

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office at 4:00 p.m.

### **ATTENDANCE**

#### **PRESENT**

Mayor Edmondson  
Deputy Mayor Bannister  
Councillor Filson  
Councillor Brennan  
Councillor Bloomfield  
Councillor Ritchie  
Councillor Berze

#### **ALSO PRESENT**

Cathy Saunders	Chief Administrative Officer/Clerk
Maureen Looby	Director, Public Works & Engineering
Greg Watterton	Director, Finance & Community Services
Aaron Stewardson	Deputy Chief Building Official/By-Law Enforcement Officer
Marc Bancroft	Senior Planner
John Elston	Manager, Emergency Services/Fire Chief
Stephanie Troyer-Boyd	Tax Collector/Deputy Clerk

Mayor Edmondson presided.

The reporter from the Middlesex Banner was in attendance.

### **ADDITIONS TO THE AGENDA**

None were disclosed by any of the members.

### **DECLARATION OF PECUNIARY INTEREST**

Deputy Mayor Bannister declared a pecuniary interest with respect to Agenda Item 4.2.1 as he has submitted an application for a tile drain loan.

### **IN CLOSED SESSION**

1. Resolution # 2009/201  
Moved by Frank Berze  
Seconded by Brian Ritchie

THAT Council move in to closed session at 4:02 p.m. to receive advice that is subject to solicitor-client privilege in accordance with Sections 239 (2) (f) of the Municipal Act, S.O. 2001, c.25, as amended regarding the Meadowcreek Wall.

- Carried -

### **REGULAR COUNCIL RESUME**

1. Resolution # 2009/202  
Moved by Clare Bloomfield  
Seconded by Albert Bannister

THAT Council reconvene in regular session at 4:25 p.m.

### **BUSINESS FROM IN CLOSED SESSION**

1. The Senior Planner was directed to forward a letter to the residents of Meadowcreek Estates that about the brick wall outlining the proposal of the developer with respect to the repair of the wall and report back to Council.

**MINUTES**

1. Resolution # 2009/203  
Moved by Brian Ritchie  
Seconded by Albert Bannister

THAT the minutes of the regular meeting of Council held on September 16, 2009 be approved.

- Carried -

**CONSENT AGENDA**

Councillor Bloomfield asked that the Public Works and Engineering Committee Minutes and Recommendations from September 28, 2009 be removed from the Consent Agenda for further discussion.

Deputy Mayor Bannister and Councillor Brennan asked that the Corporate Services Committee Minutes and Recommendations be removed from the Consent Agenda.

Resolution # 2009/204  
Moved by Albert Bannister  
Seconded by Brian Ritchie

1. THAT Council receive the Minutes of the September 16, 2009 Planning and Development Services Committee meeting and concur with the following recommendations:
  - 1.1 THAT the request for an Application for Site Plan Approval submitted by Sumatara Investments Limited; for lands described as Part of Lot 1, Concession 3 (geographic Township of Delaware), Municipality of Middlesex Centre; be approved.
    - 1.1.1 THAT staff be directed to present the Site Plan Agreement submitted by Sumatara Investments Limited; for lands described as Part of Lot 1, Concession 3 (geographic Township of Delaware), Municipality of Middlesex Centre, for execution at the next regular meeting of Municipal Council pending the following:
      - 1.1.2 THAT Official Plan Amendment 25 be approved and come into full force;
      - 1.1.3 THAT a deposited reference plan be provided to accurately describe the portion of the land subject to the rezoning and the required buffer area; and
      - 1.1.4 THAT the rezoning be approved and come into full force.
  - 1.2 THAT the request for an Application for Site Plan Approval submitted by Wicketthorn Farms Inc. for lands described as Part of Lots 9 and 10, Concession 4 (geographic Township of Delaware), Municipality of Middlesex Centre; Municipal Address: 4334 Woodhull Road be approved.
    - 1.2.1 THAT staff be directed to present the Site Plan Agreement for execution at the next regular meeting of Municipal Council.
  - 1.3 THAT the request for the undertaking of a Development Agreement submitted by Donald and Caroline Roussy for lands described as Part of Lot 5, Concession 3 and Part of Lot 23, Plan 427 (geographic

Township of Delaware), Municipality of Middlesex Centre; Municipal Address: 3362 Brigham Road be approved;

- 1.3.1 THAT staff be directed to present the Development Agreement for execution at the next regular meeting of Municipal Council.
- 1.4 THAT staff circulate the report of the Planning and Development Services Department, dated September 11, 2009 and entitled "Meadowcreek Estates – Phase 1 – Brick Wall – Update", to the affected residents;
  - 1.4.1 THAT staff include a covering letter with the report noting that the proposal is the developer's offer with no commitment expressed by Middlesex Centre to date and that the Municipality requests that the affected residents forward a response to the Municipality regarding the developer's offer.
2. THAT Council receive the Minutes of the Committee of Adjustment Hearing held September 28, 2009.
3. THAT Council receive the Minutes of the Recreation and Facility Services Committee held on September 8, 2009 and concur with the following recommendations:
  - 3.1 THAT the Middlesex Centre Recreation and Facility Services Committee Annual Parks Tour be held in the fall prior to budget deliberations.
  - 3.2 THAT the rates on schedules "B" and "C" of the Report Number RFD010/09 dated August 28, 2009 and entitled "**Rental Rates for Recreation Facilities**" be implemented as part of the 2010 fee bylaw.
4. THAT the accounts as presented by the Treasurer in the amount of \$5,472,423.77 be approved for payment.

- Carried -

## **STAFF REPORTS**

### **1. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

#### **1.1 Planning**

1.1.1 Senior Planner, Marc Bancroft stated that two appeals have been received for Official Plan Amendment No. 24 which is the 5 year Official Plan review.

#### **1.2 Building**

1.2.1 There were no reports or inquiries.

#### **1.3 By-law Enforcement**

1.3.1 There were no reports or inquiries.

### **2. PUBLIC WORKS AND ENGINEERING DEPARTMENT**

#### **2.1 Public Works and Engineering Committee Minutes and Recommendations – September 28, 2009**

CAO/Clerk, Cathy Saunders, explained that resolutions are required from Council to approve tender results where the expenditures are over \$100,000.00 She noted that two items considered at the

September 28, 2009 meeting of Public Works and Engineering Committee which were received as information require approval from Council given the amount of the tender exceeded \$100,000.00. She indicated that the two items were: Jefferies Road Reconstruction Project and Asphalt Distributor with Cab and Chassis. Ms. Saunders also noted that the recommendation from Public Works and Engineering Committee dealing with the Ilderton Wastewater Treatment Facility – Future Expansion Planning cannot be approved by Council at this time as it requires a budget amendment and public notice was not given on the agenda. She recommended that this matter be deferred to the October 21, 2009 meeting of Council for consideration.

Deputy Mayor Bannister indicated concern with respect to tender approvals being granted where the Project extends over two years. He stated that he has concerns providing preapproval for 2010 Projects.

The Treasurer, Greg Watterton indicated that there are some capital projects that require two years to complete such as road projects and some vehicle purchases such as Fire vehicles.

The Treasurer was requested to provide Council with a list of Projects that will extend into 2010.

Resolution # 2009/205

Moved by Clare Bloomfield

Seconded by Frank Berze

THAT Council approve that Bre-Ex Limited be awarded the tender for the Jefferies Road Reconstruction Project in the amount of \$601,719.64, excluding taxes; and

FURTHER THAT the Council approve that Amaco Equipment be awarded the tender to supply one Asphalt Distributor with Cab and Chassis in the amount of \$190,713.13, excluding taxes; and

FURTHER THAT the Mayor and Clerk be authorized to execute the contract documents for these tenders.

- Carried -

Deputy Mayor Bannister expressed concern with the Ilderton Wastewater Treatment Plant Project given that it is being single sourced.

The Director of Public Works and Engineering indicated that the engineering firm proposed to undertake the project has done previous work on the Ilderton Wastewater Treatment Plant and that there will be some cost efficiencies realized as a result.

Resolution # 2009/206

Moved by Clare Bloomfield

Seconded by John Brennan

THAT the recommendation from Public Works and Engineering Committee meeting of September 28, 2009 dealing with the Ilderton Wastewater Treatment Facility – Future Expansion Planning be deferred to the next meeting of Council in order to ensure that proper Public Notice has been given with respect to the Budget Amendment required to undertake this Project.

- Carried -

Councillor Filson requested clarification with respect to the recommendation from Public Work and Engineering Committee dealing with the Right of Way property – North East Corner of Longwoods Road and Gideon Drive. Councillor Filson questioned why the municipality would undertake a detailed evaluation to determine a cost estimate for the repair for budgeting purposes when this is the County of Middlesex road allowance.

Director, Public Works and Engineering, Maureen Looby suggested that staff would be providing a rough estimate on the costs to complete the repairs to the property presently used by patrons of Delaware Variety store for parking.

Deputy Mayor Bannister stated concern that the resolution gives the impression that the municipality intends to include it in their budget.

Resolution # 2009/207

Moved by Clare Bloomfield

Seconded by Frank Berze

THAT staff be directed to proceed with a detailed evaluation to determine a cost estimate for the repair for budgeting purposes as seen in Report Number PWE-055-09/T entitled “Right of Way Property – North East Corner of Longwoods Road and Gideon Drive.

- Carried -

Resolution # 2009/208

Moved by Clare Bloomfield

Seconded by Brian Ritchie

THAT Council receive the Minutes of the Public Works and Engineering Committee held September 28, 2009.

- Carried -

2.2 Environmental Division

2.1.1 Director, Public Works and Engineering, Maureen Looby, noted that the Bear Creek Bridge is complete as is now open.

2.2 Transportation Division

2.2.1 Councillor Brennan asked if it would be possible to have the Public Works and Engineering road tour in the fall rather than the spring. He noted that it would be beneficial to see the planned capital projects in advance of the budget preparation. He also stated that it would be a good time to see the work that had been completed throughout the summer building season. Maureen Looby stated that she could arrange the road tour at a time that would suit Council’s wishes.

2.2.2 Councillor Filson indicated concern regarding the recent decision of the County of Middlesex to prohibit access from Old River Road to County Road 14 (Glendon Drive) as a result of recent rehabilitation to the Kilworth Bridge. He noted that the County has indicated that the recent rehabilitation work to the Bridge has resulted in negatively impacting the site distances at the intersection of Old River Road and Glendon Drive. He indicated that since the County’s construction project created the problem, the County should be required to correct the issue.

Resolution #2009/209

Moved by Clare Bloomfield

Seconded by John Brennan

THAT Middlesex County Council be advised that the Municipality of Middlesex Centre is very concerned with the County's decision to prohibit access from Old River Road to County Road 14 (Glendon Drive) as a result of sight line difficulties that were created as a result of the rehabilitation recently undertaken to the Kilworth Bridge; and

FURTHER THAT the County of Middlesex be requested to seek input from Middlesex Centre and the residents of Old River Road regarding this matter.

-Carried -

- 2.3 Drainage Division
- 2.3.1 There were no reports or inquiries.
3. **FINANCE AND COMMUNITY SERVICES**
- 3.1 Treasury
- 3.1.1 There were no reports or inquiries.
- 3.2 Community Services
- 3.2.1 There were no reports or inquiries.
4. **ADMINISTRATION SERVICES**
- 4.1 Fire & Emergency Services
- 4.1.1 Fire Chief John Elston displayed the kit that is given to grade 4 students in Middlesex Centre during Fire Safety Week.
- 4.2 Clerk
- 4.2.1 Corporate Services Committee Minutes and Recommendations – September 28, 2009
- Councillor Brennan noted the recommendation for the tender bid for the fire vehicle was for a 5 person cab. He questioned the need for a vehicle with larger carrying capacity than other vehicles in the fleet. It was noted that a five person cab is not regulated and that there is no need for one at this time.
- Deputy Mayor Bannister stated that he believes that the tender should be awarded to the lowest tender so long as it meets all specifications. Fire Chief, John Elston, noted that the recommendation was for the more costly vehicle using a manufacturer that has proven to provide quality vehicles. The lowest tender was from Carl Thibault, and discussions with other departments that have purchased a vehicle from this manufacturer feel that the quality and workmanship of the vehicles is not to the same standards as the recommended manufacturer. Mayor Edmondson stated that if the municipality must have a very good reason not to go with the low tender.

Councillor Filson suggested that the matter be deferred to permit time for staff to determine the cost difference between a five person and a smaller cab.

It was the consensus of the majority of Council that the fire vehicle should be retendered without the 5 person cab requirement.

Resolution # 2009/210

Moved by John Brennan

Seconded by Brian Ritchie

THAT staff be directed to retender for the Coldstream Pumper with a two person cab.

- Carried -

It was noted that the recommendation for the supply and installation of shelving in the property file and photocopy rooms will be included as part of the 2010 Budget.

Deputy Mayor Bannister stated that he feels audit services should be tendered for 2010 rather than providing an extension to the current audit contract.

Councillor Berze noted that the proposed fees for 2010 by the current auditor were substantially lower than other local municipalities, the auditor is very competent and the municipality would not likely receive quotes lower than the proposed fee of \$8000.

Councillor Filson stated that any savings on an \$ 8000 audit fee would be minimal and that Council should recognize that fee is low because of the excellent work of staff. He also noted that the auditor is a Chartered Accountant and is well respected in the accounting field.

Resolution #2009/211

Moved by Frank Berze

Seconded by Ken Filson

THAT the proposal of Christene Scrimgeour, dated September 8, 2009 for audit services for the years 2010 to 2012 at the annual rate of \$8,000.00 be approved.

- Carried -

Councillor Brennan stated that he does not support the recommendation of Corporate Services Committee to approve early retirement benefits outside the policy.

Councillor Berze agreed that the policy was approved beginning at age 60 and the employee was asking for relief from the age requirement.

Resolution # 2009/212

Moved by John Brennan

Seconded by Brian Ritchie

THAT Council deny the request of an individual to receive early retirement benefits commencing November 1, 2009 as outlined in Report Number CAOC043/09, dated September 25, 2009.

- Carried -

Resolution # 2009/213

Moved by Albert Bannister

Seconded by Clare Bloomfield

THAT Council receive the Minutes of the Corporate Service Committee held September 28, 2009 and concur with the following recommendations:

1. THAT amended Policy PS-4.02 "Open Fires Cost Recovery" be approved in accordance with Report Number PS-F-2009-017/FC, dated September 21, 2009.
2. THAT the penalty charges on Roll Number 39-39-019-010-14400-0000 outlined in Report Number T008-TC, dated August 24, 2009 be confirmed.
3. THAT the utility charges on account 7131660002 outlined in Report Number CST006/09, dated September 2, 2009 be confirmed.
4. THAT the quote from Thames Office Solutions, for supply and installation of shelving in the municipal office property file room be accepted; and

THAT the quote from Don Ellis, for supply and installation of shelving in the old photocopy room be accepted; and

THAT allocation in the amount of \$5,787.51 be made in the 2010 budget.

5. THAT Middlesex Centre enter into a rental agreement with the Ilderton Curling Club for the term October 1, 2009 to April 15, 2010 at a seasonal rate of \$42,719.00.
6. THAT the request of the Ilderton Agricultural Society to receive a \$1,000.00 grant to assist with the university tuition for the Fair Ambassador be denied.
7. THAT By-law 2009-074 being a By-law to designate persons to sign municipal cheques in the place of the Treasurer and the Head of Council be approved; and

THAT By-law 2009-075 being a By-law to establish Signing Authority for Corporate Business be approved.

- Carried -

4.2.2 Report No. CAOC039/09 - Approval of Tile Drain Loan – Bannister – North Part Lot 2, Concession 8 (geographic Township of London)

Deputy Mayor Bannister left the Council Chambers as he had declared a pecuniary interest in this matter.

Resolution # 2009/214

Moved by Clare Bloomfield

Seconded by John Brennan

THAT Report Number CAOC039/09 of the Chief Administrative Officer/Clerk, dated September 15, 2009 and entitled "Approval of Tile Drain Loan – Bannister – North Part of Lot 2, Concession 8 (geographic Township of London) be received; and

THAT Council approve the Application for Tile Drain Loan as submitted by Albert F. Bannister for drainage on the North Part of Lot 2, Concession 8 (geographic Township of London) in Middlesex Centre subject to the funds being available and the work is completed and the loan is actually applied for.

- Carried -

Deputy Mayor Bannister returned to the Council Chambers.

4.2.3 Report No. CAOC042/09 – Approval of Tile Drain Loan – 806433 Ontario Ltd., - Part of Lots 20 & 21, Concession Gore (geographic township of Westminster)

Resolution # 2009/215  
Moved by John Brennan  
Seconded by Clare Bloomfield

THAT Report Number CAOC042/09 of the Chief Administrative Officer/Clerk, dated September 18, 2009 and entitled “Approval of Tile Drain Loan – 806433 Ontario Ltd. – Part of Lots 20 & 21, Concession Gore (geographic Township of Westminster) be received.

THAT Council approve the Application for Tile Drain Loan as submitted by 806433 Ontario Ltd. for drainage on Part of Lots 20 & 21, Concession Gore (geographic Township of Westminster) in Middlesex Centre subject to the funds being available and the work is completed and the loan is actually applied for.

- Carried -

4.2.4 There were no further reports or inquiries.

### **IN CLOSED SESSION**

1. Resolution # 2009/216  
Moved by Albert Bannister  
Seconded by John Brennan

THAT Council move in to closed session at 6:50 p.m. for personal matters regarding an identifiable individual in accordance with Sections 239 (2) (b) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

### **REGULAR COUNCIL RESUME**

1. Resolution # 2009/217  
Moved by Brian Ritchie  
Seconded by Ken Filson

THAT Council reconvene in regular session at 7:15 p.m.

### **BUSINESS FROM IN CLOSED SESSION**

1. That the Chief Administrative Officer/Clerk be directed to request Marianne Love of McDowall Associates to attend the next Council meeting to discuss the replacement of the Chief Administrative Officer/Clerk position as a result of the resignation of the current Chief Administrative Officer/Clerk.

### **4.3 By-laws**

Resolution #2009/218

Moved by Albert Bannister

Seconded by Clare Bloomfield

THAT By-law 2009-059, being a By-law to being a By-law to provide a Drainage Works in the Municipality of Middlesex Centre in the County of Middlesex to be known as the Ballymote North Drain Branches "A" and "C" 2009 be approved and this constitutes third and final reading and By-law 2009-059 is hereby enacted.

THAT By-law 2009-060, being a By-law to being a By-law to provide a Drainage Works in the Municipality of Middlesex Centre in the County of Middlesex to be known as the Hack Drains 2009 be approved and this constitutes third and final reading and By-law 2009-060 is hereby enacted.

THAT By-law 2009-074, being a By-law to designate persons to sign municipal cheques in the place of the Treasurer and the Head of Council be approved and this constitutes the first, second and third reading and By-law 2009-074 is hereby enacted.

THAT By-law 2009-075, being a By-law to establish Signing Authority for Corporate Business be approved and this constitutes the first, second and third reading and By-law 2009-075 is hereby enacted.

THAT By-law 2009-076, being a By-law to Amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with Respect to Part of Lot 1, Concession 3 (geographic Township of Delaware) Municipality of Middlesex Centre be approved and this constitutes the first, second and third reading and By-law 2009-076 is hereby enacted.

THAT By-law 2009-077, being a By-law approving and ratifying a Site Plan Agreement between Wicketthorn Farms Inc. known as the "Owner" and the Municipality of Middlesex Centre known as the "Municipality" for lands described as Part of Lots 9 and 10, Concession 4, Part 1, Reference Plan 33R-12926 (geographic Township of Delaware) Municipality of Middlesex Centre be approved and this constitutes the first, second and third reading and By-law 2009-077 is hereby enacted.

THAT By-law 2009-078, being a By-law to Approving and Ratifying a Development Agreement between Donald Roussy and Caroline Ann Roussy collectively known as the "Owner" and the Municipality of Middlesex Centre known as the "Municipality" for lands described as Part of Lot 5, Concession 3, Part of Lot 23, Plan 427 (geographic Township of Delaware) Municipality of Middlesex Centre be approved and this constitutes the first, second and third reading and By-law 2009-078 is hereby enacted.

- Carried -

**CONFIRMING BY-LAW**1. Resolution # 2009/219

Moved by Clare Bloomfield

Seconded by Albert Bannister

THAT By-law Number 2009-080 being a By-law to confirm the proceedings of the Council meeting held on October 7, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-080 is hereby enacted.

- Carried -

**ADJOURNMENT**

There being no further business, this meeting of Council adjourned at 7:20 p.m. to meet again on Wednesday, October 21, 2009 at 7:00 p.m.

---

MAYOR

---

CLERK

### **INFORMATION**

1. AMO 2009 Ontario West Municipal Conference Registration – November 25 & 26, 2009.
2. AMO Alert 09/064 – AMO Releases Draft Paper: Seeking Joint and Several Liability Reform.
3. AMO Alert 09/065 – Provincial Government Hosting Sessions on Broadband Funding.
4. AMO Alert 09/066 – Green Energy Regulations Strongly Reflect AMO Input.
5. AMO Alert 09/067 – AMO's Message to the Province: Accessibility and Municipalities at Risk with Initial Proposed Built Environment Standard.
6. AMO Counties, Regions & Single Tier Municipalities District Social Services Administration Boards Conference 2009 Registration – October 18<sup>th</sup> – 20<sup>th</sup>, 2009.
7. AMO FYI 09/114 – Continuous Improvement Fund (CIF).
8. AMO FYI 09/116 – AMO's 2008 GTF & PTF Annual Expenditure Report.
9. AMO/LAS Town Hall Sessions 2009-2010.
10. AMO – Media & Communications Training Registration - Fall 2009.
11. Bluewater Recycling Association Meeting Highlights – August & September 2009.
12. Community Schools Alliance – Disputed School Closures – Request for Assistance.
13. LAS Connections – Energy Conference Registration – November 16 & 17, 2009.
14. Correspondence from County of Middlesex Warden Jim Maudsley - Middlesex County Warden's Charity Golf Tournament.
15. Correspondence from SARI Therapeutic Riding.

16. Staff Report CSD018/09-T – 2010 Draft Budget Schedule.
17. Middlesex-London Health Unit – Community Information Sessions on Pandemic H1N1 Influenza.
18. 2009 Ontario West Municipal Conference – Economy, Energy, Environment – November 25<sup>th</sup> & 26<sup>th</sup>, 2009.
19. Ministry of Municipal Affairs & Housing – Update September 2009.
20. MOE/OMAFRA – New Rules for Non-agricultural Source Materials.
21. Ontario Hospital Association – Fraud & Misconduct – Safeguarding the Public Services Sector Conference – December 1, 2009.
22. FCM Own the Podium 2010 Municipalities Challenge.
23. Lupus Foundation of Ontario – October is Lupus Awareness Month.
24. Elgin, Middlesex, Oxford Local Training Board – Focus on Ambulatory Health Care.
25. Sand Plains Community Development Fund.
26. October & November Council & Committee Meeting Schedule.
27. Correspondence – Boston Drive.
28. Correspondence – Geoff Rennison.
29. ABCA Stormwater Management Policy.
30. AMCTO Express – Legislative Update – October 1, 2009.
31. Ombudsman Ontario Statement – Funding for Cancer Drug Avastin.
32. FCM Green Municipal Fund.
33. Municipal Waste Association.