



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

COUNCIL MINUTES

Tuesday, February 17th, 2009

7:00 p.m.

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

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. ROLL CALL

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

Staff Present: Tom Derreck, Chief Administrative Officer
Amanda Mabo, Clerk/Deputy-CAO
Beth Peterkin, Community Services Coordinator
Robert Bunker, Treasurer

Others Present: None.

Members & Staff Absent: Councillor Bob Sutcliffe
Councillor Brian Stewart

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF COUNCIL MINUTES

RESOLUTION #C-2009-053

MOVED BY: Peter McLaren
SECONDED BY: Bruce Horlin

“**THAT**, the minutes of the regular Lanark Highlands Township Council meeting held on February 3rd, 2009 be approved as circulated.”

ADOPTED

5. APPROVAL OF AGENDA

- i) Addition under In-Camera Items: CONFIDENTIAL: Personal Matter – Mayor (verbal).

RESOLUTION #C-2009-054

MOVED BY: Tom Lalonde
SECONDED BY: Leonard Echlin

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

ADOPTED

6. DELEGATIONS & PRESENTATIONS

None.

7. COMMUNICATIONS

None.

8. REPORTS

- i) **Committee of the Whole: February 3rd, 2009 Meeting – *attached, page 8.***
Chair, Deputy Mayor Bruce Horlin.

Councillor P. McLaren requested that item “B” 11 be removed from the Sixth Report of the Committee of the Whole and voted on separately.

RESOLUTION #C-2009-055 (VERBAL)

MOVED BY: Peter McLaren
SECONDED BY: Leonard Echlin

“**THAT**, item “B” 11 of the Sixth Report of the Committee of the Whole be deferred to the next Council meeting.”

DEFEATED

RESOLUTION #C-2009-056 (VERBAL)

MOVED BY: Leonard Echlin
SECONDED BY: Tom Lalonde

“**THAT**, the Clerk prepare a report and provide recommendations about creating a Committee of Adjustment with Public Appointments instead of Council Members and include such information as the type of applications the Committee would review, the number of applications per year, etc.”

ADOPTED

RESOLUTION #C-2009-057

MOVED BY: Bruce Horlin
SECONDED BY: Leonard Echlin

“**THAT**, the Sixth Report of the Committee of the Whole for 2009, excluding item “B” 11, be adopted as presented.”

ADOPTED

- ii) **Committee of the Whole: February 17, 2009 Meeting – *attached, page 14.***
Chair, Deputy Mayor Bruce Horlin.

RESOLUTION #C-2009-058

MOVED BY: Bruce Horlin
SECONDED BY: Leonard Echlin

“**THAT**, the Seventh Report of the Committee of the Whole for 2009 be adopted as presented.”

ADOPTED

9. BY-LAWS AND MOTIONS

- i) **By-Law No. 2008-948: Interim Tax Levy – *attached, page 17.***

RESOLUTION #C-2009-059

MOVED BY: Peter McLaren
SECONDED BY:

“**THAT**, By-Law No. 2009-948, being a by-law to Provide for an Interim Tax Levy for the Year 2009, be read a first, second and third time short and passed and signed by the Mayor and Clerk.”

ADOPTED

11. NEW/OTHER BUSINESS

- i) **County of Lanark Update(s) (verbal).**
Mayor Bob Fletcher and Deputy Mayor Bruce Horlin.

The Mayor reported that the County is beginning its budget process this month.

The Deputy Mayor reported that the County has drafted a terms of reference for Working Groups. These Working Groups will be staff meetings, closed to the public, with a couple of Councillors in attendance. Therefore, there is no requirement for agendas and minutes as the Working Groups are not constituted as “meetings”. This will save the County money in regards to staff time, meals, etc.

RESOLUTION #C-2009-060

MOVED BY: Peter McLaren
SECONDED BY: Bruce Horlin

“**THAT**, the County of Lanark Update(s) (verbal) be received for information.”

ADOPTED

12. NOTICE OF MEETINGS

Police Services Board:	9:00 a.m.	Tuesday, February 17 th
Committee of the Whole:	2:30 p.m.	Tuesday, February 17 th
Council:	7:00 p.m.	Tuesday, February 17 th
OGRA/ROMA Conference:		February 22 nd – 25 th
Committee of the Whole:	2:30 p.m.	Tuesday, March 3 rd
Council:	7:00 p.m.	Tuesday, March 3 rd
Corporate Services:	6:00 p.m.	Thursday, March 5 th
Building, Planning & Protective Services:	Following	Thursday, March 5 th
Environmental Advisory Sub-Committee:	1:30 p.m.	Thursday, March 12 th
Committee of the Whole:	2:30 p.m.	Tuesday, March 24 th
Council:	7:00 p.m.	Tuesday, March 24 th
Public Works & Waste Management:	6:00 p.m.	Thursday, March 26 th
Community Services:	Following	Thursday, March 26 th

10. IN-CAMERA ITEMS

- i) **CONFIDENTIAL: Personal Matter – Mayor (verbal).**
Mayor Bob Fletcher.

RESOLUTION #C-2009-061

MOVED BY: Bruce Horlin
SECONDED BY: Peter McLaren

“**THAT**, Council move “in camera” at 7:22 p.m. to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees;

AND THAT, T. Derreck, Chief Administrative Officer and A. Mabo, Clerk/Deputy CAO remain in the room.”

ADOPTED

RESOLUTION #C-2009-062 (VERBAL)

MOVED BY: Tom Lalonde
SECONDED BY: Leonard Echlin

“**THAT**, Council return to regular session at 7:26 p.m.”

ADOPTED

The Chair rose and reported that Council was provided an update on the CONFIDENTIAL: Personal Matter – Mayor.

13. CONFIRM COUNCIL PROCEEDINGS

- i) **By-Law No. 2008-949: Confirmation By-Law – *attached, page 20.***

RESOLUTION #C-2009-063

MOVED BY: Tom Lalonde
SECONDED BY: Leonard Echlin

“**THAT**, By-Law No. 2009-949, being a by-law to confirm the proceedings of the Council meeting held on February 17th 2009, be read a first, second and third time short and passed and signed by the Mayor and Clerk.”

ADOPTED

14. DEFERRED ITEMS

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

- *None.*

15. ADJOURNMENT

Council adjourned at 7:29 p.m. on motion by Councillor L. Echlin and Deputy Mayor B. Horlin.

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

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

REPORTS



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

**SIXTH
REPORT OF THE COMMITTEE OF THE WHOLE
February 3rd, 2009**

To the Members of Lanark Highlands Township Council.

We, the Members of your Committee of the Whole beg leave to report Section "A" as information and Section "B" as follows:

"A" 1. Court Security Costs.

"B" 1. RESOLUTION #COW-2009-031

"**THAT**, the Town of Perth's request for the Township of Lanark Highlands to contribute to a portion of the Court Security Costs be referred to the 2009 Budget Process for consideration."

"A" 2. Communications.

- i) **AMO Alert No. 09/003:** Reminder – February 6, 2009 Deadline to Respond to Government's Initial Proposed AODA Information and Communications Standard.
- ii) **AMO Alert No. 09/004:** Federal Government Announces New Infrastructure Funding.
- iii) **Ontario Property and Environmental Rights Alliance:** Linking Endangered Species and Municipal Drainage Legislation.
- iv) **AMO Alert No. 09/006:** Ontario Municipalities to Benefit from Federal Budget Measures for Infrastructure, Housing and Employment Insurance.
- v) **OGRA Heads Up Alert - January 28th, 2009:** Federal Budget 2009.

RESOLUTION #COW-2009-032

"**THAT**, the communication items for the February 3rd, 2009 Committee of the Whole meeting be received for information only."

"A" 3. Report #CBO-03-2009 Building Department Report – 2008 Year End.

RESOLUTION #COW-2009-033

"**THAT**, Report #CBO-03-2009 Building Department Report - 2008 Year End be received for information."

“A” 4. Report #PD-06-2009 Planning Department Report – 2008 Year End.

RESOLUTION #COW-2009-034

“THAT, Report #PD-06-2009 Planning Department Report - 2008 Year End, be received for information.”

“A” 5. Report #C-02-2009 Ward Boundaries & Election of Deputy Mayor.

Council has requested that a review of the Ward Boundaries and the method of electing the Deputy Mayor be undertaken.

“B” 5. RESOLUTION #COW-2009-035

“THAT, the Clerk prepare a report outlining options for the redivision of the Ward Boundaries if the Deputy Mayor were to be elected by general vote.”

**“A” 6. Report #PD-05-2009 Severance Application (Easton).
PART LOTS 8 AND 9, CONCESSION 2
FORMER TOWNSHIP OF LANARK
COUNTY ROAD 511 AND RODGER ROAD**

The applicant wishes to create two new lots from an existing vacant parcel of land enjoying frontage on both Rodger Road and County Road 511. The proposed retained parcel will have frontage of 96.8 metres on Rodger Road and an area of approximately 3.74 ha. Proposed new lot 1 will have frontage on Rodger Road of 66 metres and an area of approximately 1.6 ha. Proposed lot 2 will have 60 metres of frontage on Rodger Road and an area of approximately 2.37 ha. Surrounding land uses are rural and residential. The lots will be serviced via private wells and septic systems.

“B” 6. RESOLUTION #COW-2009-036

“THAT, the Council of the Township of Lanark Highlands recommend to the Land Division Committee of Lanark County that the Easton severance applications for the creation of two new lots be approved subject to the following conditions:

1. That the applicant submit to the Township of Lanark Highlands the 5% cash-in-lieu of parkland requirement.
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
3. That the balance of any outstanding fees pertaining to this application be submitted to the Township of Lanark Highlands.

4. That the applicant provide the Township of Lanark Highlands with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
5. That an acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County of Lanark for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township of Lanark Highlands.
6. That entrance permits for both the severed and retained parcels be obtained.
7. That any required road widening be given to the Township at no cost to the Township of Lanark Highlands."

**"A" 7. Report #PD-07-2009 Severance Application (Wilson).
EAST ½ LOT 18, CONCESSION 2
FORMER TOWNSHIP OF LANARK
STEWART GIBSONS ROAD**

The applicant wishes to sever an irregular shaped parcel and add to an existing residence with frontage on Stewart Gibson Road. The proposed retained parcel will have frontage of 22.6 metres on County Road 511 and an area of approximately 0.12 ha. The proposed severed lot will have 68 metres of frontage on Stewart Gibson Road added to the abutting parcel to the east. The lots will be serviced via private wells and septic systems. Surrounding land uses are residential.

"B" 7. RESOLUTION #COW-2009-037

"THAT, the Council of the Township of Lanark Highlands recommend to the Land Division Committee of Lanark County that the Wilson severance application for a lot addition be approved subject to the following conditions:

1. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
2. That the balance of any outstanding fees pertaining to this application be submitted to the Township of Lanark Highlands.

3. That the applicant amend his application to increase the area of the proposed retained parcel.
4. That the applicant provide the Township of Lanark Highlands with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
5. That an acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County of Lanark for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township of Lanark Highlands.
6. That any required road widening be given to the Township of Lanark Highlands at no extra cost to the Township."

"A" 8. Report of the District Fire Chiefs Meeting (verbal).

The Chief Administrative Officer reported that at the last meeting the Advisor from the Office of the Fire Marshall worked with the attendees to identify areas of improvement within the Fire Department.

RESOLUTION #COW-2009-038

"**THAT**, the Report of the District Fire Chiefs Meeting (verbal) be received for information."

"A" 9. Report of the Police Services Board (verbal).

The Mayor provided an update to the Committee from the OAPSB Zone 2 meeting on January 30th. Paul Legault, OPP Contract Policing gave an explanation of the OPP costing model and process. The Clerk will be requesting the same presentation to be made to Council, with the Police Services Board members invited to attend, in order to start preparing for the increased costs to policing when the contract expires in November 2009.

RESOLUTION #COW-2009-039

"**THAT**, the Report of the Police Services Board (verbal) be received for information."

“A” 10. Report of the Mississippi Valley Conservation (verbal).

Mayor B. Fletcher reported that the Township had sent a letter last month saying that the Township would work with MVC to keep their building in Lanark Highlands.

At the end of this week, there will be a consultant's report on where to locate the MVC building. They are looking at either locating in Ottawa, Mississippi Mills or Lanark Highlands.

RESOLUTION #COW-2009-040

“THAT, the Report of the Mississippi Valley Conservation (verbal) be received for information.”

“A” 11. Discussion: Committee of Adjustment (verbal).

Councillor T. Lalonde reported that a number of Councils around the County have moved away from having Council Members as Members of the Committee of Adjustment. The Province is also strongly suggesting moving away from Members also being Councillors; instead they would be public appointments.

“B” 11. RESOLUTION #COW-2009-042

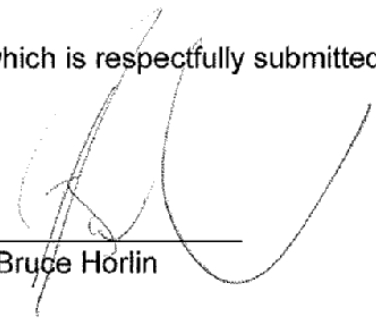
“THAT, the Clerk prepare a report and provide recommendations about creating a Committee of Adjustment with Public Appointments instead of Council Members and include such information as the type of applications the Committee would review, the number of applications per year, etc.”

“A” 12. CONFIDENTIAL: Mississippi Valley Conservation (verbal).

“B” 12. RESOLUTION #COW-2009-046

“THAT, the Mayor and Chief Administrative Officer proceed as directed during the CONFIDENTIAL: Mississippi Valley Conservation discussion.”

All of which is respectfully submitted by:

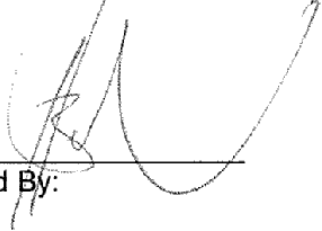


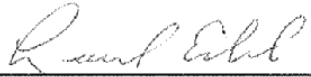
Chair, Bruce Horlin

Direction by the Mayor:

Council may remove items in Section "B" to be voted on separately prior to introducing a motion to accept the report in its entirety.

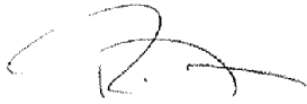
Moved and Seconded by:

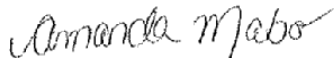


Moved By:

Seconded By

Adopted this 17th day of February 2009



Bob Fletcher, Mayor

Amanda Mabo, Clerk



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

**SEVENTH
REPORT OF THE COMMITTEE OF THE WHOLE
February 17th, 2009**

To the Members of Lanark Highlands Township Council.

We, the Members of your Committee of the Whole beg leave to report Section "A" as information and Section "B" as follows:

"A" 1. South Lavant Association: Future of Park.

"B" 1. RESOLUTION #COW-2009-059

"THAT, the remainder of the required funds to complete the Robertson Lake Park Project be allocated from the Recreation Reserve for an upset limit of \$5,000."

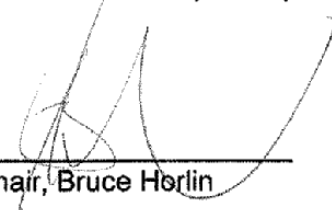
"A" 2. Report #PWWM-02-2009 Sewer & Water Project Update – Review/Approval Process for Northern Watertek's Proposal for a Wastewater Treatment Plant.

"B" 2. RESOLUTION #COW-2009-063

"THAT, Report #PWWM-02-2009 Water & Sewer Project Update – Review/Approval Process for Northern Watertek's Proposal for a Wastewater Treatment Plan be received for information;

AND THAT, pursuant to its recently-stated confirmation by the Ottawa District Office of the Ministry of the Environment, Council approve the REVIEW/APPROVAL PROCEDURE, "Appendix D" of Report #PWWM-02-2009, for the Northern Watertek Proposal and Proposed ESR Addendum for a wastewater treatment plant."

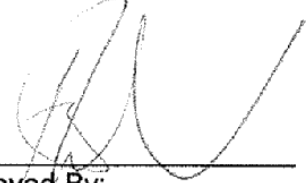
All of which is respectfully submitted by:



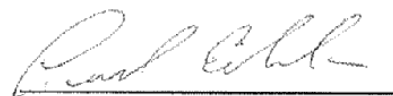
Chair, Bruce Horlin

**Direction by the Mayor:
Council may remove items in Section "B" to be voted on separately prior to
introducing a motion to accept the report in its entirety.**

Moved and Seconded by:



Moved By:

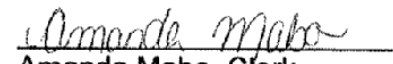


Seconded By

Adopted this 17th day of February 2009



Bob Fletcher, Mayor



Amanda Mabo, Clerk

BY-LAWS

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

BY-LAW NO. 2009-948

**BEING A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY
FOR THE YEAR 2009**

WHEREAS, Section 317 (1) and (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may, before the adoption of the estimates for the year under Section 290, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipal purposes;

AND WHEREAS, Section 317 (3), provides the rules regarding the amounts to be levied;

AND WHEREAS, Section 342, provides that a local municipality may pass by-laws providing for instalments of taxes;

AND WHEREAS, Section 345, provides that a local municipality, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date;

AND WHEREAS, the Council of the Corporation of the Township of Lanark Highlands deems it expedient to provide for an Interim Tax Levy for the year 2009 and to fix the dates upon which Interim and Final Tax Levies shall become due and payable;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

1. GENERAL REGULATIONS

1.1 THAT, the amounts to be levied are subject to the following rules:

- a) The amount levied on a property shall not exceed the prescribed percentage, or 50 per cent if no percentage is prescribed, of the total amount of taxes for municipal and school board purposes levied on the property for the previous year.
- b) The percentage under paragraph a) may be different for different property classes but shall be the same for all properties in a property class.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2009-948**

- c) For the purposes of calculating the total amount of taxes for the previous year under paragraph a), if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during the year, an amount shall be added equal to the additional taxes that would have been levied on the property if the taxes for municipal and school purposes had been levied for the entire year.
- 1.2 **THAT**, the interim tax levies and final tax levies shall be levied and collected upon the whole of the rateable properties.
- 1.3 **THAT**, the **Interim Tax Levy** shall become due and payable in two equal instalments on February 27th, 2009 and April 30th, 2009.
- 1.4 **THAT**, the **Final Tax Levy** shall become due and payable in two equal instalments on August 31st, 2009 and October 30th, 2009.
- 1.5 **THAT**, when payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, a **penalty** of 1.25 per cent per month that the default continues shall be imposed.
- 1.6 **THAT**, **interest** and/or **penalty** charges shall be added on the first day of each and every month that the default continues.
- 1.7 **THAT**, the following **Alternative Payment Methods** may be used:
- "Pre-Authorized Payment Agreement"
(requires completion of "Enrolment Authorization Card")
 - "Interac" (Municipal Office only).
 - "On-Line"
 - "Telephone"
 - "Internet"
- 1.8 **THAT**, the interim tax levy rates and final tax levy rates shall also apply to any property added to the assessment roll after this by-law is enacted.
2. **ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2009-948**

3. BY-LAWS TO BE RESCINDED

THAT, By-Law No. 2007-847 is hereby rescinded.


4. EFFECTIVE DATE

THAT, this by-law shall come into force and effect as of the 1st day of January 2009.

ENACTED AND PASSED this 17th day of February, 2009.



Bob Fletcher, Mayor


Amanda Mabo, Clerk

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

BY-LAW NO. 2009-949

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE
CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
AT ITS MEETING HELD ON
FEBRUARY 17TH, 2009**

WHEREAS, Section 5 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS, Section 9 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, it is deemed expedient that the proceedings of the Council of the Corporation of the Township of Lanark Highlands at its meeting be confirmed and adopted by By-Law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, the actions of the Council of the Corporation of the Township of Lanark Highlands at its meeting held on the 17th day of February, 2009 in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by the Council of the Corporation of the Township of Lanark Highlands at its meetings is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 THAT**, the Mayor and Proper Signing Official of the Corporation of the Township of Lanark Highlands are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Lanark Highlands referred to in the preceding section hereof.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2009-949**

1.3 THAT, the Mayor and/or Deputy Mayor and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of the Township of Lanark Highlands.

2. ULTRA VIRES

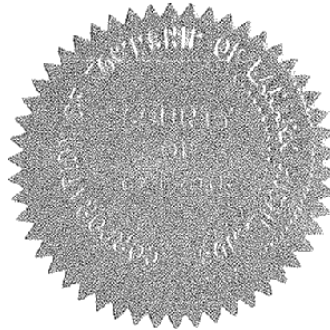
Should any sections of this by-law, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 17th day of February, 2009.



Bob Fletcher, Mayor


Amanda Mabo, Clerk