

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
THIRD REGULAR 2010 COUNCIL MEETING

MINUTES

DATE: Wednesday, January 6, 2010

TIME: 1:00 P.M.

The Third Regular 2010 Council Meeting was held on the above date and called to order at 1:00 p.m. in the Council Chambers, Aberfoyle.

ATTENDANCE: All members of Council and the CAO/Clerk-Treasurer.

OTHERS IN ATTENDANCE:

1. Jim Howlett, Public Works Supervisor
2. Heather Krouskie, Deputy Clerk
3. Dave Thompson, Chief Building Official
4. Hayes Murphy, McElderry & Morris
5. Chris Daponte, Wellington Advertiser
6. Bob Paul, Puslinch Pioneer
7. Doug Smith, Planning Advisory Committee
8. Helen Purdy
9. Dennis and Karen Lever
10. Kathy White

ADOPTION OF THE MINUTES:

Motion No. 1: Moved by Dick Visser and Seconded by Don McKay.

THAT: The Special 2010 Council Meeting Minutes dated December 15, 2009 (10 a.m.), the Special 2010 Council Meeting Minutes dated December 15, 2009 (4:30 p.m.) and the Second Regular 2010 Council Meeting Minutes dated December 16, 2009, be and are hereby adopted as presented.

CARRIED.

BUSINESS ARISING OUT OF THE MINUTES:

1. Second Regular 2010 Council Meeting Minutes dated December 16, 2009, Correspondence item #8 Highway #401 Improvements GWP 8-00-00. Councillor Don McKay advised that he had spoken with Road Superintendent Jim Howlett regarding the possibility of bicycle lanes and pedestrian access on the Township road/bridge overpass that intersect with Highway #401 those being Concession Rd. #7 and Watson Road. This is something that the Township would be interested in exploring further and Jim Howlett will obtain a cost estimate of the necessary work to be done.

Council requested that the Ministry of Transportation and the County of Wellington be advised of the Township's interest in having bicycle lanes designated.

DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:

1. Councillor Dick Visser disclosed a pecuniary interest with respect to Communications item number 5 - Zoning By-law Amendment Application #P1/01 – Fox Run Phase 2.

COMMUNICATIONS:

1. **City of Guelph**
 - (a) Correspondence from Richard Henry, P. Eng., City of Guelph dated December 15, 2009 regarding fill at Stone Road and Watson Road. Mr. Henry advises that the fill material deposited is from excess road excavation material on a number of road reconstruction projects. The intent is to re-use the reconstruction projects, which will provide substantial savings by re-using the existing material.

2. **Zoning By-law Amendment Application #P1/04 Meadows of Aberfoyle**
 - (a) Correspondence from Ron Beatson, CET, MTE Consultants Inc. to Hans Groh, Gamsby and Mannerow Limited dated December 8, 2009 regarding the completion of all remedial work. Mr. Beatson advises that they have completed and had inspected all remedial works previously identified. Mr. Beatson requests that the Letter of Credit of \$99,500.00 be released.
Council is awaiting confirmation from Hans Groh before considering the release of the funds.

3. **Mini Lakes Residents' Association**
 - (a) Notice of Council's Intention to Pass a By-law to Remove In Part the Holding Symbol. The purpose and effect of the amending by-law is to remove the current holdings provisions pertaining to seven occupied sites.
See also Bylaw #6/10 below.
 - (b) Correspondence from Sarah Wilhelm, Planner, County of Wellington dated December 22, 2009 commenting on the application. Sarah advises that she has no objection to the removal of the holding symbol for the subject site, provided Council is satisfied that the requirements have been met.
 - (c) Application for Amendment to the Zoning By-law dated December, 8, 2009 to lift holding symbol with respect to sites 016, 050, 150-151, 188, 239, 240 and 372.
See also By-law #6/10 below.

4. **Zoning By-law Amendment Application #P5/09 Cumsport Limited**

4748 Pioneer Trail, Part Lot 11, Concession 5

- (a) Correspondence from Sarah Wilhelm, Planner, County of Wellington dated December 11, 2009 commenting on the rezoning application. Sarah has no concerns at this time but would recommend that the property be placed into an Agricultural (A) Zone rather than the C4-11-1 Zone proposed.
- (b) Correspondence from Liz Yerex, Resource Planner, Grand River Conservation Authority dated December 15, 2009 commenting on the application. Liz advises that the GRCA has no objection to the rezoning of the property to permit a residential and agricultural use on a portion of the site and it is her understanding that the Natural Environment Zone will remain unchanged.
- (c) Correspondence from the Puslinch Planning Advisory Committee to Bruce Donaldson, Black Shoemaker Robinson & Donaldson dated December 22, 2009 advising of the Committee's recommendation to Council. The committee recommended that the matter be forwarded to Township Council for further consideration.

Council requested that a public meeting be scheduled.

NOTE ~ Councillor Dick Visser left the council chambers.

5. **Zoning By-law Amendment Application #P1/01 – Fox Run Phase 2**

- (a) Correspondence from Hugh Guthrie, Hungerford, Guthrie & Berry dated December 14, 2009 requesting that he be added as a delegation at the Planning Advisory Committee meeting.

Mr. Guthrie did appear before the Planning Advisory Committee on December 21, 2009.

- (b) Correspondence from William C. Cloutis, Dawn J. Cloutis and William N. Cloutis family dated December 15, 2009 objecting to the application. The Cloutis family feels that the application does not meet all of the requirements of the Provincial Policy Statement.
- (c) Correspondence from Sarah Wilhelm, Planner, County of Wellington to the Puslinch Planning Advisory Committee dated December 16, 2009 advising that the Draft Plan of Condominium submitted was deemed complete on December 8, 2009. The application will be circulated with a comment deadline of January 29, 2010. The County will be requesting that the Township host the public meeting jointly for the Condominium, Official Plan Amendment and Zoning Amendment.

- (d) Correspondence from James Hill and Peggy Geall dated December 21, 2009 objecting to the application. Mr. Hill and Ms. Geall moved to Puslinch to live in the Country and hopes that Council reconsider the proposal and stop some of the development in the area.
- (e) Correspondence from Gary Cousins, Director of Planning and Development, County of Wellington dated December 17, 2009 regarding the public meeting. Mr. Cousins advises that it is the County's policy to request the local municipality to hold the required public meeting on the County's behalf and as such he is requesting that the Township give notice and hold a public meeting concerning the draft plan of condominium.

The Puslinch Planning Advisory Committee has suggested that another site visit/meeting be held in spring, 2010.

A Public Meeting will be held at the appropriate time.

NOTE ~ Councillor Dick Visser returned to the Council Chambers.

6. Wellington Road #46 (Brock Road) Widening

- (a) Correspondence from Ross Hallett dated December 11, 2009 suggesting certain improvements for consideration. Mr. Hallett would like the planning committee to consider converting the entire section from Maltby Road to the Go Bus Station as a two-lane road with a central turning lane throughout.

Council requested that County Engineer Gord Ough provide his written comments with respect to Mr. Hallett's suggestion.

7. Highway #401 Improvements

- (a) Correspondence from Ann Baldwin, Regional Director, Ministry of Transportation to Mr. Don Balanoff dated December 18, 2009 in response to his letter of November 28, 2009 regarding accommodating pedestrians and cyclists on the Wellington Road #36 overpass, tree planting and noise concerns. Ms. Baldwin advises that the MTO is working with the County of Wellington and the Township of Puslinch to incorporate requirements for cyclists and pedestrians. A landscape enhancement plan will be prepared which will include tree plantings along the Highway 401 Corridor and at interchanges and flyovers. The Ministry of Transportation in conjunction with the Ministry of Environment has developed an Environmental Guide for Noise for provincial highways. The Guide outlines the requirements for noise assessment and mitigation relating to the expansion of provincial highways.

A detailed noise analysis will be carried out to assess the potential noise impacts of the preferred highway improvement plan. Mr. Balanoff has been included on the study mailing list and will be sent notification of the second round of PICs planned for summer 2010.

8. **GTA West Corridor EA Study**

- (a) Email correspondence from The GTA West Project Team dated December 22, 2009 enclosing the Notes of the Municipal Advisory Group Meeting #4 of November 3, 2009 held at the Caledon West Ballroom, Holiday Inn Select Brampton.

9. **Cambridge East EA Study**

- (a) Email correspondence from John Hueton dated December 16, 2009 providing an update with respect to the Townline Wells project.

Work on a vastly updated flow model which will be used to run predictive scenarios is expected to be completed Spring 2010 with the next Public Information Centre not occurring until Fall 2010.

10. **Source Water Protection**

- (a) Correspondence from Trina Sequin, Source Protection Administrative Assistant, Grand River Conservation Authority dated December 9, 2009 enclosing the November 5, 2009 Source Protection Committee meeting minutes.

11. **Lot 40, Plan 135, Morriston**

- (a) Correspondence from Jim McMillan, Chairman, Puslinch Recreation Commission dated December 22, 2009 advising of the Committee's recommendation to retain Lot 40 as a possible second access to the Old Morriston Ball Park for such things as a future walking trail. Council concurred with the Commission's recommendation.

Council requested that Mr. Gosselin be advised in writing of Council's decision.

12. **Aggregate Operations**

Mill Creek Pit (Lic. #5738) University of Guelph

- (a) Correspondence from Ron Van Ooteghem, Dufferin Aggregates to James Williams, Ministry of Natural Resources dated December 11, 2009 regarding the November monitoring data. Ron advises that there were no exceedances during the month of November.

Puslinch Pit (Lic. #17600) CBM Aggregates

- (b) Correspondence from Andrew Pentney and Kathy Middleton, Groundwater Science Corp. to Colin Evans, CBM Aggregates dated December 10, 2009 providing the November monitoring report. There were no threshold exceedances and no action response in November.

Zoning By-law Amendment Application #P7/05 Proposed Roszell Pit

Preston Sand & Gravel (OMB File. PL090122)

- (c) Ontario Municipal Board Witness statement of Don McKinnon, Social and Environmental Impact Assessment Specialist of Dillon Consulting Ltd. dated December 14, 2009. Mr. McKinnon provides his opinion on the relevant policy context, alternative haul routes, potential social impacts, and mitigation.

See also Delegation #1.

Zoning By-law Amendment Application #P4/09 Proposed Neubauer Pit

- (d) Correspondence from Aldo Salis, Sr. Planner, County of Wellington to Glenn Harrington and Melanie Horton dated December 22, 2009 enclosing the technical comments from Dwayne Evans, Planner, Ministry of Municipal Affairs and Housing (submissions by Ministry of the Environment and Ministry of Natural Resources). Aldo requests that the comments be forwarded to the applicant's consultant for review and comment.

13. **Intergovernmental Affairs**

- (a) Correspondence from the Township of Mapleton dated December 16, 2009 regarding Mapleton Council's Resolution with respect to the Wind Energy Projects. Mapleton Council received a petition of 250+ citizens with concerns about health issues and ground water protection. Mapleton Council requests that the Government of Ontario thru the Ministry of Environment issue a moratorium on wind energy projects until a health study

has been completed by an independent third party and requests support from the other municipalities within the County of Wellington as well as the Association of Municipalities of Ontario.

Motion No. 2: Moved by Don McKay and seconded by Matthew Bulmer

THAT: The Council in and for the Township of Puslinch does hereby support the December 8, 2009 Resolution of the Township of Mapleton regarding Wind Energy Project.

CARRIED.

DELEGATIONS

1. **Hayes Murphy of McElderry & Morris regarding the upcoming Ontario Municipal Board Hearing
Re: Preston Sand and Gravel ~Proposed Roszell Pit.**

CLOSED SESSION

Motion No. 3: Moved by Dick Visser and seconded by Don McKay

THAT: The Council in and for the Corporation of the Township of Puslinch does hereby proceed in a Closed Meeting of Council in accordance with *Section 239 of The Municipal Act, 2001 c.25* in order to address a matter pertaining to

- A litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to solicitor/client privilege, including communications necessary for that purpose

Concerning the proposed Roszell Pit and the upcoming Ontario Municipal Board Hearing.

CARRIED.

Motion No. 4: Moved by Susan Fielding and seconded by Matthew Bulmer

THAT: This Council does hereby reconvene in Regular Session.

CARRIED.

Motion No. 5: Moved by Dick Visser and seconded by Don McKay.

WHEREAS: Council has reviewed all reports regarding haul routes including the December 14, 2009 report prepared by Don McKinnon, Dillon Consulting Ltd. regarding Social Impacts;

AND WHEREAS: Council has suggested that Preston Sand & Gravel Co. Ltd. explore the possibility of a private haul route;

THEREFORE BE IT RESOLVED THAT: Council in and for the Township of Puslinch will not

permit Concession Road 4, Forestell Road, Roszell Road and Townline Road to be used as a haul route.

CARRIED.

REPORTS:

1. **Road Department**

- a) **Motion No. 6:** Moved by Susan Fielding and seconded by Matthew Bulmer.
THAT: The Road Department Accounts for Payment for the Month of December, 2009 in the amount of \$62,429.30 be and are hereby authorized for payment.

CARRIED.

2. **Building Department**

- a) Council members reviewed and acknowledged the December, 2009 Chief Building Official's Report to Council and Year-End Statistics.

Value of Construction	2009	\$29,774,899
	2008	\$37,527,201
Permit Fees Collected	2009	307,620
	2008	\$385,285
Permits Issued	2009	198
	2008	204

3. **Dog Control Officer**

- a) **Motion No. 7:** Moved by Matthew Bulmer and seconded by Susan Fielding.
THAT: The Dog Control Officer Report for the months of July, September, October and November, 2009 in the amount of \$536.20 be and are hereby authorized for payment.

CARRIED.

ACCOUNTS FOR PAYMENT:

1. **Motion No. 8:** Moved by Don McKay and seconded by Dick Visser.

THAT: The Council does hereby authorize for payment the Harden Environmental Services Ltd. invoices dated November 30, 2009 for services rendered regarding the following:

1	Puslinch Lake	\$2,925.86
2	Nestle Waters Canada – Gilmour Road	\$640.61
3	Proposed Neubauer Pit	\$252.00

4	Concession II Pits	\$567.00
5	Proposed Roszell Pit/ OMB Hearing	\$1,901.24
6	Cambridge East Wells	\$126.00
7	Proposed Aikensville Pit / OMB Hearing	\$1,197.00
8	Township Projects	\$63.00
	TOTAL	\$7,672.71

These amounts shall be invoiced to the applicable parties.

CARRIED.

BY-LAWS:

1. **Motion No. 9:** Moved by Susan Fielding and seconded by Matthew Bulmer.
THAT: The Council in and for the Corporation of the Township of Puslinch does hereby give By-law #6/10, being a by-law to amend By-law #19/85, as amended, being the Zoning By-law of the Township of Puslinch, its First, Second and Third Readings, and Finally Passed this 6th day of January, 2010 re: Part Lot 21, Concession 8 (Mini Lakes – Holding Provisions).

CARRIED.

2. **Motion No. 10:** Moved by Don McKay and seconded by Dick Visser.
THAT: The Council in and for the Corporation of the Township of Puslinch does hereby give By-law #7/10 being a by-law to establish a Penalty Charge for non-payment of current taxes, its First, Second and Third Readings and Finally Passed this 6th day of January, 2010.

CARRIED.

3. **Motion No. 11:** Moved by Susan Fielding and seconded by Matthew Bulmer.
THAT: The Council in and for the Corporation of the Township of Puslinch does hereby give By-law #8/10 being a by-law to provide for interest to be added to tax arrears, its First, Second and Third Readings and Finally Passed this 6th day of January, 2010.

CARRIED.

4. **Motion No. 12:** Moved by Dick Visser and seconded by Don McKay.
THAT: The Council in and for the Corporation of the Township of Puslinch does hereby give By-law #9/10 being a by-law to provide for Interim Tax Levies for the Year 2010 for the Township of Puslinch, its First, Second and Third Readings and Finally Passed this 6th day of January, 2010.

CARRIED.

5. **Motion No. 13:** Moved by Matthew Bulmer and seconded by Susan Fielding.
THAT: The Council in and for the Township of Puslinch does hereby give By-law #10/10, being a by-law to fix the remuneration payable to the Officials of the Township of Puslinch for the year 2010, its First, Second and Third Readings and Finally Passed this 6th day of January, 2010.
CARRIED.

NEW BUSINESS:

1. Councillor Don McKay wished everyone a Happy New Year and mentioned the passing of former Planning Committee Advisory Member and Puslinch Optimist Alf Meyerhofer.
2. Councillor Matthew Bulmer mentioned the correspondence from the City of Guelph regarding the fill at the corner of Watson and Stone Roads.
3. Councillor Bulmer provided an update regarding the City of Guelph's Wet/Dry facility
4. Mayor Whitcombe advised that the Township's application to the Rural Economic Development fund for the Big Lake project had been denied. We are still waiting to hear about the Federation of Canadian Municipalities funding for the same project, which is tied together with the RED funding.

UNFINISHED BUSINESS:

None.

CONFIRMING BY-LAW:

- Motion No. 14:** Moved by Matthew Bulmer and Seconded by Susan Fielding.
THAT: The Council in and for the Corporation of the Township of Puslinch does hereby give By-law # 11/10 being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Puslinch at its meeting held on January 6, 2010, its First, Second and Third Readings and Finally Passed this 6th day of January, 2010.
CARRIED.

ADJOURNMENT:

- Motion No. 15:** Moved by Dick Visser and Seconded by Don McKay.
THAT: The Council does hereby Adjourn at 2:29 p.m.
CARRIED.

Signed: _____
Brad Whitcombe, Mayor

Brenda Law, CAO/Clerk-Treasurer