

# TOWNSHIP OF LANARK HIGHLANDS

## COMMITTEE of the WHOLE AGENDA

Date: Tuesday June 17 2008

Location: Municipal Council Chambers, 75 George Street, Lanark ON K0G 1K0

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### COUNCIL MEMBERS:

	Present	Absent
Bob Fletcher	<input type="checkbox"/>	<input type="checkbox"/>
Bob Sutcliffe	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Horlin	<input type="checkbox"/>	<input type="checkbox"/>
Leonard Echlin	<input type="checkbox"/>	<input type="checkbox"/>
Peter McLaren	<input type="checkbox"/>	<input type="checkbox"/>
Tom Lalonde	<input type="checkbox"/>	<input type="checkbox"/>
Brian Stewart	<input type="checkbox"/>	<input type="checkbox"/>

### STAFF/OTHERS PRESENT

Laurie Cordick, Deputy Clerk  
Janie Laidlaw, Administrative Assistant  
Robert Bunker, Treasurer  
Beth Peterkin, CSC  
Glenn Kargus, Superintendent of Public Works

**CHAIRPERSON** L Echlin

**CALL TO ORDER** 2:30 p.m.

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### 1 ADDITIONS & ADOPTION OF AGENDA

Council Members / Staff to advise Clerk of additions to the agenda for discussion under New / Unfinished Business

a)

b)

#### RECOMMENDATION

**THAT** the agenda be adopted as presented / or amended.

### 2 DECLARATION OF PECUNIARY INTEREST and THE GENERAL NATURE THEREOF

### 3 ADOPTION OF MINUTES

#### RECOMMENDATION

**THAT** the Committee of the Whole minutes of May 27 2008 be adopted as printed and circulated.

#### RECOMMENDATION

**THAT** the Public Works Waste Management Report of May 5<sup>th</sup> 2008 be approved and forwarded to Council.

### 4 DELEGATIONS / DISCUSSION ITEMS

#### 4.1 Roads Department

a) Monthly Road Department Report – G Kargus [page 4]

- b) Use of Unopened Road Allowance – Marcantonio [pages 5-9 ]

RECOMMENDATION

**THAT** a By-law be drafted to enter into an agreement with Antonio and Nicole Marcantonio to use the unopened allowance for road between Concession 3 and 4 at Lot 11 geographic Township of Dalhousie;

**AND THAT** the proposed By-law be presented to Council on June 17<sup>th</sup> 2008.

- c) Request for reduction of Road Widening requirements- Rodgers Road (Lanark Township)

**4.2** Waste Department

- a) Monthly Waste Department Report - G Kargus [bottom of page 4]  
b) Draft RFP – Waste Management

RECOMMENDATION

**THAT** Committee move “in camera” to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees.

- c) GPS/Glenn

RECOMMENDATION

**THAT** Committee move “in camera” to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees.

- d) Watson’s Corners Waste Site

RECOMMENDATION

**THAT** Committee move “in camera” to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**4.3** Water and Sewer

- a) Project Update – A Knowles [page 10]

RECOMMENDATION

**THAT** The Technical Advisory Committee recommends to Council that the following firms be asked to submit proposals for the design of the Water/Sewer System:

- CH2M Hill with J. L. Richards as partners
- Stantec with McIntosh-Perry as partners

**AND THAT** this recommendation be forwarded to Council on June 17 2008.

RECOMMENDATION

**THAT** Committee move “in camera” to address a matter pertaining to a proposed or pending acquisition or disposition of land by the municipality or local board.

4.4 Mississppi-Rideau Source Water Protection Committee – Comments from Municipalities are due by June 20 2008.

4.5 Senior of the Year selection

4.6 Ontario Build Grant – update

**5 COMMUNICATIONS**

5.1 Wanda Dowdall - request for use of hydro and water at municipal office for a fundraising BBQ and car wash on June 21, 2008.

5.2 Perth & District Little League/Minor Provincial Baseball Championship – request for donation to assist with putting on tournament.

5.3 Mark Tritton – request for donation of money or prize for fundraising golf tournament at Timber Run on July 20, 2008.

**6 NEW / UNFINISHED BUSINESS**

**7 NEXT MEETING**

Wednesday July 2<sup>nd</sup> 2008 at 2:30 p.m.

**8 ADJOURNMENT**

## Public Works Report for June 2008

### **Transportation**

#### Maintenance Activities

##### Present

- Vehicle maintenance and repairs
- Beaver Control
- Grading
- Dust Control / Calcium Chloride Application (discussion required re: policy)
- Regravel/Resurfacing

##### Tentative

- Road Side Grass Mowing in July
- Ditching - August to November

### **Construction**

- Sugarbush Hill – complete Construction in June, Fencing in July, Surface Treatment in September
- Iron Mine Road complete Fencing in July
- 7<sup>th</sup> Concession Lanark in August, Surface Treatment in September
- Upper Perth Road in August, Surface Treatment in September
- Class 6C Roads – May to November

### **Waste Management**

- Clean up of wind blown debris in progress
- Site meeting with MOE at Watson's Corners Waste Site re: Monitoring Requirements



## CLERKS DEPARTMENT STAFF REPORT TO COUNCIL

<b>DATE:</b> June 17 2008	<b>REPORT #:</b>
<b>SUBJECT:</b> Use of Unopened Allowance for Road	
<b>ORIGINATOR:</b> Janie Laidlaw – Administrative Assistant	

### **RECOMMENDATION (S):**

**THAT** a By-law be drafted to enter into an agreement with Antonio and Nicole Marcantonio to use the unopened allowance for road between Concession 3 and 4 at Lot 11 geographic Township of Dalhousie;

**AND THAT** the proposed By-law be presented to Council on June 17<sup>th</sup> 2008.

**INTERNAL / EXTERNAL REVIEW:** G Kargus SPW has inspected the location and discussed the requirements for signage with Mr. Marcantonio.

**CAO'S COMMENTS:** n/a

**FINANCE COMMENT:** no financial impact. Applicant required to pay all costs associated with the agreement.

**BACKGROUND:** Mr. Marcantonio owns a 25 ac parcel on Lot 11 Con 3 and wishes to gain access to his property with the intent to construct a seasonal recreation camp. The access road is the 4<sup>th</sup> Con A Dahousie, the applicant's property is approx. 100 m past the maintained section.

### **ALTERNATIVES CONSIDERED:**

1. Do nothing.
2. Adopt By-law.

### **DISCUSSION:**

Section 4.5.3.3 of the Official Plan provides for policies dealing with unassumed roads as follows:

"Council recognizes that the public may use unassumed public road allowances even though they are not maintained by the municipality. Council's policy is to treat these roads as private roads in terms of municipal services provided and, as such,

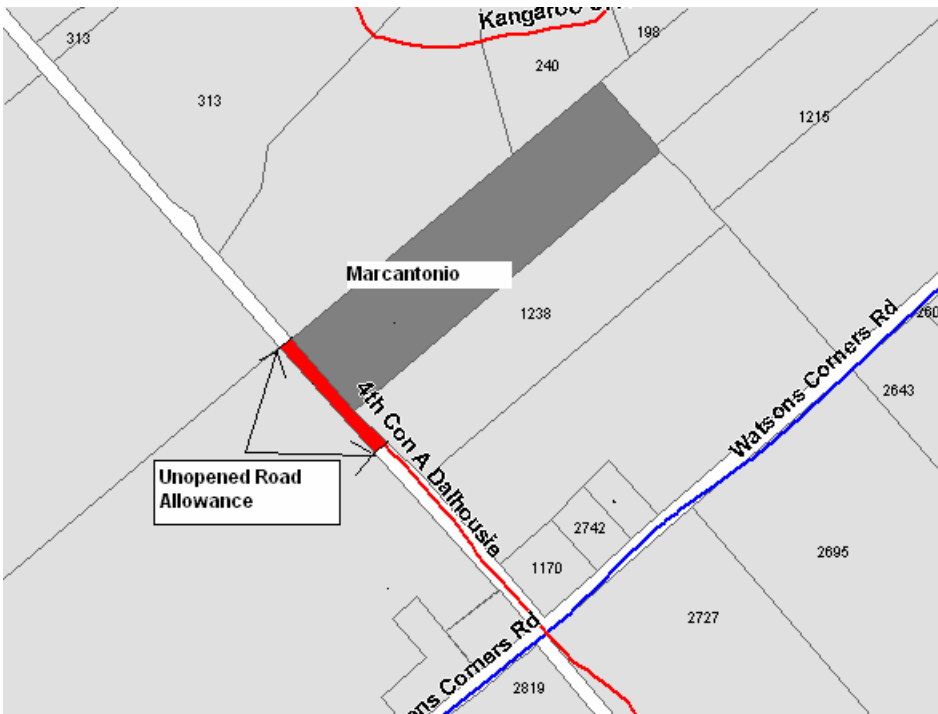
Council is under no obligation to upgrade these roads to municipal standards. Council may, however, require an agreement for the maintenance and repair of such roads. Council, may as a condition of development (i.e. creation of a new lot, change in land use, construction of a building), require that the road be upgraded and maintained to a municipal standard.

Council may at its sole discretion, notify the public that it will not be responsible for the repair or maintenance of unassumed roads.”

The location of the road and road allowance are shown below.

In order to ensure ingress and egress for emergency vehicles, it is recommended that the agreement provide for a road standard. This standard would be the adopted Private Road Standard.

*All respectfully submitted for Councils consideration.*



## DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made in duplicate this \_\_\_\_ day of \_\_\_\_\_, 2008

**BETWEEN: ANTONIO AND NICOLE MARCANTONIO**  
Hereinafter called the “Developers” **OF THE FIRST PART**

**AND: THE CORPORATION OF THE TOWNSHIP OF LANARK  
HIGHLANDS,**  
Hereinafter called the “Township” **OF THE SECOND PART**

**WHEREAS** the Developer’s have applied to the Township of Lanark Highlands to use the unopened road allowance between Concession 3 and 4 at Lot 11 geographic Township of Dalhousie (a distance of 100 m past the maintained section of the 4<sup>th</sup> Con A Dalhousie) Municipality of Lanark Highlands, for the purpose of constructing and maintaining a ‘driveway’ to access their property located at Pt West Lot 11 Conc. 3 geographic Township of Dalhousie;

**AND WHEREAS** the Developers are desirous of fulfilling certain conditions by entering into an agreement with the Township for registration on title to the subject lands and premises;

**AND WHEREAS** Section 8 of the *Municipal Act*, as amended, provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate;

**AND WHEREAS** the Council of the Corporation of the Township of Lanark Highlands deems it expedient to enter into an agreement with the said Developer’s respecting the construction and on-going maintenance of a driveway to be located on a portion of the unopened allowance for road, described in Para. 1 above;

**NOW THIS AGREEMENT WITNESSETH** that in consideration of the foregoing and the covenants and agreements hereinafter set out and the sum of ONE (\$1.00) DOLLAR paid by the Developer’s to the Township, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

**1/ THAT THE DEVELOPERS** covenant that they are the owners in fee simple of the lands described in Schedule “A”;

**2/ DEFINITIONS**

DRIVEWAY – shall mean an unobstructed passageway used to provide vehicular access from one lot to a public highway, right-of-way or private road.

**3/ THAT** the Developer’s shall agree:

(a) **THAT** the developer’s reimburse the Township the cost to supply and install appropriate signage indicating that the ‘driveway’ is not maintained by the Township.

- (b) **THAT** the developer's provide adequate liability insurance coverage as required by the Township's insurer.
- (c) **THAT** the Township shall not be responsible for any maintenance, construction or repair of the said 'driveway'.
- (d) **NOTHING** in this Agreement obligates the Township to assume the works as a public highway. However, the Township maintains its rights to assume ownership of the improvements at any time without compensation to the Developer's.
- (e) **NOTHING** in this Agreement gives the developer's sole use of the subject Road Allowance or authority to prevent use by the general public.
- (f) **THAT** the Township maintains its rights under *the Municipal Act* to establish a highway over the said road allowance at any time.

**4/ ALL COSTS** incurred by the Township in connection with the preparation, execution and registration of this agreement shall be paid by the Developer's.

**5/ IF THE** Developer's fail or refuse for any reason to comply with any requirement of this agreement, the Developer's shall be in default and the Township may on seven (7) days notice require the Developer's to remedy the default, failing with the Township may, without further notice and without prejudice to any other rights and remedies available to it, do such thing and perform such work as is necessary to rectify the default and recover the expense incurred in doing it by action or in like manner as municipal taxes in accordance with the provisions of Section 326 of the *Municipal Act*, as required.

**6/ THIS AGREEMENT** shall be registered against the title of the lands described in Schedule "A" attached hereto and shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns and the Township shall be entitled to enforce the provisions against the Developer's and all subsequent owners of the lands.

**IN WITNESS WHEREOF** the parties hereto have executed this agreement as of the date of the first above written.

**SIGNED, SEALED and DELIVERED)**

in the presence of )

\_\_\_\_\_  
**Antonio Marcantonio**

\_\_\_\_\_  
**Nicole Marcantonio**

\_\_\_\_\_  
WITNESS as to the signature of )

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**  
per:

(seal)

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Deputy Clerk**

**SCHEDULE "A"**

**Development Agreement**  
Antonio and Nicole Marcantonio

**Description of Lands**

Dalhousie Township Concession 3 W Pt Lot 11, Municipality of Lanark  
Highlands and County of Lanark.

## **Water and Sewer – Report No.**

### 1. Response to Request for Qualification

Four responses were received from consultants to our RFQ and were reviewed and rated by the Technical Advisory Committee on June 4, 2008.

**Recommendation** - The Technical Advisory Committee recommends to Council that the following firms be asked to submit proposals for the design of the Water/Sewer System:

- CH2M Hill with J. L. Richards as partners
- Stantec with McIntosh-Perry as partners

### 2. Terms of Reference for Request for Proposal

Draft Terms of Reference for Request For Proposal are being prepared by the Township Engineer in consultation with other stakeholders. It was decided at a meeting attended by the Mayor, the Township Engineer and Brian Stratton, the MVCA engineer, that it would be advantageous to both the township and MVCA to have a the same engineering firm conduct the township work in connection with the well field and the Well Head Protection Area work being undertaken at our site by MVCA. Therefore, the Terms of Reference for the Request for Proposal are being combined.

The draft Terms of Reference for the RFP will be circulated to Council in late June for consideration at a meeting on July 2, 2008.

### 3. Property Purchase

**Recommendation** – That Committee go into “closed session” to discuss making an Offer to Purchase for a property.

Respectfully Submitted  
J. A. Knowles, Township Engineer