

The Corporation of the Township of Malahide**July 20, 2023 – 7:30p.m.**Virtual Meeting – <https://youtu.be/3LBKdLXfYKQ>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. 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: Interim Chief Administrative Officer A. Boylan, Clerk A. Adams, Director of Fire & Emergency Services J. Spoor, Director of Public Works J. Godby, and Manager of Water/Wasterwater S. Gustavson

Also Present: Eric Steele – Monteith Brown

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:**MINUTES:**

No. 23-314

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT the minutes of the regular meeting of Council held on July 6, 2023 be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

- Public Hearing - Minor Variance Application – Owner Brad Wiltsie, relating to property at PLAN 71 LOT 32 11R236 PART 1 PART 3 in the Township of Malahide, municipally known as 51272 Clinton Street

No. 23-315

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:33p.m. and that Mayor Dominique Giguère be appointed Chairperson for the “Committee of Adjustment”.

Carried

Chair Giguère advised that the purpose of this Public Hearing is to consider an application for a Minor Variance submitted by Brad Wiltsie, relating to property at PLAN 71 LOT 32 11R236 PART 1 PART 3 in the Township of Malahide, municipally known as 51272 Clinton Street.

Chair Giguère requested that Eric Steele of Monteith Brown Planning Consultants (MBPC) provide an overview of the application.

Chair Giguère advised there were no comments received that haven't already been discussed.

Chair Giguère asked if any person in attendance wished to make any comments and there were none.

Chair Giguère asked if any Committee members wished to make any comments regarding the application and they did not.

No. 23-316

Moved By: John H. Wilson

Seconded By: Rick Cerna

THAT Report No. DS-23-20 entitled “Minor Variance Application No. D13-MV-06-23 of Brad Wiltsie” and affecting lands described as PLAN 71 LOT 32 11R236 PART 1 PART 3 in the Township of Malahide (51272 Clinton Street) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-06-23 to permit the construction of an attached garage with a rear yard setback of 6.5m;

AND THAT the approval shall be subject to the following condition(s):

- 1) That the owner/applicant obtain the necessary Building Permit within 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.
- 3) That the existing shed be relocated within the boundaries of the subject lands and is situated to comply with the requirements of the Zoning By-law to the satisfaction of the Chief Building Official.

Carried

- Public Hearing - Minor Variance Application – Owner Michael Terry, relating to property at CON 7 N PT LOT 7 RP 11R1240;PART 1, municipally known as 15539 Whitaker Road

Chair Giguère advised that the purpose of this Public Hearing is to consider an application for a Minor Variance submitted by Michael Terry, relating to property at CON 7 N PT LOT 7 RP 11R1240;PART 1, municipally known as 15539 Whitaker Road.

Chair Giguère requested that Eric Steele of Monteith Brown Planning Consultants (MBPC) provide an overview of the application.

Chair Giguère advised there were no comments received that haven't already been discussed.

Chair Giguère asked if any person in attendance wished to make any comments and the applicant presented his growing need for this structure for his current business.

Chair Giguère asked if any Committee members wished to make any comments regarding the application. Councillor Leitch confirmed that the structure is to be semi-permanent and it was confirmed that it was.

No. 23-317

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT Report No. DS-23-21 entitled “Application No. D13-MV-07-23 of Michael Terry” and affecting lands described as CON 7 N PT LOT 7 RP 11R1240;PART 1 in the Township of Malahide (15539 Whittaker Road) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Application No. D13-MV-07-23 to permit an accessory structure to be located in a front yard and permit a reduced front yard setback of 8 metres;

AND THAT the approval shall be subject to the following condition(s):

- 1) That the owner/applicant obtain the necessary Building Permit within 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.

Carried

No. 23-318

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:45p.m.

Carried

- Closed Session Presentation

No. 23-319

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT Council move into Closed Session at 7:46p.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 – Proposed Infrastructure Project (Section 239(2)(k))

Carried

No. 23-320

Moved By: Sarah Leitch

Seconded By: Rick Cerna

THAT Council move out of Closed Session and reconvene at 8:33p.m. in order to continue with its deliberations.

Carried

No. 23-321

Moved By: Sarah Leitch

Seconded By: Rick Cerna

THAT Malahide Council provided direction to staff with matters relating to 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 relating to a proposed infrastructure project.

Carried

REPORTS OF DEPARTMENTS:

Director of Fire & Emergency Services

- Emergency Services Activity Report – Quarterly Report (April-June)

No. 23-322

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT Report No. F-23-04 entitled “Emergency Services Activity Report – Quarterly Report (April-June) be received.

Carried

- Follow-Up Report: Emergency Management – Ice Breaking Services

No. 23-323

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT Report No. F-23-05 entitled “Follow-Up Report: Emergency Management – Ice Breaking Services” be received.

Director of Public Works

- Tender Award – Wheel Loader

No. 23-324

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT Report No. PW-23-44 entitled “Tender Award – Wheel Loader” be received;

AND THAT the bid received from Toromont Cat, of London, Ontario, in the amount of \$320,781.49 (plus applicable taxes), for the purchase of one (1) new Caterpillar 930M Wheel Loader with Auto-Greasing System be accepted;

AND THAT the Staff be authorized to add Premiere Extended Warranty coverage (6-year/4000-hour) at the time of purchase for an additional cost of \$11,270;

AND THAT the Staff be authorized to trade in the existing 2008 CASE 721E Wheel Loader to Toromont Cat, of London Ontario for a total of \$53,500.00;

AND THAT the Mayor and Clerk be authorized to enter into an agreement with Toromont Cat, of London, Ontario, for the supply of the above noted new Wheel Loader.

Carried

- Drainage Update Report

No. 23-325

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT Report No. PW-23-43 entitled “Drainage Update Report” be received.

Carried

- RFQ Award – Copenhagen Park Landscaping

No. 23-326

Moved By: Scott Lewis

Seconded By: John H. Wilson

THAT Report No. PW-23-46 entitled “RFQ Award – Copenhagen Park Landscaping” be received;

AND THAT Staff be directed to work with Beamish Landscape Services Inc. to negotiate the award of the RFQ to fit into the project’s allotted budget.

Carried

- Tender Award – J. L. Ferguson Drain

No. 23-327

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT Report No. PW-23-45 entitled “Tender Award – J. L. Ferguson Drain” be received;

AND THAT the tender for the J. L. Ferguson Drain be awarded to A. G. Hayter Contracting, in the amount of \$206,843.75 (plus applicable taxes).

Carried

CAO

- Health and Safety Policy and Occupational Health and Safety Act – Annual Update

No. 23-328

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT Report No. HR-23-07 entitled “Health and Safety Policy and Occupational Health and Safety Act – Annual Update” be received;

THAT the Mayor and Interim Chief Administrative Officer be authorized to sign the Health & Safety Policy on behalf of the Corporation.

Carried

- CAO Recruit Committee

No. 23-329

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT Report No. CAO-23-10 entitled “CAO Recruit Committee” be received;

AND THAT Councillor Cerna be appointed to sit with the Mayor, Deputy Mayor, and Human Resources Manager to form the Recruitment Committee for the hiring of a Chief Administrative Officer.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS

No. 23-330

Moved By: John H. Wilson

Seconded By: Scott Lewis

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

- (i) Catfish Creek Conservation Authority - Programs Services Inventory Progress Report
- (ii) Long Point Region Conservation Authority – Minutes June 7, 2023

Carried

CORRESPONDENCE:**No. 23-331****Moved By: Scott Lewis****Seconded By: John H. Wilson****THAT the following correspondence items be noted and filed:**

1. **Association of Municipalities of Ontario - Watch File – dated July 6, 2023, and July 13, 2023.**
2. **Ministry of Natural Resources and Forestry - Technical Bulletin - Flooding Hazards: Data Survey and Mapping Specifications**
3. **Minister of Environment and Climate Change – Response to correspondence sent supporting Township of the Archipelago's phragmites resolution**
4. **Elgin County – Council Highlights – July 11, 2023**
5. **Southwestern Public Health – Annual Report 2022**
6. **Tillsonburg District Memorial Hospital & Alexandra Hospital Ingersoll – Annual Report 2022-2023**
7. **Chatham-Kent – Time for Change Municipal Freedom of Information and Protection of Privacy Act**
8. **AGCO - Extension of Hours for Ontario Liquor Sales Licensees During FIFA Women's World Cup 2023**
9. **Fisheries and Ocean Canada (DFO) - Publication of Proposed Management Plan for Northern Sunfish on the Species at Risk Public Registry**
10. **Ministry of Natural Resources and Forestry – Proposal to Amend Three Regulated Manuals under the Crown Forest Sustainability Act**
11. **Town of Aylmer – Notice of Complete Applications and Public Meeting 245-249 John Street South**

Carried**OTHER BUSINESS:**

Deputy Mayor Widner welcomed Director Godby and noted some areas of concern on Malahide roads and is looking forward to a welcome road tour.

Deputy Mayor Widner noted a concern he received from a resident regarding Ron McNeil Line and Imperial Road and the resident hadn't realized what Malahide has been trying to do to resolve this issue and reiterated that everyone should be calling their County Councilor's and voicing these concerns. Councillor Cerna echoed this importance and the need for the intersection to be reviewed.

- EECC Governance Committee

Councillor Cerna indicated that this isn't the first time that the Town has proceeded on their own. Deputy Mayor Widner agreed with this comment as it's supposed to be a partnership and once again it doesn't feel like one.

Mayor Giguère noted that the intention of the committee was to work together and to resolve the issue together and after one resolution from the committee we are left with the same problems. If the committee wasn't the way to help resolve the problem than we will find another way.

No. 23-332

Moved By: Rick Cerna

Seconded By: Scott Lewis

WHEREAS Malahide appointed two members of Council to the EECC Governance Committee upon request by the EECC Board of Directors and embarked on governance review process in good faith;

WHEREAS the EECC Governance Committee met only once on May 1, 2023 and only passed one resolution, agreeing to take only one first step toward a more fulsome governance review process;

WHEREAS this resolution stated that each CAO seek an independent legal review upon the behalf of their member municipalities regarding the EECC's incorporation, interpretation of the Joint Municipal Board, liability, and the funding agreement, specific to clauses around ownership and operation;

WHEREAS the resolution directed the CAOs to report back to the Committee;

WHEREAS the Town of Aylmer issued correspondence to Malahide on July 18th indicating that Aylmer Council resolved to publicly post the legal review obtained by their CAO after waving solicitor-client privilege, without having called a Governance Committee meeting and without allowing for each CAO to report back to the Governance Committee at the same time, as agreed upon;

WHEREAS Malahide considers the action taken by Aylmer Council to be irregular and inconsistent with the desired collaborative approach upon the Governance Committee's very first and only resolution;

Be it resolved that Malahide Council agrees to issue correspondence to the EECC Board of Directors indicating that the two members appointed to the EECC Governance Committee will no longer participate in the Committee meetings and recommending that all governance issues be directed to and handled by the EECC Board.

Carried

CLOSED:

No. 23-333

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT Council move into Closed Session at 9:10p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

(i) Personal matters about an identifiable individual, including municipal or local board employees and relating to labour relations or employee negotiations (Section 239 (2)(b)(d)).

Carried

No. 23-334

Moved By: John H. Wilson

Seconded By: Mark Widner

THAT Council move out of Closed Session and reconvene at 9:39p.m. in order to continue with its deliberations.

Carried

No. 23-335

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Malahide Council provided direction to staff with matters relating to personal matters about an identifiable individual, including municipal or local board employees and relating to labour relations or employee negotiations

Carried

CONFIRMATORY:

No. 23-336

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT By-law No.23-54, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

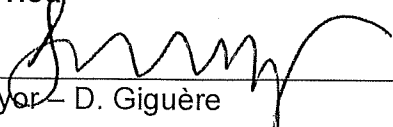
No. 23-337

Moved By: Mark Widner

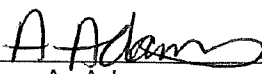
Seconded By: Chester Glinski

THAT the Council adjourn its meeting at 9:40p.m. to meet again on August 3, 2023, at 7:30 p.m.

Carried



Mayor – D. Giguère



Clerk – A. Adams