



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

COMMITTEE OF THE WHOLE MINUTES

Tuesday, October 21st, 2008

2:30 p.m.

**Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Deputy Mayor, Bruce Horlin
Mayor, Bob Fletcher
Councillor Tom Lalonde
Councillor Peter McLaren
Councillor Leonard Echlin

Staff Present: Chief Administrative Officer, Tom Derreck
Clerk/Deputy-CAO, Amanda Mabo
Treasurer, Rob Bunker
Community Services Coordinator, Beth Peterkin
Planning Assistant, Janie Laidlaw

Others Present: None.

Members & Staff Absent: Councillor Brian Stewart
Councillor Bob Sutcliffe

1. CALL TO ORDER

The meeting was called to order at 2:30 p.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

None at this time.

3. APPROVAL OF MINUTES

RESOLUTION #COW-2008-224

MOVED BY: Leonard Echlin
SECONDED BY: Tom Lalonde

“**THAT**, the minutes of the Committee of the Whole Committee meeting held on October 7th, 2008 be approved as circulated.”

ADOPTED

4. APPROVAL OF AGENDA

- i) Under New/Other Business: Sewer & Water Pre-Engineering Project: Building Canada Fund Submission.
- ii) Under New/Other Business: Clayton Lake Road Environmental Committee Request: Speed Signs (verbal).
- iii) Under New/Other Business: Council Binders (verbal).
- iv) Under In-Camera Items: Personnel Matter – Public Works Superintendent.

RESOLUTION #COW-2008-225

MOVED BY: Leonard Echlin
SECONDED BY: Tom Lalonde

“**THAT**, the agenda be adopted as amended.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- i) **08-10-17 Councillor Communication Package.**

RESOLUTION #COW-2008-226

MOVED BY: Peter McLaren
SECONDED BY: Tom Lalonde

“**THAT**, the communication items for the October 21st, 2008 Committee of the Whole meeting be received for information only.”

ADOPTED

7. REPORTS

- i) **Report #CAO-05-2008 Appeal of Payment of Development Charge – Wilf Hall – *attached, page 13.***
Tom Derreck, Chief Administrative Officer.

On August 5th, 2008 Mrs. Joanne Hall applied for a permit to construct a single-family residence at 256 Hall Shore Road. As part of that process, and in accordance with the Township's Development Charges By-Law #2004-534, she was assessed a development fee in the amount of \$3,418.

It was also noted that if this situation occurred between two municipalities, then both lots would be subject to development fees.

RESOLUTION #COW-2008-227

MOVED BY: Tom Lalonde

SECONDED BY: Bob Fletcher

“THAT, Council uphold the provisions of its development charges by-law;

AND THAT, Mrs. Joanne Hall's request for waiver of the single-family residential development charge applicable to her building permit application at 256 Hall Shore Road be denied.”

ADOPTED FORTHWITH

- ii) **Report #CAO-04-2008 Savings Achieved During Absence of CAO & Clerk in First Half of 2008.**
Tom Derreck, Chief Administrative Officer.

Council requested the CAO to provide an overview of the savings experienced by the township during the period in 2008 following the departure of the former CAO and the municipal Clerk and the recruitment and start dates of their successors.

The CAO noted that an error was made in the report and that the Total Savings should read \$15,020.48 to include both the CAO and Clerk savings.

Council thanked the Mayor for his work during the absence of a CAO and Clerk.

RESOLUTION #COW-2008-228

MOVED BY: Leonard Echlin

SECONDED BY: Tom Lalonde

“THAT, Report #CAO-04-2008, concerning savings realized during the interim between the departures of the former CAO and Clerk and the arrival of their replacements in 2008, be received and filed for information.”

ADOPTED

- iii) **Report #PD-13-2008 Development Agreement (Larocque).
Part Lot 16, Concession 2, Geographic Township of Dalhousie
Consent Application #B08/056**
Janie Laidlaw, Planning Assistant.

A consent application (B08/056) was submitted to the Land Division Committee for the County of Lanark for the purpose of severing a parcel of land more particularly described as Part Lot 16, Concession 2, Geographic Township of Dalhousie.

RESOLUTION #COW-2008-229

MOVED BY: Leonard Echlin
SECONDED BY: Tom Lalonde

“THAT, Council adopt a By-Law to enter into a development agreement with Keith and Carrie Larocque (Part Lot 16, Concession 2, Geographic Township of Dalhousie, Consent Application #B08/056);

AND THAT the said By-law be presented to Council on October 21st, 2008.”

ADOPTED FORTHWITH

- iv) **Report #PD-14-2008 Development Agreement (Larocque).
Part Lot 16, Concession 2, Geographic Township of Dalhousie
Consent Application #B08/057**
Janie Laidlaw, Planning Assistant.

A consent application (B08/057) was submitted to the Land Division Committee for the County of Lanark for the purpose of severing a parcel of land more particularly described as Part Lot 16, Concession 2, Geographic Township of Dalhousie.

RESOLUTION #COW-2008-230

MOVED BY: Leonard Echlin
SECONDED BY: Tom Lalonde

“THAT, Council adopt a By-Law to enter into a development agreement with Keith and Carrie Larocque (Part Lot 16, Concession 2, Geographic Township of Dalhousie, Consent Application #B08/057);

AND THAT, the said By-Law be presented to Council on October 21st, 2008.”

ADOPTED FORTHWITH

- v) **Sewer & Water Technical Advisory Committee: Building Canada Fund Submission.**
Art Knowles, Project Manager.

RESOLUTION #COW-2008-231

MOVED BY: Tom Lalonde
SECONDED BY: Bob Fletcher

“WHEREAS, the Township of Lanark Highlands has actively initiated a Municipal Sewer and Water project for construction in the Village of Lanark (the Village);

AND WHEREAS, approximately thirty-eight percent (38%) of the water wells in the village have been assessed as contaminated and the said Municipal Sewer and Water project will address that contamination and ensure the provision of clean water to present and future Village residents;

AND WHEREAS, the recreation of the once-vibrant Village of Lanark as a key to the overall future community and economic prosperity of the Township as a whole is directly dependent upon the successful completion of the said Municipal Sewer and Water project;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Township of Lanark Highlands hereby declares its willingness to construct, own and operate the said Municipal Sewer and Water system;

AND THAT, the Council herewith authorize and direct that an application for funding to complete the design and construction of the said Municipal Sewer and Water project under the 2008 Building Canada Fund (Communities Component) be prepared and submitted on or before November 21, 2008, or at the earliest possible previous date.”

ADOPTED FORTHWITH

- vi) **OP Review:** Initial Public Meetings (verbal).
Amanda Mabo, Clerk/Deputy CAO.

- a) **Schedule.**
b) **Notification to Residents.**

RESOLUTION #COW-2008-232

MOVED BY: Bob Fletcher
SECONDED BY: Leonard Echlin

“THAT, the OP Review – Initial Public Meeting Schedule be approved as follows;

Monday, November 17th, 2008

5:00 p.m. – 6:00 pm. Contractors Only
Middleville Community Centre

7:00 p.m. – 9:00 p.m. Public Meeting
Middleville Community Centre

Monday, November 24th, 2008

7:00 p.m. – 9:00 p.m. Public Meeting
Cedar Cove Campground, White Lake

Monday, December 1st, 2008

7:00 p.m. – 9:00 p.m. Public Meeting
Watson's Corners Community Centre

Saturday, January 17th, 2009

10:00 a.m. – 12:00 p.m. Public Meeting
Municipal Office, Council Chambers

AND THAT, the notification to residents costs proposal be approved as follows:

Flyers

8 ½ x 11
One Sided
\$0.10/copy, including tax (approx.)
4,000 copies (approx.) – Residents
200 Copies (approx.) – Contractors \$420

Mail Out of Flyer

\$0.52 per stamp
\$42.99 per Envelopes/Labels x 2
4,000 copies (approx.) – Residents
200 Copies (approx.) – Contractors \$2,400

Post on Website \$0

Advertise in Local Papers

Run Weekly Notices until Last Meeting
(approx. 11 weeks, excluding the weeks of
Christmas & New Years)

- Municipal Matters - Weekenders \$0
(included in weekly Corporate space)
- Lanark Era \$1,180
(approx. 11 weeks at \$107/week)

Media Releases

Send to local papers, radio stations, etc. \$0

TOTAL \$4,000

ADOPTED FORTHWITH

The Committee recessed at 3:10 p.m. for a Fire Drill

The Committee returned to session at 3:21 p.m.

9. NEW/OTHER BUSINESS

- v) **Sewer & Water Pre-Engineering Project: Contingency Reserve Request –**
attached, page 17.
Art Knowles, Township Engineer

The Consultant and the Township have determined that contingency reserves are required at the approval of the Technical Advisory Committee to prevent the need to call “Special” Council meetings and to keep the project running.

RESOLUTION #COW-2008-233

MOVED BY: Tom Lalonde

SECONDED BY: Leonard Echlin

“**THAT**, the Township of Lanark Highlands approve a contingency allowance for the Design of the Lanark Water & Waste Water Project of \$275,000 over and above the upset limit price for unforeseen items such as:

- Design of Alternate Sewage Treatment Facilities
- Engineering Work for Additional Well(s) Beyond Four
- Additional Environmental Assessment Work, if required
- Additional Engineering Work for Various Vacuum Pit Locations and Services to Houses
- Design of Separate Chlorination Building, if required

AND THAT, these contingency funds can only be authorized upon request of the consultant and approval of the Technical Advisory Committee for each and every item and each expenditure will be reported to Council at the next Committee meeting.”

ADOPTED FORTHWITH

- vi) **Clayton Lake Road Environmental Committee Request: Speed Signs (verbal).**

Tom Derreck, Chief Administrative Officer.

The Clayton Lake Road Environmental Committee is requesting that the Township agree to pay for the purchase of two speed signs to be installed at points along Clayton Lake Road, a private road. The area residents will acquire and pay for the necessary posts and hardware and complete the installations themselves. The cost of the signs (all inclusive) is \$90.

RESOLUTION #COW-2008-234

MOVED BY: Tom Lalonde

SECONDED BY: Bob Fletcher

“**THAT**, the Clayton Lake Road Environmental Committee Request: Speed Signs be deferred until Councillor Bob Sutcliffe is present at a meeting.”

ADOPTED

- vii) **Council Binders (verbal).**

Tom Derreck, Chief Administrative Officer.

The CAO asked Council how they liked the use of the Council Binders at Committee and Council meetings.

RESOLUTION #COW-2008-235

MOVED BY: Tom Lalonde

SECONDED BY: Leonard Echlin

“**THAT**, the agenda packages contained in the Council Binders contain only the agenda and reports, in order to reduce the amount of paper being used:

AND THAT, a full agenda package be provided to the Chair for reference during meetings.”

ADOPTED FORTHWITH

7. REPORTS

- i) **OP Review:** Initial Public Meetings (verbal).

- c) **Input from Councillors about their OP Related Concerns/Changes/ Suggestions (verbal).**

The Committee suggested that Council’s submission to Stantec concerning the OP Review be approved by Council as a whole. As a result, the next five Committee of the Whole meetings will be spent reviewing two of the ten sections of the Official Plan on a line by line basis. Councillors and Staff are asked to review the sections prior to the meeting in order to discuss any concerns, changes or suggestions at the

meeting. It was also recommended that if a Councillor is unable to attend a Committee of the Whole meeting where the OP is being reviewed, that the Councillor forward any concerns, changes or suggestions to the Clerk prior to the meeting in order that they can be discussed at the meeting.

Staff will send an email to Councillors and Stantec notifying them that Stantec is not to accept individual Councillor comments.

8. IN-CAMERA ITEMS

- i) **CONFIDENTIAL: Personnel Matter – Public Works Superintendent.**
Tom Derreck, Chief Administrative Officer.

RESOLUTION #COW-2008-236

MOVED BY: Tom Lalonde

SECONDED BY: Bob Fletcher

“**THAT**, the Committee move “in camera” at 4:04 p.m. to address a matter pertaining to labour relations or employee negotiations;

AND THAT, T. Derreck, Chief Administrative Officer; A. Mabo, Clerk and R. Bunker, Treasurer remain in the room.”

ADOPTED

RESOLUTION #COW-2008-237

MOVED BY: Peter McLaren

SECONDED BY: Leonard Echlin

“**THAT**, the Committee return to regular session at 4:38 p.m.”

ADOPTED

RESOLUTION #COW-2008-238

MOVED BY: Bob Fletcher

SECONDED BY: Tom Lalonde

“**THAT**, Staff proceed as directed “in camera” regarding the Confidential: Personnel Matter – Public Works Superintendent.”

ADOPTED FORTHWITH

- ii) **CONFIDENTIAL: OMYA Update (verbal).**
Mayor Bob Fletcher.

RESOLUTION #COW-2008-239

MOVED BY: Bob Fletcher
SECONDED BY: Leonard Echlin

“**THAT**, the Confidential: OMYA Update (verbal) item be added to the agenda.”
ADOPTED

Councillor T. Lalonde declared a conflict of interest as he is an employee of OMYA and was not present for the “in camera” session.

RESOLUTION #COW-2008-240

MOVED BY: Leonard Echlin
SECONDED BY: Peter McLaren

“**THAT**, the Committee move “in camera” at 4:44 p.m. to address a matter pertaining to the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

AND THAT, T. Derreck, Chief Administrative Officer; A. Mabo, Clerk and R. Bunker, Treasurer remain in the room.”

ADOPTED

RESOLUTION #COW-2008-241

MOVED BY: Bob Fletcher
SECONDED BY: Peter McLaren

“**THAT**, the Committee return to regular session at 4:58 p.m.”

ADOPTED

The Chair rose and reported that the Committee heard a verbal update on the OMYA OMB ruling.

10. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- *None.*

11. ADJOURNMENT

The Committee adjourned at 4:58 p.m. on motion by Councillors L. Echlin and P. McLaren.

A handwritten signature in cursive script that reads "Amanda Mabo".

**Amanda Mabo,
Clerk/Deputy-CAO**

REPORTS

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

COMMITTEE OF THE WHOLE

October 21st, 2008

Report #CAO-05-2008
of the CAO

REQUEST FOR WAIVER OF DEVELOPMENT CHARGE

RECOMMENDATION

THAT, the Council uphold the provisions of its development charges by-law;

AND THAT, Mrs. Joanne Hall's request for waiver of the single-family residential development charge applicable to her building permit application at 256 Hall Shore Road be denied.

BACKGROUND

On August 5, 2008, Mrs. Joanne Hall applied for a permit to construct a single-family residence at 256 Hall Shore Road. As a part of that process and in accordance with the Township's Development Charges By-law #2004-534, she was assessed a development fee in the amount of \$3418.00.

The residence replaces a former cottage that had been moved from the subject lot to another location owned in the Township by Mr. & Mrs. Hall, at 109 Bell Street in the Hall subdivision near MacDonald's corners,

The applicant disagreed with the levying of the development charge, it being argued that the new residence would be built on a previously-developed lot.

CONSIDERATIONS

- a. The cottage moved from the subject lot was built years prior to the passing of any of the Township's three development charges by-laws (which were passed in 2000, 2003 and 2004 respectively).
- b. Consequent to the above, although the lot was indeed previously developed as argued by the applicant, it's development was not subject to a development charge.

- c. The cottage was moved to a subdivision lot, which lot had reportedly been the subject of a \$100 development charge applied according to the provisions of the subdivision agreement that created it in 1980 - before the current development charge was established.
- c. At its new location, the cottage re-imposed the demand on Township services that existed at its former site.
- d. Moving the cottage effectively created a new, vacant building lot which is now the subject of a permit to construct another residence.
- e. The new residence will add another unit to the Township's servicing load, which the Council's development charge was specifically created to address.

HAVE SIMILAR EXEMPTIONS BEEN GRANTED IN THE PAST?

Two previous development charge waivers have been identified since the passing of the original development charges by-law, in 2000;

- a. In 2002 – Mr. Wilf Hall

The development charge was waived when Mr. Hall moved the cottage from Hall Shore Road to 109 Bell Street in the Hall subdivision.

The rationale for that waiver was that no additional load was being added to the Township's services by moving an existing unit from one location to another.

- b. In 2004 – Mr. Paul Miller

The former Township Clerk advises that the development charge was waived because Mr. Miller demolished an existing house and replaced it with a new unit on the same lot.

Again, it was reasoned that the demolition of one residence and its replacement on the same site with another would not add to or change the Township's existing servicing load.

CONCLUSION

A key purpose of a development charge is to ensure that new additions to the municipality's services load – which become an instant reality when a new unit is built - doesn't fall entirely on the shoulders of the rest of the community's taxpayers.

In the past, development charges waivers have been given only in the case of;

- One house being demolished and replaced by a new unit on the same site, and;
- Another residence being moved from one location to another and the original site being left vacant.

In both cases, the waiver was based on no change or addition being made to the Township's servicing load.

Mrs. Hall now wishes to build on the lot from which the cottage was removed, which cottage received a development charge waiver at its new location.

CAO'S COMMENTS

Premiere McGuinty announced at the August 2008 AMO conference that municipalities cannot look to the province for infrastructure funding after this year due to the developing economic downturn.

In other provincially-sponsored municipal finance seminars and workshops, municipalities have been reminded that;

municipalities must demonstrate forward-thinking independent fiscal responsibility through the implementation of prudent taxation, budgeting, reserves management, user fees, investment and development charges policies . . . all of which are taken into account when applications to participate in Ontario Government funding programs are being considered.

The township's already constrained financial resources are being additionally affected by rising energy and other costs, and by the current global economic downturn and associated future uncertainties.

In this climate, the Premier's announcement and the Ontario government's stated attitude toward financial self-sufficiency at the local level only serves to emphasize that the Township cannot afford to give up development charges that are due according to its by-law.

October 17, 2008

**Re: Lanark Water & Waste Water System
Comments on CH2MHill Oct. 11, 2008 Report on Contingencies**

Item No. 1 -Review of water pipe sizing

This item can be dropped from the list. Rather than design the mains for future fire flow, the 100mm pipes for both sewer and water be increased to 150mm in places, to allow for future “fill in” development within the service area. This would include:

Highway 511 South from South St.
South St. to the Civitan Hall
Paul Drive east of George St.
Highway 511 North of Robertson Drive

This should not require any additional engineering effort beyond the requirements of the project. The connection of dead end water mains where feasible should also be part of the normal design project.

Item No. 2 – Relocation of Vacuum Station.

MVCA approved the ESR without a adverse comment about the station being in the flood plain. Any work in the design of the building in the area of possible flooding is considered part of the normal design project.

Item No. 3 – Design of Alternate Sewage Treatment Technology

The type of sewage treatment system is to be reviewed under an approval of \$25,000. If an alternate system is chosen, it may require additional engineering to design over and above what would have been required for an MBR system. Therefore a contingency amount of \$60,000 could be required.

Item No. 4 – Additional Production Well

There is a possibility that this extra well will be required, particularly if we want a supply of water for 20 years and to meet the capacity of the rest of the system without a storage facility.. The property we purchase should be large enough to accommodate this 5th well and possibly a 6th one eventually. A contingency amount of \$80,000 is recommended to cover the cost of approvals, testing and monitouring.

Item No. 5 – Phase 2 Environmental Site Assessment

This is a completely unknown item at this time. However, a contingency amount of \$65,000 is recommended.

Item No. 6 – Stage 2 Archaeological Work

This is a completely unknown item at this time.

Item No. 7 – Additional Geotechnical Work

We understand the geotechnical work was considerably reduced by CH2MHill in their proposal from the amount of work suggested by Golder. No doubt the amount included in the proposal was considered by CH2MHill to be sufficient to design the project. We suggest it is the consultant’s responsibility to decide what geotechnical work is necessary and we should assume he has done that in his proposal. No contingency amount resommended.

Item No. 8 – Vacuum pits on Private Property

This matter came up during our field inspection with the consultant on Oct. 9th. It appears that there will be no standard location for these pits. Practically every house will have to be considered on its own merit and a sewer system designed accordingly considering the whole of the system right to the house. The consultant should design the whole sewage collection system including connections to the homes as part of the project. This will no doubt require additional engineering work over and above the proposal. A contingency of \$60,000 is recommended.

Item No. 9 - Property Mapping

We do not see the need of an extra for more accurate mapping for design purposes. The CGIS plus the Assessors plans should provide what is needed. If easements are required on private property a land surveyor will sort out the exact property limits. If additional mapping was required it should have been included in the proposal.

Item No. 10 - Separate Chlorination Building

This may be required if the decision is to chlorinate at the well site. However, this would require a relatively small building which should be easily designed. A contingency amount of \$10,000 is recommended.

Summary

Item No.	Consultant’s Estimate	Township Suggestion
1	\$5-10K	0
2	\$10-30K	0
3	\$50-75K	\$60K
4	\$75-100K	\$80K
5.	\$0-100K	\$65K
6.	\$0-100K	0
7.	\$0-200K	0
8.	\$50-75K	\$60K
9.	\$10-15K	0
10.	\$50-100K	<u>\$10K</u>
Totals	\$275-805	\$275

Recommendation

That the Township of Lanark Highlands approve a contingency allowance for the Design of the Lanark Water and Waste Water Project of \$275,000 over and above the upset limit price for unforeseen items such as:

Design of Alternate Sewage Treatment facilities

Engineering Work for Additional Well(s) beyond four.

Additional Environmental Assessment Work if required

Additional engineering work for various vacuum pit locations and services to houses

Design of separate chlorination building if required

These contingency funds can only be authorized upon request of the consultant and approval of the Technical Advisory Committee for each and every item and each expenditure will be reported to Council at the next Committee meeting.

J. A. Knowles