

The Corporation of the Township of Malahide**June 15, 2023 – 7:30p.m.**Virtual Meeting - <https://youtu.be/A7VVjbH8BKo>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. Seating capacity is limited and those individuals with matters pertaining to agenda items were prioritized for in person attendance. The following were present:

Council: Mayor D. Giguère, Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, Councillor S. Lewis, and Councillor C. Glinski.

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Finance A. Boylan, Director of Fire & Emergency Services J. Spoor, and HR Manager Sue Loewen.

Also Present: Eric Steele – MBPC, Mike Devos – Spriet Associates, John Spriet, Spriet Associates, Nick Dyjach - Strik, Baldinelli, Moniz (PH Engineering Solutions Inc. OPA & ZBA)

CALL TO ORDER:

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

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item D– Court of Revision Sparta Line Drain 3&4, Court of Revision Maginnis Drain 2023 and Meeting to Consider J.L. Ferguson Drain 2022. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

MINUTES:**No. 23-264****Moved By: Rick Cerna****Seconded By: Sarah Leitch**

THAT the minutes of the regular meeting of Council held on June 1, 2023 be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item D– Court of Revision Sparta Line Drain 3&4, Court of Revision Maginnis Drain 2023 and Meeting to Consider J.L. Ferguson Drain 2023. He retired from the meeting and abstained from all discussions and voting on the matter.

- Court of Revision - Sparta Line Municipal Drain No. 3 & 4, relating to parts of Lots 6 and 7, Concession 3, Township of Malahide

No. 23-265

Moved By: John H. Wilson

Seconded By: Rick Cerna

THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Sparta Line Municipal Drain No.3 & 4:

**Mayor Dominique Giguère
Councillor Rick Cerna
Councillor Scott Lewis**

Carried

No. 23-266

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT the Court of Revision for the Sparta Line Municipal Drain No. 3 & 4 be called to order at 7:32p.m.

AND THAT Dominique Giguère be appointed Chair.

Carried

Chair Giguère asked the drainage engineer to briefly outline the nature of the proposed drainage works and the related assessment schedule. Drainage Engineer John Spriet provided an overview of the Sparta Line Municipal Drain No. 3 & 4.

No written comments/objections were received.

Chair Giguère inquired if anyone in attendance wished to make any comments or ask any questions concerning the proposed assessment schedule and there were none.

Chair Giguère asked if any members of the Court of Revision or members of the public had any comments, questions or required any clarification from the engineer and there were none.

Chair Giguère stated that the next steps of the Court of Revision are for members to Consider a resolution to either confirm the rates presented by the engineer or amend

the assessments. Drainage Engineer John Spriet explained the appeal process if warranted.

No. 23-267

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT the Court of Revision members for the Sparta Line Drain No. 3 & 4 do hereby accept the recommendations of Drainage Engineer John Spriet; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated April 24, 2023.

Carried

No. 23-268

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT the Court of Revision relating to the Sparta Line Municipal Drain No. 3 & 4 be adjourned and the Council Meeting reconvene at 7:37p.m.

Carried

- Court of Revision – Maginnis Drain 2023, relating to parts of Lots 20 to 22, Concession 3 and 4, Township of Malahide

No. 23-269

Moved By: Scott Lewis

Seconded By: John H. Wilson

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 2023:

Mayor Dominique Giguère

Councillor Rick Cerna

Councillor Chester Glinski

Carried

No. 23-270

Moved By: Chester Glinski

Seconded By: Rick Cerna

THAT the Court of Revision for the Maginnis Drain 2023 be called to order at 7:38p.m.

AND THAT Dominique Giguère be appointed Chair.

Carried

Chair Giguère asked the drainage engineer to briefly outline the nature of the proposed drainage works and the related assessment schedule. Drainage Engineer Mike DeVos provided an overview of the Maginnis Drain.

No written comments/objections were received.

Chair Giguère inquired if anyone in attendance wished to make any comments or ask any questions concerning the proposed assessment schedule and there were none.

Chair Giguère asked if any members of the Court of Revision or members of the public had any comments, questions or required any clarification from the engineer and there were none.

Chair Giguère stated that the next steps of the Court of Revision are for members to Consider a resolution to either confirm the rates presented by the engineer or amend the assessments.

Drainage Engineer Mike DeVos explained the appeal process if warranted.

No. 23-271

Moved By: Chester Glinski

Seconded By: Rick Cerna

THAT the Court of Revision members for the Maginnis Drain 2023 do hereby accept the recommendations of Drainage Engineer Michael DeVos; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated March 10, 2023.

Carried**No. 23-272**

Moved By: Rick Cerna

Seconded By: Chester Glinks

THAT the Court of Revision relating to the Maginnis Drain 2023 be adjourned and the Council Meeting reconvene at 7:41p.m.

Carried

- Meeting to Consider – J.L. Ferguson Drain 2023, relating to parts of Lots 8 through 11, Concession 8 and 9

Mike Devos, Engineer, was in attendance and provided an overview of the work required, by presenting the Engineering Report for the J.L. Ferguson Drain, dated April 17, 2023.

Councillor Leitch inquired about the anticipated timeline for this project. Mr. DeVos stated that this is dependent on many factors including the timeline of this process and the next stages but typically can range from 8 to 9 months before contractors begin although things are beginning to change and timelines are improving.

Councillor Wilson inquired if the owners of the land have any say to the start time. Mr. DeVos stated that this was typically not the case but that if harvest was a concern they try to work with the contractor and rearrange but legally can't defer.

No. 23-273

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT the Engineer's Report for the J.L. Ferguson Drain be accepted;

AND THAT By-law No. 23-45 being a by-law to provide for the J.L. Ferguson Drain drainage works be read a first and second time and provisionally adopted.

Carried

No. 23-274

Moved By: Chester Glinski

Seconded By: Rick Cerna

THAT the Court of Revision for the J.L. Ferguson Drain be scheduled to be held on July 6, 2023, at 7:30 p.m.

Carried

No. 23-275

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT the tenders for the construction of the J.L. Ferguson Drain be requested for June 30, 2023 at 11:00 a.m.

Carried

Deputy Mayor Widner returned to his seat at the Council table.

- Public Meeting –Zoning By-law Amendment Application–Applicant/Agent Antoinette Van Blyderveen (owner Michael Brown and Julianne Crom) relating to property SOUTH DORCHESTER CON 8 PT; LOT 3 RP 11R10226 PART 2 (14508 Putnam Road)

No. 23-276

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT the Public Meeting relating to Zoning By-law Amendment Application D14-Z09-23 of Anne Van Blyderveen, relating to the property located at Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester), and known municipally as 14508 Putnam Road be called to order at 7:49p.m

Carried

Mayor Giguère advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property.

Mayor Giguère 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 for two consecutive weeks on May 24th and May 31st. In addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

Mayor Giguère requested that Eric Steele of Monteith Brown provide an overview of the application.

Mayor Giguère asked if the applicant had anything to add and they did not.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application. Councillor Wilson inquired if this was the only property in the row that didn't align with the other lot lines. CAO Betteridge clarified that was correct.

No. 23-277

Moved By: Mark Widner

Seconded By: Chester Glinks

THAT the Public Meeting relating to Zoning By-law Amendment Application D14-Z09-23 of Anne Van Blyderveen, relating to the property located at Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester), and known municipally as 14508 Putnam Road be adjourned at 7:55p.m

Carried

No. 23-278

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT Report No. REPORT NO.:DS-23-17 entitled "Zoning By-Law Amendment Application of Anne Van Blyderveen" be received;

AND THAT the Zoning By-Law Amendment Application of Anne Van Blyderveen (D14-Z09-23), relating to the property located in Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester) be APPROVED for the reasons set out in this Report.

Carried

- Public Meeting – Official Plan Amendment Application & Zoning By-law Amendment Application –Applicant/Agent PH Engineering Solutions Inc. c/o Moe Hajara, relating to property at Part of Lot 21, Concession 3 South (50896 & 50942 Vienna Line)

No. 23-279**Moved By: Sarah Leitch****Seconded By: Scott Lewis**

THAT the Public Meeting concerning Official Plan Amendment Application No. D09-OPA02-23 and Zoning By-law Amendment Application No D14-Z04-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the property located at South Part of Lot 21, Concession 3, and known municipally as 50896 & 50942 Vienna Line, be called to order at 7:57p.m

Carried

Mayor Giguère advised that the purpose of this Public Meeting is to consider an Application was for an official plan amendment and rezoning of the subject property.

Mayor Giguère 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 for two consecutive weeks on May 24th and May 31st. In addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

Mayor Giguère requested that Eric Steele of Monteith Brown provide an overview of the application.

Mayor Giguère asked if the applicant had anything to add and they concluded Mr. Steele had provided a thorough overview.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application. Deputy Mayor Widner inquired about the grain bins and their location. Mr. Steele noted the current location and their use have never been of any concern and doesn't foresee an issue moving forward. Agent Nick Dyjach of SBM, stated that Mr. Steele had provided a thorough overview and he had nothing further to add.

No. 23-280**Moved By: Scott Lewis****Seconded By: Chester Glinski**

THAT the Public Meeting concerning Official Plan Amendment Application No. D09-OPA02-23 and Zoning By-law Amendment Application No D14-Z04-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the property located at South

Part of Lot 21, Concession 3, and known municipally as 50896 & 50942 Vienna Line, reconvene at 8:04p.m.

Carried

No. 23-281

Moved By: Rick Cerna

Seconded By: John H. Wilson

THAT Report No. DS-23-18 entitled “Applications for Official Plan and Zoning By-law Amendments, and Consent to Sever of PH Engineering Solutions Inc. c/o Moe Hajara” be received;

AND THAT the Official Plan Amendment Application No. D09-OPA02-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the property located at South Part of Lot 21, Concession 3, and known municipally as 50896 & 50942 Vienna Line, BE ADOPTED for the reasons set out in this Report;

AND THAT Zoning By-law Amendment Application No. D14-Z04-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the previously-noted property BE APPROVED for the reasons set out in this Report;

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Official Plan Amendment has been received to the satisfaction of the Township of Malahide;

AND THAT the Application for Consent to Sever of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the previously-noted property 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.

Carried

- Presentation – Robert Foster, Auditor, Graham Scott Enns, for presentation of the 2022 Financial Statements

Mr. Foster provided an overview of the Township’s 2022 Audited Financial Statements.

Deputy Mayor Widner inquired what processes can be in place to ensure that different interruptions to different scenarios doesn’t occur in the future. Mr. Foster noted that moving forward better communication between the respective parties in relation to the understanding and interpretations will continue to be sought.

Mr. Foster concluded his presentation noting compliance with the audit finding letter, audit planning letter, and engagement letter.

No. 23-282

Moved By: Chester Glinski

Seconded By: Sarah Leitch

THAT the 2022 Audited Financial Statements, as prepared by Graham Scott Enns, and presented by Auditor Robert Foster, be approved as submitted;

AND THAT the Mayor be authorized to sign the Audit Finding Letter from Graham Scott Enns on behalf of the Malahide Township Council.

REPORTS OF DEPARTMENTS:

Director of Public Works

- Malahide Community Place Concession Booth Update

Councillor Wilson stated that if he hadn't brought up the question at a previous meeting regarding the vacant concession booth, would there have been an operating booth this season and why wasn't this information communicated to Council prior to his inquiry. He also indicated there seems to be a trend happening at the community centre as it seems to not be utilized the way that it used to or should be. Mayor Giguère stated that the strategic plan review could include this element as well as allow to gauge the community interest to ensure the utilization is maximized and to be more pro-active. Councillor Glinski also noted his disappointment regarding the empty concession booth and that someone should be accountable for this problem. Councillor Wilson also noted that the projected revenue in the budget for this line item was \$0 over the next number of years but it had made money prior to COVID and this needs to be reviewed as well.

Mayor Giguère inquired what the direction of Council would be in the interim as there is a recommendation of packaged snacks and drinks sold by MCP attendants but possibly vending machines could be investigated as they wouldn't require a staff member. Also, mobile food trucks in the interim may be interested in anticipation that a concession can be operated next year. Deputy Mayor Widner agreed with this approach.

CAO Betteridge stated that staff had other competing priorities at the moment and that this approach would be best.

No. 23-283

Moved By: Sarah Leitch

Seconded By: Mark Widner

THAT Report No. PW-23-37 entitled "Malahide Community Place Concession Booth Update" be received

Carried

- County Road Maintenance Agreement

No. 23-284

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT Report No. PW-23-40 entitled “County Road Maintenance Agreement” be received;

AND THAT Council approve, in principle, the County Road Maintenance agreement as amended and as attached to this Report, and authorize staff to request the County to prepare the finalized agreement based on the amended version.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

- Long Point Region Conservation Authority – Minutes of May 3, 2023

No. 23-285

Moved By: Rick Cerna

Seconded By: Sarah Leitch

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

(i) Long Point Region Conservation Authority – Minutes of May 3, 2023

Carried

CORRESPONDENCE:

No. 23-286

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT items 2,4,5 and 10 be supported and the remaining items be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated June 1, 2023 and June 8, 2023
2. Lanark County – Support Bill C-321
3. Town of Plympton-Wyoming – Support for Municipality of Tweed regarding Bell-Hydro Infrastructure

4. Southwestern Public Health – Bird from SWPH region tests positive for West Nile Virus
5. Elgin Federation of Agriculture – Correspondence sent to Elgin County Council regarding Helping Homebuyers, Protecting Tenants Act & the Proposed 2023 Provincial
6. Elections Ontario – Response to Malahide Township's letter of support for future accuracy of the permanent register of electors
7. Aylmer Cemetery Board – Letter of Appreciation
8. Ministry of Natural Resources - Streamlining of Approvals under the *Aggregate Resources Act* and Supporting Policy
9. City of Quinte West – Renovictions Support Request
10. Town of Cobourg, Town of Amherstburg, City of Port Colborne, and Township of Puslinch – Support for City of Cambridge – Highway Traffic Act Amendments

Carried

OTHER BUSINESS:

Deputy Mayor Widner inquired about the electric car fires that are occurring and the resources required. Director Spoor provided an explanation of what can happen and what the options are if they occur, noting that the department has had training exercises relating to battery operated cars and other equipment.

Councillor Wilson noted the continual speeding calls he is receiving at the west end of Springfield and would like a further request to be made for speed signs as they do create awareness. However, if the OPP signs are only temporary, what is the cost for permanent signs even though this isn't in this year's budget. The signs work and create awareness and I don't foresee the phone call complaints stopping. Mayor Giguère noted that at a minimum, we can send a request for temporary signs which will provide a quick response. When they are permanently installed the data shows that the effect will decrease over-time but perhaps they can be installed on a cyclical basis as we know it is a spot that has continual issues.

Councillor Cerna had an inquiry from a resident regarding the strategic plan and those chosen at random for direct mail out of postcards. He requested clarification with respect to the letter, the possibility of duplications as the property owner received two and why an income question was included in the survey. Director Boylan stated that the property roll base was used with a formula to provide a diverse demographic amongst ward and classification. They were manually reviewed for duplication but if they own more than one property and are in different names they can certainly slip through. Mayor Giguère

responded that the question of household income is a standard demographic survey question so that the results are representative. We can compare the data to know that we have an actual representation of the township. If people don't feel comfortable answering any question on the survey they can skip to the next question.

BY-LAWS:

No. 23-287

Moved By: Mark Widner

Seconded By: John H. Wilson

THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:

- (i) **By-law No. 23-29 – Five Star Metals Rezoning**
- (ii) **By-law No. 23-47 - Brown/Van Blyderveen**
- (iii) **By-law No. 23-48 – PH Engineering Official Plan Amendment**

Carried

CLOSED:

No. 23-288

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Council move into Closed Session at 9:00p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- (i) **Advice that is subject to solicitor- client privilege, including communications necessary for that purpose relating to the EECC. (Section 239(2)(f))**
- (ii) **Labour Relations or Employee Negotiations Matter relating to Public Works Department staffing. (Section 239 (2)(e))**
- (iii) **Labour Relations or Employee Negotiations Matter relating to CAO Department staffing. (Section 239 (2)(e))**

Carried

No. 23-289

Moved By: Mark Widner

Seconded By: John H. Wilson

THAT Council move out of Closed Session and reconvene at 10:11 p.m. in order to continue with its deliberations.

No. 23-290

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT Malahide Council provided direction to staff with matters relating to advice that is subject to solicitor- client privilege, including communications necessary for that purpose relating to the EECC;

AND THAT Malahide Council provided direction to staff with matters relating to labour relations or employee negotiations relating to Public Works Department staffing and to CAO Department staffing.

Carried

CONFIRMATORY:

No. 23-291

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT By-law No.23-46, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

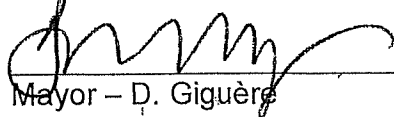
No. 23-292

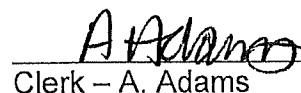
Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the Council adjourn its meeting at 10:13p.m. to meet again on July 6, 2023, at 7:30 p.m.

Carried



Mayor – D. Giguère

Clerk – A. Adams