (ii) Petition for Drainage – Giesbrecht and Petition for Drainage – Muilwyk/Dykxhoorn. He retired from the meeting, and abstained from all discussions and voting on the matter.

- Petition for Drainage – Giesbrecht

No. 22-72
Moved by: Max Moore
Seconded by: Scott Lewis

THAT Report No. PW-22-10 entitled “Petition for Drainage – Giesbrecht” be received;

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

Carried

-Petition for Drainage – Muilwyk/Dykxhoorn

No. 22-73
Moved by: Rick Cerna
Seconded by: Chester Glinski

THAT Report No. PW-22-11 entitled “Petition for Drainage – Muilwyk/Dykxhoorn” be received;

AND THAT Mike Devos, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for the Muilwyk/Dykxhoorn Petition.

Carried

Councillor Widner resumed his seat at the Council Table.

- Roads Department 2021 Year-End Report

No. 22-74
Moved by: Dominique Giguère
Seconded by: Scott Lewis

THAT Report No. PW-22-14 entitled “Roads Department 2021 Year-End Report” be received.

Carried

-Crossley-Hunter Speed Concerns

Councillor Widner clarified that from the data provided most drivers were going over the speed limit. Roads Manager DeSutter confirmed this was the case as the road is in good condition and a wide open road for visibility. Councillor Widner noted his concerns with the corner of Crossley Hunter Line and

Dorchester Road as its sightlines are not great. Councillor Widner also noted that when the speed on Mapleton Line was reduced drivers overall lowered their speeds. Councillor Widner would like to see the speed limits lowered but has noted that the report does not support it.

Councillor Cerna noted that there was a delegation last Fall who presented concerns regarding the speeding in their neighbourhood and believed we should be able to help give them what they are asking for. He stated that speed limits do not matter if they are not being enforced.

Councillor Glinski inquired if it was possible to get more police patrol on the road to assist with the speed issues as patrols make a difference and people will slow down.

Councillor Lewis has heard from people in the community that if we slow it down too much we are going to go backwards in our Township as we will not have a road that is 80km/h in Malahide. He stated that people who drive for their job are going to have greater problems doing their job efficiently for reasons that are not understood to most. He cautions how much we slow things down in the Township.

No. 22-75

Moved by: Chester Glinski

Seconded by: Max Moore

THAT Report No. PW-22-15 entitled “Crossley-Hunter Speed Concerns” be received.

Vote for Reconsideration

Immediately following Resolution No.22-75, many Councillors noted that the motion was not clear to what they were voting on. Councillor Moore introduced a motion for reconsideration and it passed unanimously.

No. 22-76

Moved by: Mark Widner

Seconded by: Max Moore

THAT Report No. PW-22-15 entitled “Crossley-Hunter Speed Concerns” be received.

AND THAT, Municipal Staff be directed to prepare the necessary By-law to reduce the speed limit on a section of Crossley Hunter Line from 80 km per hour to 60 km per hour.

Carried

Director of Finance/Treasurer

- Rate Study Contract Award

No. 22– 77

Moved by: Dominique Giguère

Seconded by: Rick Cerna

THAT Report No. FIN 22-03 entitled “Rate Study Contract Award” be received;

AND THAT the contracting of professional consulting services to undertake the Township of Malahide Tertiary Water and Sewer System Rate Study be permitted as a single source procurement;

AND THAT Watson & Associates Economists Ltd. be awarded the service contract for the Township of Malahide Tertiary Water and Sewer System Rate Study, in the amount of \$25,620.00 plus applicable taxes.

Carried

- Revised 2022 Budget Committee Schedule

No. 22–78

Moved by: Scott Lewis

Seconded by: Rick Cerna

THAT Report No. FIN 22-04 titled “Revised 2022 Budget Committee Schedule” be received;

AND THAT the following meeting schedule for the Budget Committee for 2022 Budget deliberations be approved:

Tuesday, March 15, 2022 @ 7:00 pm

Tuesday, March 29, 2022 @ 7:00 pm

Tuesday, April 5, 2022 @ 7:00pm.

Carried

Clerk

- Pre-Election Accessibility Plan

Councillor Glinski inquired if the voters list would be available in a paper format. Clerk Adams responded that if requested it could be provided but electronic format was the primary method.

No. 22 –79

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT Report No. CLERK-22-02 entitled “Pre-Election Accessibility Plan” regarding accessibility for the 2022 Municipal and School Board Elections be received.

Carried

- Use of Corporate Resources for Election Purposes

Deputy Mayor Giguère inquired is this policy is new or modified from the last election. Clerk Adams stated that it’s a requirement of the municipal elections act to ensure we have a current policy in place for each election period.

Councillor Glinski inquired if there would be an all candidates meeting for those interested in looking to run for the election. Clerk Adams stated that one was currently being planned with the Town of Aylmer and Municipality of Bayham and a speaker and date were being confirmed for next month.

No. 22-80

Moved by: Max Moore

Seconded by: Chester Glinski

THAT Report No. CLERK-22-03 entitled “Use of Corporate Resources for Election Purposes” be received;

AND THAT the attached policy regarding the use of Corporate resources for election purposes be adopted.

Carried

- 2022 Council Remuneration

Clerk Adams noted that there was a discrepancy in the report’s options and provided Council with the updated options prior to the meeting for review.

Option 1: Amount To Be Paid If No Action Is Taken

Mayor	-\$25,354.98 (1.5% increase from 2022)
Deputy Mayor	-\$18,905.43 (1.5% increase from 2022)
Councillor	-\$13,092.77 (1.5% increase from 2022)

Option 2: Amount To Be Paid With A \$500 Flat Increase

Mayor	-\$25,854.98 (3.50% increase from 2022)
Deputy Mayor	-\$19,405.43 (4.18% increase from 2022)
Councillor	- \$13,592.77 (5.37% increase from 2022)

Councillor Cerna stated that he believed that this was already included at the time of passing the original By-law 20-74. Clerk Adams stated that it was a part of the resolution and was to be brought back for consideration and read the resolution as written.

Deputy Mayor Giguère stated the council remuneration committee made this recommendation and it's not about this Council but about the incoming Council and that it is a fair request.

No. 22-81

Moved by: Mark Widner

Seconded by: Dominique Giguère

THAT Report No. CLERK-22-04 entitled "2022 Council Remuneration" be received;

AND THAT Council approve increasing annual Council salaries in 2023 by a \$500 flat fee increase.

Carried

Building/Planning/By-law

- Request for a Deeming By-law of Wendy D'Angelo

Councillor Glinski inquired if there was a size limit for these lots and does it interfere with the Land Division Committee (LDC) ruling. CAO Betteridge stated that the Zoning By-law and Official Plan speak to minimum not maximum size and that general good planning would try to encourage maximum lot sizes. This lot in particular is an oversized lot and being reduced to two lots is still appropriate. Councillor Glinski further inquired that the LDC would not complain about being too large for two separate lots. CAO Betteridge stated he cannot speak for the LDC but that the severance application had already been considered by Council about the size and appropriateness of the lots.

No. 22-82

Moved by: Max Moore
Seconded by: Chester Glinski

THAT Report No. DS-22-10 entitled “Request for a Deeming By-law of Wendy D’Angelo” be received;

AND THAT Council approve By-law 22-09, which will deem Lots 105 through 110 on Plan 78 (known locally as 11789 Superior Street), West Side of Superior St. in the Village of Springfield, not to be a Plan of Subdivision.

- Application for Development Agreement as per Consent to Sever of Anna and Isaak Giesbrecht

No. 22–83

Moved By: Scott Lewis
Seconded By: Dominique Giguère

THAT Report No. DS-22-11 entitled “Application for Development Agreement as per Consent to Sever of Anna and Isaak Giesbrecht” be received;

AND THAT the prepared Development Agreement relating to the property located at Part of Lot 11, Concession 1, and known municipally as 49485 Nova Scotia Line in the Hamlet of Copenhagen, be supported for the reasons set out in this Report;

AND THAT Council pass By-Law 22-11, being a By-law to authorize the execution of a Development Agreement with Anna and Isaak Giesbrecht pursuant to Sections 51 and 53 of the Planning Act, R.S.O. 1990, and Severance Application No. E73-21.

Carried

CAO

-Workplace COVID-19 Vaccination Policy Update

Councillor Lewis inquired if the policy would still affect new employees. CAO Betteridge stated that the previously adopted policy would be lifted entirely.

No. 22–84

Moved By: Rick Cerna
Seconded By: Scott Lewis

THAT Report No. HR-22-02 entitled “Workplace COVID-19 Vaccination Policy Update” be received;

AND THAT the Workplace COVID-19 Vaccination Verification Policy B-1.8 be declared redundant effective April 1, 2022.

Carried

- Post-COVID-19 Office Re-Opening

Deputy Mayor Giguère wanted to clarify that with staff returning to the office that the required space and protocols could still be met. CAO Betteridge believed there would be enough space for staff to distance and when that was not the case that masks would be worn.

No. 22–85

Moved by: Max Moore

Seconded by: Chester Glinski

That Report No. HR-22-03 entitled “Post-COVID-19 Office Re-Opening” be received.

AND THAT the Municipal Staff be provided with direction regarding the plan for the Malahide Office to re-open to the public and staff to return to the office from remote working arrangements as outlined in this report.

Carried

- Port Bruce Flooding, February 17th & 18th, 2022 – Update Report

CAO Betteridge has met with a representative from Disaster Recovery Assistance for Ontarians (DRAO) regarding the flooding in hopes that the Minister deems it appropriate to activate and this will give the residents one extra tool to assist them in recovering from the flood event.

Mayor Mennill inquired about the fire pumper and asked Director Spoor for an update as well as an overview of what occurred. Director Spoor stated that the fire pump itself was in Port Bruce for duration of the event. The truck went back to the hall and was sent back to do one last recovery. While doing the recovery, it quit at an idle and it had to be towed back to the hall. The mechanic has found some water in the fuel and tried a few things to see what the problem was. It ran but not properly and the computer did not show anything. If the problem is not the initial potential issues, contacting the insurance provider about putting a claim in is another option.

Councillor Lewis said he had heard a lot about Port Bruce from people but heard a lot of good in conversations. He would like to see staff be directed to find a

company to provide direction regarding these floods and if there is anything more that can be done.

Councillor Cerna stated that the problem is difficult to fix as it's how the setup. He is not sure if we need to hire a professional to fix it but rather possibly staff from Catfish Creek Conservation Authority may be able to assist.

Deputy Mayor Giguère would be in favour of a third party study to ensure that everything that can be done has been done and this could possibly be funded through the recovery program. This would provide extra assurance to compliment the expertise from Catfish Creek and would help clarify the discussions being had and provide closure to the topic.

CAO Betteridge noted that when he was in contact with the Provincial community emergency management coordinator assessing DRAO programs to help the homeowners, the coordinator indicated that they were going to inquire about the potential of Provincial funding for municipalities for disaster mitigation including flooding. These ideas being discussed tonight are noted and staff will come back to Council with further information regarding funding opportunities.

No. 22–86

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. CAO-22-02 entitled “Port Bruce Flooding, February 17th & 18th, 2022 – Update Report” be received

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

Prior to the vote, Councillor Glinski stated that he would like the two separate board minutes to be voted on separately.

No. 22–87

Moved by: Max Moore

Seconded by: Mark Widner

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

- **Long Point Region Conservation Authority Board of Directors – Minutes of January 5, 2022.**

No. 22–88

**Moved by: Max Moore
Seconded by: Scott Lewis**

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

- **East Elgin Community Complex Board of Management – Minutes of February 9, 2022**

Carried

CORRESPONDENCE:

**No. 22 – 89
Moved by: Dominique Giguère
Seconded by: Mark Widner**

THAT the Municipality of Shuniah resolution supporting the Town of Bracebridge’s motion regarding Joint and Several Liability Reform addressing the priority for Provincial action on the issue of growing Municipal Liability and Insurance Costs be supported.

Carried

**No. 22 – 90
Moved by: Dominique Giguère
Seconded by: Mark Widner**

THAT the Township of Clearview resolution requesting that the Federal and Provincial Governments provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements be supported.

Carried

**No. 22 – 91
Moved by: Dominique Giguère
Seconded by: Mark Widner**

THAT the following correspondence be noted and filed:

1. **Association of Municipalities of Ontario - Watch File – dated February 3, 2022, February 10, 2022, February 17, 2022 and February 24, 2022. (Pages C3 -11)**

2. **Town of Halton Hills, Mallorytown – Front of Yonge Township, Town of Aurora, City of Thorold, Town of Gravenhurst, City of Sarnia, Plympton-Wyoming and Town of Kingsville– Resolution requesting the Government of Ontario to dissolve the Ontario Land Tribunal immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario. (Pages C13 - 35)**
3. **Municipality of Shuniah – Resolution requesting expansion of Northern Ontario Schools of Medicine (NOSM) to address the urgent need for physicians in Northern Ontario. (Page C36)**
4. **Municipality of Dutton-Dunwich – Resolution requesting that all lower tier municipalities review the Tri-County Water Board Agreement and work together to form a Water Board for the Lake Huron and Elgin Area Water Systems. (Page C37)**
5. **Norfolk County & Township of Alnwick - Resolution inviting all municipalities across Canada proclaim 2022 to be the Year of the Garden in their respective municipalities. Year of the Garden is a celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges. (Pages C38-42)**
6. **Township of Limerick – Motion passed for the County of Hastings to consider the impact of the Gypsy Moth Caterpillars on the rural communities across Ontario and to accurately interpret the devastation by way of geographical consideration and online reporting methods to ensure accurate and beneficial spraying to combat this problem is undertaken. (Page C43)**

Carried

OTHER BUSINESS:

- East Elgin Community Complex (EECC) Budget

Councillor Glinski wanted an opportunity to further discuss items that could be cut from that budget particularly the engineering of the parking lot.

Councillor Cerna was absent from the EECC board meeting but notes that the building is not that old and the parking lot has been fixed before and now it has to

be done again. He would like to know who did the report on the ice resurfer to determine that a new one is needed. The hours of the machine don't justify requiring a new one. The complex is running a deficit and now they want more money for a brand new machine. We need to start saving money somewhere and if we can get a couple more years out of this machine and patch the parking lot we should do it.

Mennill said he knows that the Director of Finance for Malahide has concerns that Malahide is not prepared to budget this in 2022. Director Boylan said that the capital program at EECC was \$25,000 annually for a lot of years but now has increased significantly without considering the financial impacts to both municipalities but certainly to Malahide. This has the potential to divert some of our funds for other projects in the future.

Councillor Cerna added that it's a select group that use the facility. Alternative ideas to bring in new users have been tried over the years including pickleball and shuffleboard but that is not enough. The library idea could have made money and brought people in but no one liked that idea. When there is a small percentage of the population of both municipalities that use the facility, a different plan is required to stretch every dollar.

Mayor Mennill stated his concerns of how it fit within the budget and asked opinions whether Council should accept it as presented or ask for it to be re-examined.

Deputy Mayor Giguère said we have not examined our own budget yet this year and the expectation is greater than expected. She suggested to defer this motion of budget until the budget committee has met then we will know the impact of what is being requested and what can we afford so that we are in a position to respond to the EECC board with an informed position.

Councillor Widner noted that you hear about the complex and people do not want to spend money on it. We are the ones to make these hard choices on budget and live with it. It's going to be a tough financial year for everyone. We need to make some hard choices and not leave it for the next Council. He would also recommend that it be deferred but is arbitration the next step.

Mayor Mennill noted that deferring it to budget and discussing after with the EECC Board was the next step to find a common ground and arbitration would be the last resort. CAO Betteridge indicated that the terms of reference between the Town and the Township for the EECC was that when both Councils cannot agree on a matter that it would go to Independent third party like an arbitrator to make that decision.

No. 22-92

Moved by: Dominique Giguère
Seconded by: Max Moore

THAT the Draft 2022 Operating Budget for the East Elgin Community Complex (EECC), in the amount of \$595,034 and the Draft 2022 Capital Budget for the EECC, in the amount of \$377,000, be deferred until after Malahide Budget Committee deliberations.

Carried

- Sewage Capacity and future development in Springfield

Mayor Mennill wanted to clarify that there was an error in the Aylmer Express report as it indicated that sewage capacity and future development for Springfield was down the tubes. Mayor Mennill wanted to express that this isn't the case and Director of Public Works had confirmed that there is enough sewage capacity in the lagoons for 208 units.

Councillor Moore gave an overview of the history of Springfield and the capacity throughout the years and what is actually there.

- Truck Traffic and use of Air-Brakes in Springfield

Councillor Cerna noted that he had received complaints regarding truck traffic and speed in the Village. He stated that when transport trucks enter the Village they are using air brakes. He inquired if signs to avoid use of air brakes could be posted in the entrances to the Village. Public Works Director Sweetland stated that any entrances on County Roads would require a resolution to request this from the County. Councillor Cerna would follow up on locations and provide information to Public Works Director Sweetland.

Councillor Moore agreed with Councillor Cerna's statement but that the transport traffic occurs at all hours of the day. Councillor Moore would like to see a truck study count if possible regarding transport truck traffic in and out of the Village as there is substantial traffic even with an alternative route created. There is a trucking depot outside the Village that is looking at expanding which also creates substantial truck traffic through the Village. Public Works Director Sweetland said he will take the concerns as staff direction when it comes to the redesign of Pressey Line but anything County related will require a resolution from Council to pass along to the County. Director Sweetland will prepare a staff report with a recommendation for an upcoming Council meeting.

BY-LAWS:

No. 22-93
Moved by: Max Moore

Seconded by: Chester Glinski

THAT By-law No. 22-10, being a By-law to authorize the execution of a Development Agreement with Wendy D'Angelo, relating to the property in the Village of Springfield described as Lots 105 through 110 on Plan 78, municipally known as 11789 Superior Street, be given first, second and third readings, and be properly signed and sealed.

Carried

No. 22-94

Moved by: Rick Cerna

Seconded by: Mark Widner

THAT By-law No.22-13, being a By-law to authorize the execution of an Agreement with the Corporation of the Town of Tillsonburg for the provision of Fire Communications Services, be given first, second and third readings, and be properly signed and sealed

Carried

CLOSED SESSION:

No. 22-95

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT Council move into Closed Session at 8:55 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following

- (i) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.**
- (ii) A Labour Relations or Employee Negotiations Matter relating to Union Staff Complement.**

Carried

No. 22-96

Moved by: Mark Widner

Seconded by: Chester Glinski

THAT Council move out of Closed Session and reconvene at 9:10 p.m. in order to continue with its deliberations.

Carried

The Mayor advised that during the Closed Session, Council provided direction to Municipal Staff regarding a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board. There is nothing further to report.

The Mayor advised that during the Closed Session, Council provided direction to the Municipal Staff regarding a labour relations or employee negotiations matter relating to Union Staff Complement. There is nothing further to report.

CONFIRMATORY:

No. 22-97

Moved by: Max Moore

Seconded by: Scott Lewis

THAT By-law No. 22-12, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 22-98

Moved by: Chester Glinski

Seconded by: Mark Widner

THAT the Council adjourn its meeting at 9:15 p.m. to meet again on March 17, 2022, at 7:30 p.m.

Carried



Mayor – D. Mennill



Clerk – A. Adams