

MINUTES
of the Municipality of West Perth Council Meeting
on Monday, August 16, 2004
at 7:15 p.m. in the
Council Chambers
Municipality of West Perth

Present: All members of Council were present
Also in attendance: Bruce Potter, B.M. Ross & Assoc. Ltd.;
PSB Members Clara Keller, Clarence Mc Dougall and Ken
Hunsberger; John Spriet, Spriet Associates; and others noted in
the minutes
Staff Present: Pat Taylor, Clerk-Administrator; Mike Kraemer,
Operations Manager; Bob McLean, CBO; Bill Elliott, Fire
Chief; Rick Vivian, Arena Manager; Barb Westlake-Power,
Deputy Clerk

1. Call to Order.

The Meeting was called to order by the Mayor, followed by the Lord's Prayer.

2. Declaration of Conflict of Interest

none declared

3. Delegations

- i) Bruce Potter of B.M. Ross & Assoc. Ltd. was in attendance to review the Francis St. and Clayton St. project, and review tenders. The design and future plans of the Clayton St. project were reviewed for Council, including the original direction provided by Council to the Engineer to initiate the project. Mr. Potter noted that Council's acceptance of a tender for the project should be conditional upon the Municipality's receipt of proper securities from the Developer. Project funding was discussed.

Motion: 447-04

Moved by: Darryl Seigner

Seconded by: Ruth Fiebig

That we open tenders for Francis St./Clayton St. project.

Carried

Motion: 448-04

Moved by: Gerry Kehl

Seconded by: Ruth Fiebig

That the tender of Birnam Excavating in the amount of \$544,189.26 (inc. GST) for Francis St./Clayton St. project be accepted, subject to review by B.M. Ross & Assoc. Ltd. and securities being obtained from Bice.

Carried

- ii) Members of the Police Services Board were in attendance to discuss various matters with the Council. There were many concerns expressed by Council members, dealing with the level of service being provided (or perceived to be provided) and the visibility/police presence in the community. Members of PSB advised that there had been no complaints forwarded to their Board, and Council was asked to have citizens do so. There was concern as to whether the terms of the contract were being met – Council was asked to provide specific details, so the Board could follow-up on the information.

Motion: 449-04

Moved by: Brock Sinnamon

Seconded by: Ross McIntosh

THAT the following items be added to the Council agenda, under Correspondence:

- ABCA, Re: Media Release, Ontario Government helps protect water quality in Southwestern Ontario
- Mitchell District Agricultural Society, Re: Request for flags And By-law 53-2004, being a by-law to provide for drainage works (Stewart Drain).

Carried

4. Adoption of Minutes

- i) Minutes of Council Meeting dated August 3, 2004

Motion: 450-04

Moved by: Ruth Fiebig

Seconded by: Gerry Kehl

THAT the Minutes of the August 3, 2004 Regular Council meeting be accepted as presented

Carried

5. Business Arising from the Minutes

- i) There was brief discussion regarding legal counsel to represent the Municipality at the September OMB Hearing.

Motion: 451-04

Moved by: Ruth Fiebig

Seconded by: Darryl Seigner

THAT West Perth engage the services of Mountain Mitchell for Legal Counsel for the OMB hearing.

Carried

- ii) Motion required

Motion: 452-04

Moved by: Brock Sinnamon

Seconded by: Gerry Kehl

THAT the Mayor and the Clerk be authorized to sign the agreement with the Perth District Health Unit for the temporary contract for smoking by-law enforcement

Carried

- iii) Fullarton Ball Park

Motion: 453-04

Moved by: Brock Sinnamon

Seconded by: Don Jones

THAT the Council of West Perth agrees to pay \$5,000.00 deductible toward the replacement of the ballasts stolen from Fullarton Park

Carried

- iv) Bob McLean was in attendance to discuss with Council the issues raised by the August 3rd delegation.

Motion: 454-04

Moved by: Darryl Seigner

Seconded by: Brock Sinnamon

THAT we go to closed session to discuss a Legal matter.

Carried.

Motion: 455-04

Moved by: Darryl Seigner

Seconded by: Ruth Fiebig

THAT we rise from Closed Session, and resume the Council meeting.

Carried

Motion: 456-04

Moved by: Brock Sinnamon
Seconded by: Darryl Siegner
THAT we follow the CBO's direction on replacement of septic system.
Carried.

6. Planning

Councillor Kehl declared a conflict of interest regarding the Menkveld Consent; the Mayor declared a conflict regarding the Ferguson ZBA, and Councillor Kehl chaired.

- i) Notice of Decision Committee of Adjustment, Re: Verna Elliott-Sager, Plan 339, Pt Lot 166 as RP44R715 Part 1 (Mitchell Ward)
- ii) Notice of Decision Committee of Adjustment, Re: Far Nes Farms Ltd. (Pete Van Nes), Con 5 Lot 21 (Logan Ward)
- iii) Notice of Public meeting, Consent application B30-04 (Menkveld) affecting Plan 437, Lot 5, Pt Lot 6 – Mitchell Ward
- iv) Ontario Municipal Board, Re: Withdraw of Appeal, case #PL040132
- v) Minutes of the Planning Advisory Committee Meeting, dated August 11, 2004

Motion: 457-04

Moved by: Don Jones
Seconded by: Gordon Young
THAT the Menkveld application be dealt with separately.
Carried.

Motion: 458-04

Moved by: Ross McIntosh
Seconded by: Darryl Seigner
THAT the Minutes of the Planning Advisory Committee meeting dated August 11, 2004 be received as presented.
Carried

Motion:

Moved by: Brock Sinnamon
Seconded by: Ross McIntosh
THAT West Perth Council recommends to Land Division that the Menkveld consent application be approved.
Defeated

Motion: 459-04

Moved by: Darryl Seigner
Seconded by: Don Jones
THAT Land Division be advised that West Perth Council does not support the Menkveld consent application.
Carried.

Motion: 460-04

Moved by: Ruth Fiebig
Seconded by: Brock Sinnamon
THAT Planning correspondence not specifically dealt with be noted and filed.
Carried

7. Drains

- i) Notice of On-site meeting, Tuesday, August 17, Re: Lannin A Drain
- ii) Stewart Drain Report, Notice of Report consideration
John Spriet, Spriet Associates was in attendance to present the report to Council. Council was advised that the project will qualify for grants under the MOD program of the Ministry. Mr. T Kernick and Mr. W Klessens were in attendance as affected

property owners. Mr. Spriet outlined the project for Council, the tile is being upgraded to improve the drain.

Motion: 461-04

Moved by: Brock Sinnamon

Seconded by: Barb Mac Lean

THAT we accept the report of Branch C of the Stewart Drain and set date of September 20, 2004 for Court of Revision and call tenders for same.

Carried

- iii) Request for maintenance (Sec. 74 Drainage Act), by T. VanNuland, Reaney-Shaw Municipal Drain Logan Ward – for Lot 10 Con 2

Motion: 462-04

Moved by: Larry Wight

Seconded by: Ross McIntosh

THAT the petition of T. Van Nuland for maintenance of the Reaney-Shaw Municipal Drain (Logan Ward) under Section 74 of the Drainage Act be forwarded to the Drainage Superintendent.

Carried

- iv) Information meeting, Re: Rhode Drain (Section 78) August 12, 2004

Motion: 463-04

Moved by: Larry Wight

Seconded by: Brock Sinnamon

THAT West Perth Council hereby directs changes to the Rhode Municipal Drain Report, as submitted by Dietrich Engineering on July 28, 2004

Carried

- v) Information meeting, Re: Maas Municipal Drain (Section 4) August 12, 2004

Motion: 464-04

Moved by: Gordon Young

Seconded by: Larry Wight

THAT West Perth Council hereby directs changes to the Maas Municipal Drain Report, as submitted by Dietrich Engineering on July 28, 2004.

Carried

- vi) Notice of On-site meeting, August 12, 2004, Re: Chaffe Municipal Drain

- vii) Joric Investments Ltd., Re: culvert extension

Motion: 465-04

Moved by: Darryl Seigner

Seconded by: Ruth Fiebig

THAT permission is granted to Joric Investments Ltd. to extend the culvert of the Morello Drain 100 feet (approx.), as requested on August 12, 2004;

And further that all costs of this will be borne by the Owner;

And further that all work be subject to the approval of the Drainage Superintendent

Carried

- viii) Application for Tile Drain Loan (Maloney), Con 10, Lot 1
(Logan)

Motion: 466-04

Moved by: Brock Sinnamon

Seconded by: Ross Mc Intosh

THAT the Tile Drain Loan Application of Terry and Pam Maloney for Con 10, Lot 1 (Logan Ward) be approved, subject to funds being available from the Province.

Carried

8. Correspondence

- i) Township of Greater Madawaska, Re: Safe Drinking Water Act Regulation 170/03

Motion: 467-04

Moved by: Ruth Fiebig

Seconded by: Brock Sinnamon

THAT the Council of the Municipality of West Perth hereby endorses the resolution of the Township of Greater Madawaska regarding the repeal of Regulation 170/03, Safe Drinking Water Act Regulation , in that the legislation is unfair to rural Ontarians.

Carried

- ii) Fair Air Association of Canada, Re: Designated Smoking Rooms

- iii) Upper Thames River Conservation Authority, Re: Request for resolution of support for Provincial funding for Conservation Authorities

Motion: 468-04

Moved by: Darryl Seigner

Seconded by: Ruth Fiebig

Be it hereby resolved that the Council of the Municipality of West Perth supports Conservation Ontario in petitioning the Provincial Government for key funding concerns: 1) support of basic operational activities, as agreed to in 1997; 2) re-investment in municipal plan review and 3) utilization of the annual C.P.I. for cost-of-living increases.

Carried

- iv) Huron Perth Your Future – Making the Connection, Re: Request for participation at career symposium

- v) Perth County Federation of Agriculture, Re: Municipal Outlet Drain Grants

Motion: 469-04

Moved by: Barb Mac Lean

Seconded by: Darryl Seigner

THAT the Municipality of West Perth Council hereby endorses the position of the Perth County Federation of Agriculture regarding the need for the Province to immediately reinstate grants under the Municipal Drainage Outlet Program.

Carried

At this time Council discussed the large number of endorsement requests that are being received regarding Water Regulation 170/03, and those anticipated regarding the changes to Municipal Drain grants. Council directed that staff may respond with a standing resolution of support for both matters.

Motion: 470-04

Moved by: Ruth Fiebig

Seconded by: Gerry Kehl

THAT staff be directed to forward the support of West Perth Council regarding matter of Reg. 170/03 and the re-instatement of grants through the Municipal Outlet Drainage Program.

Carried.

- vi) MCR Advanced Collision Center, Re: Cornfest Car Show

Motion: 471-04

Moved by: Don Jones

Seconded by: Darryl Seigner

THAT permission is granted for the use of Veteran's Park and a portion of Rowland St., for the Cornfest Car Show.

Carried

- vii) Derek Bannon, Re: Request for sponsorship

Motion: 472-04

Moved by: Darryl Seigner

Seconded by: Don Jones

THAT the request of Derek Bannon be forwarded to Minor Sports.

Carried.

- viii) Municipality of Chatham-Kent, Office of the Mayor, Re: Municipal Outlet Drainage Grant Program (request for support of resolution) *A reply will be sent indicating Council's support as per Motion 470-04.*

- ix) Maitland Valley Conservation Authority, Re: Groundwater Protection Project

- x) Staci & Pete Ball, Re: dogs

- xi) ABCA Media Release, Re: Ontario Government helps protect water quality in Southwestern Ontario

- xii) Mitchell District Agricultural Society, Re: Request for use of flags

Motion: 473-04

Moved by: Don Jones

Seconded by: Darryl Seigner

THAT the Agricultural Society be given permission to use the flags for the Fair.

Carried

Motion: 474-04

Moved by: Darryl Seigner

Seconded by: Gordon Young

THAT Correspondence not specifically dealt with be noted and filed

Carried

9. Presentation of Accounts

Motion: 475-04

Moved by: Ruth Fiebig

Seconded by: Gerry Kehl

THAT the accounts totaling \$341,177.23 be approved as presented.

Carried

10. Standing Committee Reports

- i) Minutes of the Administration Committee meeting, dated August 3, 2004

Motion: 476-04

Moved by: Gerry Kehl

Seconded by: Brock Sinnamon

THAT the Minutes of the West Perth Administration Meeting dated August 3, 2004 be approved as presented.

Carried

11. Committee Reports

12. By-laws

- i) By-law 53-2004 being a by-law to provide for drainage works in the Municipality (Branch 'C' Stewart Drain)

Motion: 477-04

Moved by: Ross McIntosh

Seconded by: Brock Sinnamon

THAT By-law 53-2004, being a by-law to provide for drainage works in the Municipality of West Perth (Stewart Drain Branch 'C') be read a first and second time.

Carried

13. Unfinished Business

- i) The Mayor advised that some Council members are being contacted regarding various matters (ie. OMB hearing). The Mayor cautioned the members regarding commenting.
- ii) There was brief discussion regarding the meeting format. The consensus of Council was to return to separate nights for Council and committee meetings. However, it was noted that combining meetings for the summer and Christmas time was acceptable.

14. New Business

- i) Tax write-offs

Motion: 478-04

Moved by: Gerry Kehl

Seconded by: Ruth Fiebig

THAT West Perth Council approves Tax Write-offs in the amounts of:

Municipal	\$ 4,814.52
County	\$ 4,139.65
Education	<u>\$ 6,293.62</u>
TOTAL	\$15,247.79

Carried

- ii) The Clerk advised that the lease of the Fullarton Hall by the Archives was up for renewal.

Motion: 479-04

Moved by: Don Jones

Seconded by: Gerry Kehl

THAT Council agrees to rent Fullarton Hall to the Archives at rental increases at the rate of inflation from 2003.

Carried.

15. Questions from the Press

16. Closed Session

17. Adjournment

Motion: 480-04

Moved by: Ross McIntosh

Seconded by: Larry Wight

THAT we do now adjourn – time 10:20 p.m.

Carried