

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL  
CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL  
SPENCERVILLE MUNICIPAL OFFICE  
MONDAY, MAY 25, 2015  
6:30 PM**

**PRESENT:**

Pat Sayeau, Mayor  
Peggy Taylor, Deputy Mayor  
Michael Barrett, Councillor  
Gerry Morrell, Councillor  
Karie Smail, Councillor

**STAFF:**

Debra McKinstry, CAO/Clerk  
Richard Bennett, Former Treasurer  
Melanie Stubbs, Treasurer  
Dave Grant, Director of Operations  
Sheena Earl, Deputy Clerk

1. Call to Order

Mayor Sayeau called the meeting to order at 6:32pm.

2. Approval of Agenda

R2015-196

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Municipal Council approves the agenda as presented.

Carried

3. Disclosure of Pecuniary Interest & the General Nature Thereof – None

Mayor Sayeau took some time to recognize Mr. Bennett's career as Treasurer with the Township and to wish him well in his upcoming retirement.

4. Delegations

a) Ted Livingston, Job Developer – CSE Consulting

Mr. Livingston outlined the free employment services offered by CSE Consulting including their job boards, resume and cover letter writing assistance, employee testing and salary evaluations.

5. Minutes of the Previous Council Meeting

a) Regular Meeting – April 27, 2015

R2015-197

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that Municipal Council receives and approves the minutes of the Regular Meeting dated April 27, 2015.

Carried

6. Business Arising from the Previous Council Meeting (if any) – None

7. Committee Minutes

a) Public Library Board – March 31, 2015

R2015-198

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council receives the minutes of the Public Library Board meeting dated March 31, 2015.  
Carried

b) Administration & Finance Committee of the Whole – May 4, 2015

R2015-199

**Decision:** Moved by: P. Taylor seconded by: K. Smail that Municipal Council receives and approves the minutes of the Administration & Finance Committee of the Whole meeting dated May 4, 2015.

Carried

c) Community Development Committee – May 11, 2015

R2015-200

**Decision:** Moved by: P. Taylor seconded by: K. Smail that Municipal Council receives and approves the minutes of the Community Development Committee meeting dated May 11, 2015.

Carried

d) Wastewater Treatment Plant Management Board

R2015-201

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Municipal Council receives the minutes of the Wastewater Treatment Plant Management Board meeting dated May 13, 2015.

Carried

e) Recreation Advisory Committee

R2015-202

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council receives and approves the minutes of the Recreation Advisory Council meeting dated May 14, 2015.

Carried

f) Public Works, Environmental Services & Facilities Committee of the Whole

R2015-203

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Municipal Council receives and approves the minutes of the Public Works, Environmental Services & Facilities Committee of the Whole meeting dated May 19, 2015.

Carried

g) Port Management Committee

R2015-204

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that Municipal Council receives and approves the minutes of the Port Management Committee meeting dated May 20, 2015.

Carried

8. Action and Information Items from Committees

a) Approve 2014 Financial Statements

R2015-205

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council approves the consolidated audited financial statements for the Township of Edwardsburgh/Cardinal as at December 31, 2014 and authorizes the Mayor and

Clerk to sign on behalf of the Corporation.

Carried

b) Port Governance

R2015-206

**Decision:** Moved by: P. Taylor seconded by: K. Smail that  
Whereas in February 2014 Council of the Township of Edwardsburgh/Cardinal engaged the services of Mr. Bill Johnson to review the current Model of Governance under which the Township provides oversight to the Port of Johnstown business enterprise, which is operated as a separate division of the Township of Edwardsburgh/Cardinal, by means of a Port Management Committee of Council subject to all the requirements of the Ontario Municipal Act, and

Whereas Mr. Bill Johnson presented his final report, dated June 24, 2014, to Council on July 21, 2014 and recommended that:

1) the current governance structure by means of a Committee of Council was not appropriate and that

2) Council should proceed to introduce a Local Board as recognized under subsection 11(2) of the Municipal Act ; and

Whereas at the Regular meeting of Council on September 2, 2014 staff was directed to begin to action the recommendations of the Port Governance Report gradually by drafting the Establishment and Separation of Management Responsibilities By-Laws, using some current Township policies as templates; and

Whereas Mr. Johnson returned on April 6, 2015 to review with the new Council his Final Report and Recommendations and further clarified that the move to establish a Local Board could be regarded as an interim step in moving to a corporate governance structure pending clarification of a number of liability, tax, and federal approval issues;

Therefore be it resolved that Mr. Bill Johnson be engaged on a Fee for Service basis, at the expense of the Township, to begin drafting the Establishment By-Law, Organizational By-Law, Delegation of Powers By-Law, Deeming By-Law, Adoption By-Law, Procedural By-Law, Port's Record-Keeping Responsibilities & Duties By-Law, Board Appointments By-Law, Board of Management Resolutions for confirmation of Chair, Vice-Chair, External Members and Committees and Committee Chairs, and Cancellation of Management Committee By-Law, all as per the attached Part 11 – Recommendations from Mr. Johnson's Final Report, with a view to having interim and ongoing discussions during the drafting process with the Administration & Finance Committee and having these various by-laws prepared by year-end 2015.

Amendments to the motion were suggested and discussed by Council.

**Moved** by: G. Morrell seconded by: M. Barrett that the second paragraph be amended to change "recommended that" to "stated that", and that the first clause of the second paragraph be deleted and replaced with "In many respects, the current Port of Johnstown Management Committee is similar to a local board, however, it lacks the expressed delegation of authority and the formalities prescribed for local boards in sections 23.1, 23.2, 23.3 and 23.4 of the *Municipal Act*".

Amendment Carried

**Moved** by: G. Morrell seconded by: K. Smail that the second clause of the second paragraph be deleted in its entirety.

Amendment Carried

**Moved** by: M. Barrett seconded by: P. Taylor that the amended motion be tabled for further review.

Defeated

**Moved** by: G. Morrell seconded by: K. Smail that the final two lines of the fourth paragraph be deleted.

Amendment Carried  
Original Motion Carried as Amended

The revised resolution reads as follows (amendments italicized):

Whereas in February 2014 Council of the Township of Edwardsburgh/Cardinal engaged the services of Mr. Bill Johnson to review the current Model of Governance under which the Township provides oversight to the Port of Johnstown business enterprise, which is operated as a separate division of the Township of Edwardsburgh/Cardinal, by means of a Port Management Committee of Council subject to all the requirements of the Ontario Municipal Act, and

Whereas Mr. Bill Johnson presented his final report, dated June 24, 2014, to Council on July 21, 2014 and *stated* that:

*1) In many respects, the current Port of Johnstown Management Committee is similar to a local board, however, it lacks the expressed delegation of authority and the formalities prescribed for local boards in sections 23.1, 23.2, 23.3 and 23.4 of the Municipal Act; and*

Whereas at the Regular meeting of Council on September 2, 2014 staff was directed to begin to action the recommendations of the Port Governance Report gradually by drafting the Establishment and Separation of Management Responsibilities By-Laws, using some current Township policies as templates; and

Whereas Mr. Johnson returned on April 6, 2015 to review with the new Council his Final Report and Recommendations and further clarified the move to establish a Local Board and that the Township may amend its current Port of Johnstown Management Committee structure to make it fit more perfectly into the structure of a local board or commission as described above.

Therefore be it resolved that Mr. Bill Johnson be engaged on a Fee for Service basis, at the expense of the Township, to begin drafting the Establishment By-Law, Organizational By-Law, Delegation of Powers By-Law, Deeming By-Law, Adoption By-Law, Procedural By-Law, Port's Record-Keeping Responsibilities & Duties By-Law, Board Appointments By-Law, Board of Management Resolutions for confirmation of Chair, Vice-Chair, External Members and Committees and Committee Chairs, and Cancellation of Management Committee By-Law, all as per the attached Part 11 – Recommendations from Mr. Johnson's Final Report, with a view to having interim and ongoing discussions during the drafting process with the Administration & Finance Committee and having these various by-law prepared by year-end 2015.

c) Hydro Reliability

R2015-207

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that  
Whereas a reliable electricity supply is a primary requirement for business and industry in Ontario and a critical component in efforts to attract and retain the jobs and investment these companies provide; and

Whereas an outage of even less than one second can shut down a modern production facility, resulting in tens of thousands of dollars in wasted product, lost staff and production time, as well as damaging sensitive equipment; and

Whereas information provided by local manufacturers shows their power outages far outnumber those in other jurisdictions in Ontario, Canada and the United States, which is a clear indication they are the result of the aging electricity infrastructure in our region that hasn't been properly maintained by Hydro One; and

Whereas area industries have for more than two years raised their concerns about the frequency of these power outages directly with Hydro One officials at the local and corporate levels; and

Whereas despite those efforts, Hydro One has failed to resolve the problem and, in fact, the recent experience from area industries indicates the frequency of power outages is actually increasing; and

Whereas continued inaction by Hydro One on this issue not only threatens to cost our region millions of dollars in new investment and expansion, but seriously jeopardizes the continued operation of these industries;

Now therefore be it resolved that the Council of the Corporation of the Township of Edwardsburgh/Cardinal calls upon the Ministry of Energy to direct Hydro One to begin working with Eastern Ontario municipalities and industries to develop an action plan and immediately make the investments necessary to upgrade eastern Ontario's grid to provide the reliable support of electricity essential to the continued success of our region's businesses and industries.

Carried

d) Provincial Land Disposition

R2015-208

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that Municipal Council express interest in Parcels P65074 and P65073 for the purpose of recreation lands in order to remain engaged in the sale process by Infrastructure Ontario as recommended by Administration & Finance Committee of the Whole.

Carried

e) Severance Application B-35-15 (Bain)

R2015-209

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council recommend in favour of the severance application B-35-15 (Bain) conditional upon the severed lands being adjoined to the neighbouring property owned by Ryan Wynands as recommended by Community Development Committee.

Carried

f) "Y on the Fly" Facilities Use Request

R2015-210

**Decision:** Moved by: P. Taylor seconded by: K. Smail that Municipal Council grant in-kind use of the Johnstown Community Centre for the YMCA's Y on the Fly seniors program as recommended by Recreation Advisory Committee.

Council clarified that this was a free program.

Carried

g) Reduced Walking Track Hours

R2015-211

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Municipal Council direct that the hours at the Ingredion Centre walking track be reduced to 7:30a.m. – 10:30 a.m. Monday through Friday for the months of June and July as recommended by Recreation Advisory Committee.

Carried

h) Pittston Sand & Salt Shed

R2015-212

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that Municipal Council:

- 1.) Receives the inspection report provided by Storage Systems Construction Corporation with respect to the Pittston Sand & Salt Storage Dome;
  - 2.) Direct staff to proceed with recommended repairs included in the report at a cost of \$49,000 + HST; and
  - 3.) Cover unbudgeted dome repair expenses through adjustments in current approved capital project estimates in 2015 as recommended by Public Works, Environmental Services & Facilities Committee of the Whole.
- Carried

- i) Support Spencerville Hotel 100<sup>th</sup> Anniversary Community Celebration

R2015-213

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council supports the Spencerville Hotel 100<sup>th</sup> Anniversary Community Event to be held on July 18<sup>th</sup>, 2015 and has no objection to the application for a Special Occasion Permit for this event.

Carried

- j) Canada 150 Infrastructure Grant Priority Projects

R2015-214

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Whereas Canada 150 is a key milestone in the life of this country, and provides Canadians with an opportunity to celebrate Canada's history, heritage and future by reinvesting in community infrastructure across the country; and Whereas the Canada 150 Community Infrastructure Program will invest \$150 million nationally over two years to support projects that will rehabilitate existing community facilities across Canada, and ensure a lasting legacy resulting from Canada 150; and Whereas the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) is delivering the program in southern Ontario with an allocation of \$44.4 million over two years; and Whereas Organizations are not limited in the number of applications that they can submit, but they must priority rank their projects on their application forms; and Whereas the Corporation of the Township of Edwardsburgh/Cardinal wishes to participate in the program in celebration of our nation's rich history; Now therefore be it resolved that Council support applications to the Canada 150 Community Infrastructure Program for projects listed in the following priority sequence:

1. Replacement of Brine Header Trench at Spencerville arena;
2. Upgrades to Filtration system at Johnstown swimming pool;
3. Upgrades to Filtration system at Cardinal swimming pool.

Carried

- k) Award Rail Repairs (Port of Johnstown)

R2015-215

**Decision:** Moved by: P. Taylor seconded by: K. Smail that Municipal Council award the repair of the east portion of the KD84 rail line to Jones Rails Industries Ltd. in the amount of \$59,000 and authorizes the Port General Manager to sign the purchase order on behalf of the Township as recommended by Port Management Committee.

Carried

9. Correspondence

R2015-216

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council receives the correspondence listings for the following dates as previously circulated:

- April 27, 2015

- May 1, 2015
- May 19, 2015

Carried

10. Approval of Disbursements

a) Municipal Accounts

R2015-217

**Decision:** Moved by: P. Taylor seconded by: M. Barrett that Municipal Council approves payment of municipal invoices circulated and dated as follows:

- |                               |              |
|-------------------------------|--------------|
| • Report dated April 28, 2015 | \$ 10,137.38 |
| • Report dated May 4, 2015    | \$194,103.04 |
| • Report dated May 13, 2015   | \$220,510.60 |
| • Report dated May 22, 2015   | \$130,605.92 |
| • Report dated May 22, 2015   | \$170,545.18 |

Clarification was sought with respect to the payment for Filehold maintenance which is the Township's electronic filing system.

Staff was asked to provide total amount of the cheques to be issued on the motion next meeting.

Carried

b) Port Accounts

R2015-218

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council approves the payment of Port invoices circulated and dated as follows:

- |            |              |
|------------|--------------|
| • Batch 16 | \$571,486.48 |
| • Batch 17 | \$127,525.52 |

Carried

11. By-laws

a) Personnel Policy (3<sup>rd</sup> & Final Reading)

This by-law received first and second reading at the Regular meeting of April 27, 2015.

R2015-219

**Decision:** Moved by: P. Taylor seconded by: K. Smail that a by-law to establish employment and personnel policies for non-unionized salaried and hourly rated employees of the Township be now read a third time and finally passed, signed, sealed and numbered 2015-22.

Deputy Mayor Taylor requested a recorded vote:

|                     |     |     |
|---------------------|-----|-----|
| Councillor Barrett  | Yea |     |
| Councillor Morrell  | Yea |     |
| Councillor Smail    | Yea |     |
| Deputy Mayor Taylor |     | Nay |
| Mayor Sayeau        | Yea |     |

Carried

b) Hiring Policy (3<sup>rd</sup> & Final)

This by-law received first and second reading at the Regular meeting of April 27, 2015.

R2015-220

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that a by-law to adopt a hiring policy be now read a third time and finally passed, signed, sealed and numbered 2015-17.

Carried

c) Appoint Integrity Commissioner

R2015-221

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that the mover be granted leave to introduce a by-law to appoint an Integrity Commissioner pursuant to the Municipal Act and that this shall constitute first and second reading thereof.

Carried

R2015-222

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that a by-law to appoint An Integrity Commissioner pursuant to the Municipal Act be now read a third time and finally passed, signed, sealed and numbered 2015-33.

Carried

d) Amend Building By-law (Code of Conduct)

R2015-223

**Decision:** Moved by: K. Smail seconded by: P. Taylor that the mover be granted leave to introduce a by-law to amend by-law 2012-05 respecting permits relating to construction, demolition, change of use, inspections and privately owned swimming pools and this shall constitute first and second reading thereof.

Carried

R2015-224

**Decision:** Moved by: K. Smail seconded by: P. Taylor that a by-law to amend by-law 2012-05 respecting permits relating to construction, demolition, change of use, inspections and privately owned swimming pools be now read a third time and finally passed, signed, sealed and numbered 2015-34.

Carried

12. CAO's Administrative Update

R2015-188

**Decision:** Moved by: P. Taylor seconded by: K. Smail that Municipal Council receives the CAO's Administrative Report as presented.

The CAO/Clerk reviewed her report mentioning economic development efforts, appointment of an alternate CEMC for Emergency Management and recruitment of a new Chief Building Official.

Staff was requested to bring forward a report with respect to recreation cost sharing with Augusta Township to the June Administration & Finance Committee of the Whole.

Carried

13. Councillor Inquiries or Notices of Motion

- Deputy Mayor Taylor presented the following Notice of Motion:

**Moved by:** P. Taylor seconded by: K. Smail that  
"Whereas the Township has a variety of legal issues requiring different areas of specialization; and  
Whereas Council may require that certain issues be dealt with by solicitors with access to a number of areas of specialization;  
Therefore Be it Resolved that the Township hereby names Steven Williams, Jason Shelly and Steven Ault, as well as their respective law firms, as Solicitors of Record for the Township of Edwardsburgh/Cardinal."

This motion will come forward for more discussion at the June Administration & Finance Committee of the Whole meeting.



- Appointment By-law requested to come forward to June Administration & Finance Committee of the Whole meeting (request has since been withdrawn)
- Compliments to staff for proactive Yards By-law enforcement efforts

14. Mayor's Report

Mayor Sayeau briefly discussed the following:

- UCLG Official Plan (to come forward at June Administration & Finance Committee of the Whole)
- Prescott Wastewater Treatment Plant Management Board Meeting (agreement to come forward to June Administration & Finance Committee of the Whole)
- Chamber of Commerce Tourism Initiative
- Port cottage assessments

R2015-226

**Decision:** Moved by: M. Barrett seconded by: G. Morrell that Municipal Council receives the Mayor's Report as presented.

Carried

15. Question Period

Questions were raised with respect to the following:

- Committee meeting schedule
- Industrial Park soils testing
- Current and previous Integrity Commissioner appointments
- Hydro reliability
- Port governance

16. In Camera – None

17. Confirmation By-law

R2015-227

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that the mover be granted leave to introduce a by-law to adopt, confirm and ratify matters dealt with by resolution and this shall constitute first and second reading thereof.

Carried

R2015-228

**Decision:** Moved by: G. Morrell seconded by: M. Barrett that a by-law to adopt, confirm and ratify matters dealt with by resolution be now read a third time and finally passed, signed, sealed and numbered 2015-35.

Carried

18. Adjournment

R2015-229

**Decision:** Moved by: K. Smail seconded by: P. Taylor that Municipal Council does now adjourn at 8:07 pm.

Carried

These minutes were adopted by Council this 22<sup>nd</sup> day of June, 2015.

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Mayor

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Deputy Clerk