

**MINUTES
MUNICIPAL COUNCIL
CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL
SPENCERVILLE MUNICIPAL OFFICE
MONDAY, FEBRUARY 26, 2018
6:30 PM**

PRESENT:

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

STAFF:

Dave Grant, Director of Operations, Acting CAO/Clerk
Melanie Stubbs, Treasurer
Brian Moore, Fire Chief
Rebecca Williams, Deputy Clerk

1. Call to Order

Mayor Sayeau called the meeting to order at 6:30pm.

2. Approval of the Agenda

R2018-31

Decision: Moved by: K. Smail seconded by: G. Morrell that Municipal Council approves the agenda as amended with the addition of item 8n) Release of Legal Summary and that the Environmental Review Tribunal be renumbered as 8o).

Carried

3. Disclosure of Pecuniary Interest & the General Nature Thereof

Councillor Barrett declared an interest in item 8j) as the respondents in the drainage matter are his parents-in-law.

4. Delegations & Presentations – None

5. Minutes of the Previous Council Meetings

a) Regular Meeting – January 23, 2018

R2018-32

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council receives and approves the minutes of the Regular Meeting dated January 23, 2018.

Carried

6. Business Arising from the Previous Council Meeting – None

7. Committee Minutes

a) Public Library Board – November 28, 2017

R2018-33

Decision: Moved by: G. Morrell seconded by: P. Taylor that Municipal Council receives the minutes of the Public Library Board meeting dated November 28, 2017.

Carried

b) Port Management Committee – Special – December 20, 2017

R2018-34

Decision: Moved by: M. Barrett seconded by: G. Morrell that Municipal Council receives the minutes of the Port Management Committee – Special meeting dated December 20, 2017.

Carried

c) Port Management Committee – December 20, 2017

R2018-35

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council receives the minutes of the Port Management Committee meeting dated December 20, 2017.

Carried

d) Port Management Committee – January 24, 2018

R2018-36

Decision: Moved by: G. Morrell seconded by: P. Taylor that Municipal Council receives the minutes of the Port Management Committee meeting dated January 24, 2018.

Carried

e) Benson School Ad Hoc Committee – January 29, 2018

R2018-37

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council receives and approves the minutes of the Benson School Ad Hoc Committee meeting dated January 29, 2018.

Carried

f) Community Development Committee – February 5, 2018

R2018-38

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council receives and approves the minutes of Community Development Committee dated February 5, 2018.

Carried

g) Recreation Advisory Committee – February 6, 2018

R2018-39

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council receives and approves the minutes of Recreation Advisory Committee meeting dated February 6, 2018.

Carried

h) Committee of the Whole – Administration & Finance Budget Meeting – February 12, 2018

R2018-40

Decision: Moved by: G. Morrell seconded by: P. Taylor that Municipal Council receives and approves the minutes of the Committee of the Whole – Administration & Finance Budget meeting dated February 12, 2018.

Carried

i) Committee of the Whole – Public Works, Environmental Services & Facilities – February 20, 2018

Council noted a typographical error to be corrected.

R2018-41

Decision: Moved by: M. Barrett seconded by: G. Morrell that Municipal Council receives and approves the minutes of Committee of the Whole – Public Works, Environmental Service & Facilities meeting dated February 20, 2018.
Carried

8. Action and Information Items from Committees

a) Natural Gas Grant Program

R2018-42

Decision: Moved by: M. Barrett seconded by: G. Morrell
WHEREAS the Province of Ontario established and funded the Natural Gas Grant Program as a means of stimulating the extension/expansion of natural gas services in Ontario; and
WHEREAS the Township of Edwardsburgh Cardinal worked diligently with our natural gas franchise partner, Union Gas, to identify our joint project (County Road 2 infill and Spencerville extension) and file our application for funding under the Natural Gas Grant Program; and
WHEREAS our joint application has not been successful under the program which was heavily oversubscribed to \$500 million with only \$100 million available.
THEREFORE BE IT RESOLVED THAT the Township of Edwardsburgh Cardinal urges the Minister of Infrastructure, Honourable Bob Chiarelli, to continue the Ontario Natural Gas Grant Program with additional funding under the next Provincial Budget.
FURTHER THAT this resolution be forwarded to the Premier of Ontario, Hon. Bob Chiarelli, MPP Steve Clark, and Union Gas.

Carried

b) Investment of Industrial Park Land Sales

R2018-43

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council direct staff to transfer the net proceeds from the sale of land in the Industrial Park, allocating \$59,282.37 to the Industrial Park Land Reserve Fund and \$19,760.79 to the Industrial Park Wastewater Reserve Fund, as recommended by Committee of the Whole Administration & Finance.

Carried

c) Transfer to-from Reserves & Reserve Funds

R2018-44

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council approves transfers to reserves and transfers from reserve funds as described below:

Reserve	Starting Reserve/ Reserve Fund Amount	Transfer In Amount	Transfer From Amount	Balance of Reserve/Reserve Fund
Policing Reserve	\$118,715.00	\$10,000.00		\$128,715.00
Recreation Reserve	\$60,987.39	\$15,000.00		\$75,987.39
Industrial Park Land Reserve Fund	\$1,130,182.84		(\$687,878.43)	\$442,304.41

As recommended by Committee of the Whole Administration & Finance.

Carried

d) 2018 Cost of Living Increase

R2018-45

Decision: Moved by: M. Barrett seconded by: G. Morrell that Municipal Council approves a cost of living increase for all full-time, non-union staff of 1.49% retroactive to January 1, 2018 as per the personnel policy by-law, as recommended by Committee of the Whole Administration & Finance.

Carried

e) AMO -Fire Medic Protection

R2018-46

Decision: Moved by: P. Taylor seconded by: G. Morrell

WHEREAS Bill 160, the *Strengthening Quality and Accountability for Patients Act* amended the *Ambulance Act* to permit the Ministry of Health and Long Term Care to enable two pilot projects hosted by willing municipal governments to allow fire fighters, certified as paramedics, to treat patients while on duty with a fire department; and

WHEREAS the Government of Ontario is committed to proceeding with the pilots and enabling the fire-medical model despite the absence of objective evidence to show that it would improve patient outcomes or response times; and

WHEREAS the current interest arbitration model, particularly in the fire services sector, allows arbitrators to impose awards on unwilling employers that directly impact the employer's ability to determine how it will deploy its workforce, as evidenced by the experience of many municipalities in regards to the 24-hour shift; and

WHEREAS in the absence of legislative protection, unwilling municipalities may be forced to enter into a pilot or adopt a fire-medical model as a result of interest arbitration; and

WHEREAS the Association of Municipalities of Ontario and its municipal members have called on the Government of Ontario to introduce legislative amendments to the *Fire Protection and Prevention Act, 1997* and the *Ambulance Services Collective Bargaining Act* to preclude arbitrators from expanding the scope of work for fire fighters and paramedics respectively through interest arbitration awards; and

WHEREAS there is precedent for a restriction on the scope of jurisdiction of arbitrators in section 126 of the *Police Services Act* which precludes arbitrators from amending the core duties of police officers; and

WHEREAS the Government of Ontario has committed that no unwilling municipal government will have a fire-medical pilot or program imposed upon them.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Edwardsburgh Cardinal calls on the Government of Ontario to act immediately so that legislative amendments, that will protect unwilling municipalities from being forced by arbitrators to have a fire medical pilot or program, are placed within the upcoming Budget Bill before the Ontario Legislature rises for the provincial election.

AND FURTHER THAT a copy of this resolution be forwarded to Premier Kathleen Wynne, Office of the Premier; Hon. Dr. Eric Hoskins, Minister of Health and Long-term Care; Hon. Marie-France Lalonde, Minister of Community Safety and Correctional Services; Hon. Kevin Flynn, Minister of Labour, Hon. Bill Mauro, Minister of Municipal Affairs; MPP Steve Clark; and the Association of Municipalities of Ontario.

Carried

f) Fort Town Night Run Event

R2018-47

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council supports and approves the request for partial road closure on Windmill Road for the Fort Town Night Run Event on May 5, 2018 and that notification be provided to affected residents, as recommended by Committee of the Whole – Public Works, Environmental Services & Facilities.

Carried

g) Mandatory Certification & Training for Fire Department

R2018-48

Decision: Moved by: G. Morrell seconded by: P. Taylor

WHEREAS the Ministry of Community Safety and Correctional Services (MCSCS) established an advisory Fire Safety Technical Table as part of a mandate commitment to provide recommendations to modernize fire service delivery; and

WHEREAS MCSCS has proposed new requirements under the Fire Protection and Prevention Act, set out by the National Fire Protection Association (NFPA) to include mandatory certification for firefighters employed or appointed to a fire department after December 31, 2018; and

WHEREAS current firefighters that currently do not have all the required certification will find it difficult to advance their skills, as they may not possess the required prerequisites set out by the NFPA; and

WHEREAS new firefighters must achieve the NFPA certification requirements within 24 months, which involved 244 hours of training, in order for municipalities to maintain their current level of service; and

WHEREAS the mandatory NFPA certification requirements may significantly increase training requirements and operational expenses in the 2018 and future budgets; and

WHEREAS the standards and requirements under the Fire Protection and Prevention Act will require compliance between January 1, 2019 to January 1, 2020, which will pose a time commitment challenge to new recruits and volunteer firefighters.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Edwardsburgh Cardinal calls on the Minister of Community Safety and Correctional Services to increase the 24-month transition regulation requirements and mandatory certifications to 36 months in order for volunteer firefighters to have the necessary time to achieve the certifications while serving and protecting their municipality.

AND FURTHER THAT a copy of this resolution be forwarded to Premier Kathleen Wynne, Office of the Premier; Hon. Marie-France Lalonde, Minister of Community Safety and Correctional Services, MPP Steve Clark, AMO, Ontario Fire Marshals, and Ontario Fire Chiefs Association.

Carried

h) 2017 Annual Water Reports – CWS & EDS

R2018-49

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council:

1. Receive the 2017 annual water reports for CWS and EDS; and
2. Direct staff to post the annual water reports to Township website; and
3. Direct staff to notify users via social media and local newspapers of report availability.

As recommended by Committee of the Whole – Public Works, Environmental Services & Facilities.

Carried

i) Case Loader Replacement

R2018-50

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council:

1. Include loader trade-in as part of the lease agreement to lower monthly payments; and
2. Proceed with a 48-month leasing option for a replacement loader through Equipment Sales and Services Limited at \$3,118.95 per month; and
3. Reallocate the \$30,000 taxed for Truck 1 replacement with \$15,951.60 to public works vehicle expense and \$14,048.40 to public works reserves; and
4. Execute the required contract documents.

As recommended by Committee of the Whole – Public Works, Environmental Services & Facilities.

Carried

- j) Appoint Robinson Consultants Inc. – Engineer’s Report – JRDR Municipal Drain

Councillor Barrett did not participate in the discussion or vote on the resolution.

R2018-51

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council appoint Andrew Robinson, P. Eng. of Robinson Consultants Inc. to complete an amendment to the existing Engineer’s Report for the James Reilly/Dewitt-Richter Municipal Drain, under Section 78 of the Drainage Act, to incorporate the changes to the culvert and crossing on the Bruce property and the relocation of the drain and culvert on the Carmichael property. The amendment report is to include an assessment schedule for the costs of the amendment report and any additional modifications required at the two properties. The amendment report is not to deal with the assessment and distribution of costs to date for modifications and related costs incurred since issuance of the Certificate of Completion dated November 28th, 2012 for the initial construction. As directed by the Court of the Ontario Drainage Referee.

Carried

- k) E-Notice for Tax Billing

R2018-52

Decision: Moved by: G. Morrell seconded by: P. Taylor that Municipal Council receives the E-Notice for Tax Billing information item.

Carried

- l) 2018 Port Operating & Capital Budgets

R2018-53

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council approves the 2018 Port Operating (Revenue & Expenses) and Capital Budget, as recommended by the Port Management Committee.

Carried

- m) Loft Pit Repairs

R2018-54

Decision: Moved by: K. Smail seconded by: M. Barrett that Municipal Council:

1. Awards the transfer chute replacement project to Eastern Ontario Millwrighting in the amount of \$57,400.00 (excluding HST) plus a 10% contingency.
2. Authorize staff to execute the contract.

As recommended by the Port Management Committee.

Carried

- n) Release of Legal Summary

R2018-55

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council authorize public release of the summary report of the legal advice received at the February 20, 2018 Committee of the Whole in camera session.

Carried

- o) Environmental Review Tribunal (ERT)

The summary report from the legal advice received at the February 20, 2018 meeting was read to Council and the public. Members debated the merits of the Township seeking observer versus presenter status at the upcoming ERT pre-hearing. Council debated if Resolution No. 2017-39 would affect the ERT

decision and if the Township's interests would be represented through the MOECC.

Council debated if the Township should be incurring legal representative fees as a result of selecting presenter status for the ERT. There was a general discussion with respect to the presenter status level and how many days the Township's legal representative may be required to attend the ERT. Members commented on the tax dollars that may be spent at the ERT by the UCLG and MOECC. Members noted that by selecting presenter status, it will not have a drastic impact to the tax payers, and it would be supporting Resolution No. 2017-39.

R2018-56

Decision: Moved by: M. Barrett seconded by: K. Smail

WHEREAS the Township has received notice of an Environmental Review Tribunal that will consider an appeal to a decision by the Ministry of Environment that suspended certain conditions with respect to the Environmental Compliance Approval for the use and operation of a waste disposal site at ED19, and **WHEREAS** the Township has received legal advice on potential involvement in the proceedings for an Environmental Review Tribunal hearing and pre-hearing, and

WHEREAS the Council of the Township of Edwardsburgh Cardinal is not a willing host to the development of ED19 as a waste disposal site as approved in Resolution No. 2017-39.

NOW THEREFORE BE IT RESOLVED THAT the Township of Edwardsburgh Cardinal instruct its solicitor to seek Presenter Status on behalf of the Township at the Environmental Review Tribunal hearing and pre-hearing, and that a submission is made that supports the Resolution No. 2017-39.

Deputy Mayor Taylor requested a recorded vote.

Councillor Barrett	Yea	
Councillor Morrell	Yea	
Councillor Smail	Yea	
Deputy Mayor Taylor	Nay	
Mayor Sayeau	Nay	
		Carried

9. Correspondence

R2018-57

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

- January 19, 2018
- January 29, 2018
- February 12, 2018
- February 21, 2018

Carried

10. Approval of Municipal Disbursements

R2018-58

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

- | | |
|----------------------------------|--------------|
| • Report dated February 2, 2018 | \$371,425.48 |
| • Report dated February 13, 2018 | \$146,369.82 |
| • Report dated February 21, 2018 | \$352,002.84 |

TOTAL: \$869,798.14

Carried

11. By-laws

a) Adopt General Government Estimate for Sums Required (Budget)

R2018-59

Decision: Moved by: K. Smail seconded by: M. Barrett that the mover be granted leave to introduce a by-law to adopt the general government estimates for sums required during the year and this shall constitute first and second reading thereof.

Carried

R2018-60

Decision: Moved by: K. Smail seconded by: M. Barrett that a by-law to adopt the general government estimates for sums required during the year be now read a third time and finally passed, signed, sealed and numbered 2018-06.

Carried

b) Amend By-law 2013-62 – Credit Card Policy – Library CEO

R2018-61

Decision: Moved by: G. Morrell seconded by: P. Taylor that the mover be granted leave to introduce a by-law to amend by-law 2013-62 being a by-law to adopt a credit card policy and this shall constitute first and second reading thereof.

Carried

R2018-62

Decision: Moved by: G. Morrell seconded by: P. Taylor that a by-law to amend by-law 2013-62 being a by-law to adopt a credit card policy be now read a third time and finally passed, signed, sealed and numbered 2018-07.

Carried

c) Commercial Banking Agreement

R2018-63

Decision: Moved by: K. Smail seconded by: M. Barrett that the mover be granted leave to introduce a by-law to authorize the mayor and treasurer to execute a commercial banking agreement with the Royal Bank of Canada and this shall constitute first and second reading thereof.

Carried

R2018-64

Decision: Moved by: K. Smail seconded by: M. Barrett that a by-law to authorize the mayor and treasurer to execute a commercial banking agreement with the Royal Bank of Canada be now read a third time and finally passed, signed, sealed and numbered 2018-08.

Carried

d) CWWF Transfer Payment Agreement Amendment

R2018-65

Decision: Moved by: M. Barrett seconded by: G. Morrell that the mover be granted leave to introduce a by-law to amend by-law 2017-31 to authorize the mayor and clerk to execute an agreement with Her Majesty the Queen in right of Ontario (MOI) Clean Water and Wastewater Fund and this shall constitute first and second reading thereof.

Carried

R2018-66

Decision: Moved by: M. Barrett seconded by: G. Morrell that a by-law to amend by-law 2017-31 to authorize the mayor and clerk to execute an agreement with Her Majesty the Queen in right of Ontario (MOI) Clean Water and Wastewater Fund be now read a third time and finally passed, signed, sealed and numbered 2018-09.

Carried

e) Interim Tax Levy

R2018-67

Decision: Moved by: P. Taylor seconded by: G. Morrell that the mover be granted leave to introduce a by-law to authorize an interim tax levy in advance of the adoption of the tax rates for 2018 and this shall constitute first and second reading thereof.

Carried

R2018-68

Decision: Moved by: P. Taylor seconded by: G. Morrell that a by-law to authorize an interim tax levy in advance of the adoption of the tax rates for 2018 be now read a third time and finally passed, signed, sealed and numbered 2018-10.

Carried

12. CAO's Administrative Update

The Acting CAO provided an overview of the Administrative Update, highlighting the upcoming meeting scheduling, an update regarding FCM funding, current road conditions, and that the Township has a new OFMEM field officer. Council commented on the Township flood list and confirmed that staff will be notifying residents that may be affected by spring flooding.

R2018-69

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

Carried

13. Councillor Inquiries or Notices of Motion – None

14. Mayor's Report

Mayor Sayeau reported the following:

- Attended opening of Jones Rail and Air Liquide
- March 2: Augusta Mayors Breakfast
- Expecting a spring grand opening for Giant Tiger. Would like input from Council about presentation
- Outlined 730 Truck Stop bankruptcy concerns
- Angelo's Truck Stop under new ownership
- Will be seeking Council endorsement for new Fiberoptic network in Cardinal and Spencerville for all municipal buildings. County Council was approached to expand fiberoptic network, which would low costs and increase bandwidth. Consensus from Council that the Treasurer prepare a report with respect to current municipal internet costs for all municipal locations

15. Question Period

Questions/comments were raised with respect to the following:

- UCLG County Council legal costs for the ERT
- Township status at the ERT and representation
- 730 Truck Stop bankruptcy and Township lien on property
- Materials/substances in tanker cars at the Jones Rail site

- Township legal costs for ERT

R2018-70

Decision: Moved by: P. Taylor seconded by: G. Morrell that Municipal Council receives the Mayor's Report as presented.

Carried

16. Closed Session – None

17. Confirmation By-law

R2018-71

Decision: Moved by: M. Barrett seconded by: G. Morrell 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

R2018-72

Decision: Moved by: M. Barrett seconded by: G. Morrell 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 2018-11.

Carried

18. Adjournment

R2018-73

Decision: Moved by: K. Small seconded by: M. Barrett that Municipal Council does now adjourn at 8:01 pm.

Carried

These minutes were adopted by Council this 26th day of March, 2018.

Mayor

Deputy Clerk