

MUNICIPALITY OF DUTTON/DUNWICH

Minutes of the Council of the Municipality of Dutton/Dunwich held on May 6, 2009, in the Council Chambers, 199 Curie Road, Dutton, Ontario

Present were: Mayor Bonnie Vowel
Deputy Mayor Cameron McWilliam
Councillor John Yokom
Councillor Donald Page
Councillor Ian Fleck
Clerk-Treasurer Administrator Ken Loveland
Deputy Clerk-Treasurer Heather Bouw

Opening of the Meeting

09.08.01 **MOVED** by Page and **SECONDED** by Yokom **THAT** the meeting of the Council of the Municipality of Dutton/Dunwich opens at 9:00 a.m.

CARRIED

Approval of Agenda

09.08.02 **MOVED** by Fleck and **SECONDED** by Page **THAT** the Agenda be approved as prepared and presented to Council.

CARRIED

Approval of Minutes

09.08.03 **MOVED** by Yokom and **SECONDED** by Fleck **THAT** we approve the minutes of the April 15th, 2009 meeting as printed and delivered to Council members and the Mayor and the Clerk Treasurer Administrator be authorized to sign same.

CARRIED

Declaration of Pecuniary Interest

No one declared a conflict.

Correspondence “Copied List #1-20 + addendum

- 1 Doug Mitton, Building Official
Regarding 132 Shackleton-Linda Carpenter
- 2-7.....Recreation Committee Meeting
Tuesday, April 21, 2009
- 8.....The Arts & Cookery Bank
- 9.....Steve Peters, M.P.P
Highway 401
- 10.....Association of Municipalities of Ontario
Federal Gas Tax Agreement
- 11-18.....SCOR
Economic revitalization
- 19.....Kevin Englehart, Road Department
Regarding Lely 205 L Mower
- 20.....John Kenneth Galbraith Reference Library
Retirement Open House
- 21-22.....Ryan Cox
Elgin County OPP Grant Awarded – For Speed Sign
- 23-24.....Nestle Waters-Gail Cosman
Bottled Water
- 25.....Toronto Star
Bottled Water Article
- 26-27.....Elgin County Matters
April 2009
- 28.....West Lorne Kiwanis Club
Permission letter-Wm. T. Graham
- 29.....Minister Responsible for Seniors
Seniors Month
- 30-34.....Elgin Group Police Services Board
Minutes from March 11, 2009
- 35.....AMO
National Do Not Call List (DNCL)
- 36.....Brent Clutterbuck, Drainage Superintendent
Outline of month’s activities
- 37.....Township of Malahide
Health Recruitment Partnership
- 38.....Ministry of Government Services
Hours of Operation
- 39.....Tyrconnell Heritage Society
Education Day

- #1 - 12 Received & filed
- #13 Received & filed – send letter of approval
- #14 - 20 Received & filed

09.08.04 **MOVED** by McWilliam and **SECONDED** by Page **THAT** the Council of the Municipality of Dutton/Dunwich requests permission from the County of Elgin close Lakeview Line from Docker Road and west to Currie Road on May 22nd and May 23rd, 2009 from 7:30 a.m. to 4:00 p.m. for the Backus Page Education Day and Reenactment Day.

CARRIED

09.08.04 **MOVED** by Page and **SECONDED** by McWilliam **THAT** relevant correspondence was reviewed.

CARRIED

ADMINISTRATOR'S REPORTS

Engineering Proposed Water System Supply Changes

Council reviewed a proposal from Dillon Consulting to undertake the required work to address the change in water supply. Council wants Dillon to be aware that a report already exists, and would like this work completed as soon as possible.

McKillop Cemetery

Council reviewed a letter from Mrs. McKillop requesting Council assume ownership of McKillop's Cemetery. The Clerk-Treasurer Administrator has contacted the appropriate ministry staff and we are waiting for their response. Council discussed the possibility of surveying the property, records, and a possible severance. Council will approve this request pending approval from the ministry.

Grant Application

The application for funding under Intake Two of the Building Canada Fund, and the 3 applications under the Stimulus Program have been completed. Letters, and copies of the applications have been forwarded to Steve Peters and Joe Preston, requesting their support.

09.08.06 **MOVED** by McWilliam and **SECONDED** by Page **THAT** the Council of the Corporation of the Municipality of Dutton/Dunwich instructs the Clerk Treasurer Administrator to make application under Intake Two of the Building Canada Fund to resurface approximately 25 kilometers of existing hard surface road.

CARRIED

09.08.07 **MOVED by Fleck and SECONDED by Yokom THAT the Council of the Corporation of the Municipality of Dutton/Dunwich instructs the Clerk Treasurer Administrator to apply for funding under the Stimulus Fund for the following projects:**

- 1. Replacement and/or installation of approximately 7000 meters of guardrail.**
- 2. Improvements to sewer system**
- 3. Replacement of two culverts on Chalmers Line**

CARRIED

Henson Fence

Council discussed the fence damage reported by Mrs. Henson, as well as her request for compensation. Council discussed the fact that this fence is on municipal road allowance, and whether it was done deliberately. Council decided that the municipality will not pay for damages to the fence.

H.R.S.D.C. Enabling Funding

Council reviewed information on available funding to improve public access to the municipal buildings. We have updated most of our building, however, there are no automatic door openers into the municipal office. Council decided to apply for funding to install an automatic door opener on the interior door between the lobby and the office.

County Budget and Tax Rates

Council received a copy of the County of Elgin By-law which sets the county budget and tax rates for 2009. The residential tax rate has increased slightly from 0.583075 to 0.583747 for an increase of 0.000672. The other rates would also increase slightly. This will be combined with our rates as well as the 2009 Education rate to calculate the Total Tax Rate. The education rates for residential property have dropped to 0.252% which is down from the 0.264% for a drop of 0.12%. This would mean that with all three rates included, we should be looking at a rate which is very near the rate for 2008. Of course, the assessment change would mean that taxes will go up approx 4% in total. There will, of course, be residents who will experience larger increases and some smaller, based on the assessment changes.

Sale of Dutton Hydro Limited

The transaction to sell Dutton Hydro Limited was completed on April 30, 2009. The majority of funds were transferred into our account. The final figures will be adjusted when the audit for the four months, ending April 30th, has been completed.

Used Tire Disposal

The Province will be implementing a new funding system for the disposal of used tires later this year. The tire manufacturer will be picking up the costs for disposal. They will also be paying a

small fee for the collection of these tires. Once more information is available, Council will need to decide if we should apply for approval as a collection site.

VanNuland Property

Council discussed a request to consider an application to remove a holding provision on a portion of property in the Hamlet of Wallacetown, as well as permission to construct an accessory building prior to the construction of a dwelling. The prospective purchasers also presented three possible long-term plans for Council's review. Council is not in favour of removing a portion of the holding provision for an accessory building only.

COMMITTEE REPORTS

Arena Board

Councillor Fleck reported on the April 14th meeting. A comparison of ice rates at several local arenas was completed. A one year Concession Operating Agreement has been prepared. The Kools have until June 1st to sign, or the concession booth will be going to tender. West Elgin has applied, under the recreation grant, to renovate the dressing rooms, as well as replacing insulation and siding of the building.

By-Law Enforcement

Bill Menzies has been performing ongoing by-law enforcement.

Chamber of Commerce

Golf Tournament scheduled for May 31st. Recreation Committee has donated a pool pass for the prize table.

Community Policing

No meeting to report.

Economic Development

Nothing to report.

Emergency Planning

Heather Bouw attended a meeting on May 5, 2009 at the County building. The Health Unit updated those present on the current H1N1 outbreak and what their roles and responsibilities are. If this outbreak is upgraded to a pandemic, the responsibilities of the County's Community Control Group were also discussed.

Fire Department

Councillor Fleck reported on the appointment of Kevin Hull as the deputy chief. Announcement of new captain to be announced in the near future. Training requirements will be implemented for the next year. A defensive driving workshop is being scheduled, in conjunction with Malahide Township.

Health & Safety

No meeting to report on.

Landfill Site

No complaints to report. Many residents are taking advantage of the compost pile.

Lower Thames

Going ahead with McGregor Creek control project. Terms of Reference for Source Water protection were approved on April 16th. Assessment report has to be submitted by April 2010.

Recreation

Clerk-Treasurer Administrator Loveland reported on the April 21st meeting. Interviews for pool staff have been completed and staff for the 2009 season has been hired. The committee discussed the possible increase to the community centre security deposit. Plans for Canada Day and the Street Dance are on schedule.

Senior's Centre

Councillor Page could not attend the last meeting due to a prior commitment.

Trans Canada Trail

No meeting to report

Tri-County Water

Meeting scheduled for May 11, 2009.

Closed Session

09.08.08 MOVED by Yokom and SECONDED by Fleck THAT the meeting adjourn to enter into a closed session to discuss personnel matters of identifiable individuals.

CARRIED

09.08.09 **MOVED by Page and SECONDED by McWilliam THAT the closed session end and the regular session reconvene.**

CARRIED

Proposed Severances

Council discussed proposed severances from St. Peters Church Trustees, Dutton Co-Operative Child Care Centre Inc and Ralph & Anne DeVries.

09.08.10 **MOVED by McWilliam and SECONDED by Yokom THAT the Council of the Municipality of Dutton/Dunwich recommends that the County of Elgin Land Division Committee approve Application E23/09 filed by St. Peter's Church Trustees since this is a resubmission of a previous application and all our conditions have been met and no further conditions are required at this time.**

CARRIED

09.08.11 **MOVED by Yokom and SECONDED by Fleck THAT the Council of the Municipality of Dutton/Dunwich recommends that the County of Elgin Land Division Committee approve Application E20/09 filed by Dutton Cooperative Child Care Inc. since it is an easement for sewer line purposes.**

CARRIED

09.08.12 **MOVED by Fleck and SECONDED by Yokom THAT the Council of the Municipality of Dutton/Dunwich recommends that the County of Elgin Land Division Committee approve application E26/09 filed by Ralph & Anne DeVries Farms Ltd., however, we request that the following conditions be placed on their decision:**

- 1. That the applicant be responsible for any engineering costs incurred by the municipality to split existing drainage assessments**
- 2. That both the severed and retained portions be rezoned in accordance with the Municipality of Dutton/Dunwich Official Plan.**
- 3. That the owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage system.**

CARRIED

Water Report

There are 2 contractors working in both Dutton/Dunwich and Southwold Township. One contractor is at the clean-up stage, and the others are at the testing stages. Material has been ordered for Shackleton and McArthur Street waterlines, with work commencing in a couple of

weeks. This project will complete the removal of all cast iron waterlines in town. Kyle Mylrea has started minor maintenance routines. Lead testing for this quarter has been completed, but we did not meet the 20 household requirement in Dutton/Dunwich or in Southwold, due to a lack of volunteer residences.

Sewage System Report

Brad Reive attended the meeting and reported that all preventive maintenance has been performed as per schedule. All alarm and safety inspections have also been completed. Three gearboxes on the clarifier were sent to be rebuilt, but we have been notified that 2 are not worth being rebuilt. The repair company is saying the supplier has a 45 day delivery for new ones. As there is only one clarifier, the plant is all but shut down now, and we may need to reseed. It has been suggested that we install a small hydraulic unit to drive the big planetary box. This will get rid of the ongoing problem with the drive mechanism. They will call with pricing as soon as possible.

Building Permits

Council reviewed the building permit applications

09.08.13 MOVED by Yokom and SECONDED by Fleck THAT Council review the following Building Permits as passed by the Building Inspectors:

Antonius Veldman	Grain Bin
Rodger Bois-Grossiant	Inground Pool & Fence
Andrew McCallum	Grain Bin
Mike & Kathleen Tambroro	Septic System

CARRIED

Drain Repairs

Council reviewed a drain complaint.

09.08.14 MOVED by Page and SECONDED by McWilliam THAT the following Drainage Complaints be placed in the hands of Brent Clutterbuck for repair:

Wayne Noorloos	Sloetjes Drain
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CARRIED

ROAD DEPARTMENT

Grader Purchase Quotes

Council reviewed a summary of grader quotes prepared by Asst Road Superintendent Kevin Englehart. Council requested a firm purchase price before purchasing the recommended grader.

09.08.15 **MOVED** by Yokom and **SECONDED** by Page **THAT** the Road Superintendent and or assistant be authorized to obtain firm prices on the purchase of a new road grader.

CARRIED

Road Superintendent's Report

Road Superintendent Mike Hull attended the meeting. He reported on the following:

- Street sweeping
- applying gravel to various roads
- municipal drain repairs

09.08.16 **MOVED** by McWilliam and **SECONDED** by Page **THAT** the meeting adjourn at 2:45 p.m. to sit as the Committee of Adjustments.

CARRIED

09.08.17 **MOVED** by McWilliam and **SECONDED** by Page **THAT** the meeting reconvene at 3:20 p.m.

CARRIED

Drainage Superintendent Report

Drainage Superintendent Brent Clutterbuck attended the meeting and outlined his activities for the past month which included drain repairs, drain construction and surveying.

09.08.18 **MOVED** by McWilliam and **SECONDED** by Yokom **THAT** we enter into a Court of Revision for the McAlpine Drain.

CARRIED

Court of Revision – McAlpine drain

Brent and Wybe attended the court of revision. Notices were sent out in accordance with the Tile Drainage Act. No appeals were filed.

09.08.19 **MOVED** by Fleck and **SECONDED** by Page **THAT** since no appeals were filed for the McAlpine Drain the Court of Revision close and the Council meeting reconvene.

CARRIED

09.08.20 **MOVED** by Page and **SECONDED** by McWilliam **THAT** we enter into a Court of Revision for the Graham Drain Open and Tile portions at 3:25 p.m.

CARRIED

Court of Revision – Graham Drain Open & Tile

Drainage Superintendent Brent Clutterbuck and Municipal Engineer Wybe Cnossen attended the court of revision. The Clerk-Treasurer Administrator informed those present that all required notices had been sent out in accordance with The Tile Drainage Act. No appeals were received, and no concerns were addressed.

09.08.21 **MOVED by Yokom and SECONDED by Fleck THAT since no appeals were filed the Court of Revision for the Graham Drain Open and Tile Portion close.**

CARRIED

09.08.22 **MOVED by Yokom and SECONDED by Page THAT we enter into a Court of Revision for the Rivers-McPhail Drain at 3:340 p.m**

CARRIED

Court of Revision – Rivers-McPhail drain

Drainage Superintendent Brent Clutterbuck and Municipal Engineer Wybe Cnossen attended the court of revision. Also in attendance were Russ Campbell, Isaac Enns, Wayne McPhail, Dave Campbell and Stan Campbell. The Clerk-Treasurer Administrator informed those present that all required notices had been sent out in accordance with The Drainage Act R.S.O. 1990 c.D.17. One appeal was filed by Wayne McPhail more than 10 days prior to the court of revision.. Wayne McPhail was concerned that the Goodhue property was being given too much cut-off because he felt that most of the surface water from the Goodhue property would use the new drain because of the shape of the road ditch. Mr. McPhail also stated that the Hathaway property has some surface water that drains through culverts under the railway to the Rivers-McPhail drain, and that this property has not been properly assessed in this report. Isaac Enns stated that he was not aware that he needed to have a letter of appeal on file 10 days before the court of revision, in order to appeal. Mr. Enns doesn't think that this drain improvement benefits his property. Mr. Cnossen explained that the new tile runs a different course than the old tile, and runs parallel to a 6" tile that the McPhails installed. Mr. McPhail stated that the 6" gets rid of his water in 24 hours. Mr. Cnossen also explained that the drain installed in 1971 dumps into the ditch and he had to pay outlet for that. Mr. Cnossen explained that with the 2 drains combined, we are providing a level of service of 25mm per day of rain, as well as fixing surface water. Brent was concerned that this information about including the Hathaway property should have been dealt with at the On-site Meeting or the Meeting to Consider the Report, not at the court of revision, but because it wasn't discussed then, it needs to be dealt with now. The engineer and the drainage superintendent were instructed by Council to investigate the Hathaway property being included into the drain and assessment schedule. The Court of Revision was adjourned until after completion of these investigations.

09.08.23 **MOVED by Yokom and SECONDED by Fleck THAT the Court of Revision of the Rivers-McPhail Drain be adjourned until the engineer can investigate the possible changes to the watershed.**

CARRIED

09.08.24 **MOVED by Page and SECONDED by Yokom THAT the regular meeting reconvene at 4:40 p.m.**

CARRIED

Proposed By-Law

09.08.25 **MOVED by Fleck and SECONDED by Yokom THAT by-law 2009-33 being a by-law to confirm the proceedings of the Municipal Council of the Corporation of the Municipality of Dutton/Dunwich be read a first, second and third time and passed**

CARRIED

Date for Future Meetings

May 20, 2009 – 5:00 p.m.

June 3, 2009 – 9:00 a.m.

Adjournment

09.08.26 **MOVED by Yokom and SECONDED by Fleck THAT the meeting of the Council of the Municipality of Dutton/Dunwich adjourn at 4:45 p.m.**

CARRIED

Mayor

Clerk Treasurer Administrator