



Tuesday, April 6th, 2010

2:30 p.m.

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

*2:30 p.m. *Committee of the Whole*

*7:00 p.m. *Council*

*Following *"Special Committee of the Whole"*

Chair, Deputy Mayor Bruce Horlin

1. CALL TO ORDER

2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

3. APPROVAL OF MINUTES

Suggested Motion:

"THAT, the minutes of the Committee of the Whole Committee meeting held on March 23^d, 2010 be approved as circulated."

4. APPROVAL OF AGENDA

Suggested Motion:

"THAT, the agenda be adopted as presented."

5. DELEGATIONS & PRESENTATIONS

- i) **Vincent Hall Memorial Ball Park.**
Baseball Committee.

6. COMMUNICATIONS

None.

7. REPORTS

- i) **Proposed 2010 Public Budget Meeting Schedule.**
Mayor Bob Fletcher.

- ii) **Report #C-06-2010 Election – Compliance Audit Committee – attached, page 5.**
Amanda Mabo, Clerk/Deputy CAO.

Suggested Motion:

“THAT, the Clerk be directed to continue to work with neighbouring Municipal Clerks to determine if a joint Compliance Audit Committee is feasible with the development of draft Terms of Reference, followed by recommendation for appointments.”

- iii) **Report #PWWM-10-2010 Middleville Sidewalk – County Road #8 – attached, page 8.**
Scott Cameron, Public Works Superintendent.

Suggested Forthwith Motion:

“THAT, the Corporation of the Township of Lanark Highlands accepts the recent tendered prices from Smith’s Construction Co., submitted to the **County of Lanark** as low bid for their 2010 Road Reconstruction Contract # PW-C-05-2010-10-E0, for the construction of an asphalt sidewalk from Wolf Grove Road to Herron Mills Road;

AND THAT, the Corporation of the Township of Lanark Highlands pre-approves \$25,000 in advance of the 2010 Budget process to pay for the proposed sidewalk within the County’s Contract # PW-C-05-2010-10-E0.”

- iv) **Report #FIN-02-2010 2009 Councillor Remuneration & Expense Summary – attached, page 11.**
Robert Bunker, Treasurer.

Suggested Motion:

“THAT, Report #FIN-02-2010 2009 Councillor Remuneration & Expense Summary be received for information.”

- v) **Report #PWWM-11-2010 Sewer & Water Project Update – attached, page 14.**
David Riis, Township Engineer.

Suggested Motion:

“THAT, the process to be followed to deal with Wilma Gibson’s concerns and to complete the approval process for the ESR Addendum for the Sewer & Water Project be as set out in Report #PWWM-11-2010 Sewer & Water Project Update.”

Suggested Motion:

“THAT, septage capability be removed from the Addendum to the ESR for the Sewer & Water Project.”

8. IN-CAMERA ITEMS

- i) **CONFIDENTIAL: Legal Matter.**
Tom Derreck, Chief Administrative Officer.

Suggested Motion:

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

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

Suggested Motion:

***“THAT,** the Committee return to regular session at ____.”*

- Chair’s Rise and Report

9. NEW/OTHER BUSINESS

None.

10. DEFERRED ITEMS

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

- **Working Session: Procedural By-Law Draft #1**– distributed separately to Committee Members.
Amanda Mabo, Clerk/Deputy CAO.

11. ADJOURNMENT

REPORTS

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

COMMITTEE OF THE WHOLE

April 6th, 2010

Report #C-06-2010
of the Clerk

ELECTION – COMPLIANCE AUDIT COMMITTEE

STAFF RECOMMENDATION(S)

“**THAT**, the Clerk be directed to continue to work with neighbouring Municipal Clerks to determine if a joint Compliance Audit Committee is feasible with the development of draft Terms of Reference, followed by recommendation for appointments.”

BACKGROUND

Recent changes to the *Municipal Elections Act, 1996* have made it mandatory for municipalities to establish a Compliance Audit Committee to deal with complaints regarding election campaign financing. An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances.

DISCUSSION

Clerks within Lanark County continue to work together on a wide variety of issues, including election matters. Due to the complexity and nature of the issues, many municipalities across Ontario are working together in establishing and appointing a Joint Compliance Audit Committee. It is recommended that municipalities in Lanark County do the same.

In developing the Terms of Reference, the Clerks will make recommendations with regard to recruitment, appointment and operating procedures. The Clerk supports a joint approach to pool resources and to ensure qualified appointees. Ideal candidates would be familiar with legal, municipal, election and finance matters, specifically the requirements of the *Municipal Elections Act, 1996* with regard to election financing.

Should Council agree to pursue a joint initiative, each municipality would be required to approve separately the Terms of Reference and appointments.

Section 81 of the *Municipal Elections Act, 1996* sets out the necessary operating provisions related to the Compliance Audit Committee. Here is a brief summary:

- Municipalities must appoint a Committee by October 1 of an election year and the appointment is for the term of the new Council.
- The membership of the Committee is between three and seven members; furthermore, employees/officers, Councillors and candidates cannot be appointed.
- The Clerk shall act as the resource person for the Committee and establish the necessary administrative policies and practices for its proper functioning.
- An application for a compliance audit must be made in writing, within 90 days after the filing deadline, to the Clerk outlining the reasons for the request.
- Within 10 days, the Clerk shall forward the application to the Compliance Audit Committee with a copy to Council for information purposes only.
- Within 30 days of receipt, the Committee shall consider the application and determine if it is rejected or granted.
- If granted, the Committee shall appoint a licensed Auditor, who must promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate.
- Within 10 days of receipt, the Clerk must forward the report to the Compliance Audit Committee, which must consider it within 30 days.
- If the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the Committee must commence a legal proceeding against the candidate for the apparent contravention.
- If the report concludes that the candidate does not appear to have contravened a provision of the Act relating to election campaign finances, the Committee shall make a finding as to whether there were reasonable grounds for the application.

FINANCIAL IMPLICATIONS

According to the Act, municipalities are responsible for the costs associated with the Compliance Audit Committee. In addition, they are also responsible for audit costs; however, the Council is entitled to recover the auditor's costs from the applicant if the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application.

In the event of an application, the affected municipality would be responsible for the associated costs and the Clerk of that municipality would serve as Committee Secretary in dealing with the specific application.

It is anticipated that appointees would receive a stipend with reimbursement of expenses associated with travel to be paid by the member municipality requiring the services of the Committee.

CONCLUSION(S)

As per the recommendation.

Prepared and Submitted By:

Amanda Mabo

**Amanda Mabo,
Clerk/Deputy CAO**

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

COMMITTEE OF THE WHOLE

April 6th, 2010

Report #PWWM-10-2010
Of the Public Works Superintendent

MIDDLEVILLE SIDEWALK – COUNTY ROAD No. 8

STAFF RECOMMENDATION

THAT, the Corporation of the Township of Lanark Highlands accepts the recent tendered prices from Smith's Construction Co., submitted to the **County of Lanark** as low bid for their 2010 Road Reconstruction Contract # PW-C-05-2010-10-E0, for the construction of an asphalt sidewalk from Wolf Grove Road to Herron Mills Road. and

THAT, the Corporation of the Township of Lanark Highlands pre-approves \$25,000 in advance of the 2010 Budget process to pay for the proposed sidewalk within the County's Contract # PW-C-05-2010-10-E0.

BACKGROUND

Prior to the County of Lanark finalizing the re-construction design for a section of County Road #8 through the village of Middleville, they approached the Township of Lanark Highlands with the option of incorporating a new sidewalk into the re-construction contract.

On October 8th 2009, Council directed the Public Works Superintendent to look into the issue with County staff and schedule a Public Meeting for information and comment.

On December 14th, 2009 the Township held a public meeting at the Middleville Community Centre giving the public an opportunity to comment on the proposed design prepared by the County on behalf of the Township. Based on the comments received and the conversations that took place at the meeting, there was no opposition to the proposed design.

On February 17th, 2010 the County of Lanark Council approved the low bid from Smith's Construction Co. for their 2010 Road Reconstruction Contract # PW-C-05-2010-10-E0. The items for the sidewalk construction within the contract totalled \$19,879.00.

DISCUSSION

The current public tendering process that the County of Lanark follows is very similar to the method of tendering that the Township of Lanark Highland's Procurement Policy By-law 2006-721 follows. The tender was publicly advertised in the local newspapers and on their web-site.

If the Township decides to construct a sidewalk once the County is finished with the road construction, there will be additional cost associated with a standalone project at a later date.

A pre-construction meeting is scheduled for April 7th, 2010 with Smith's Construction, County and Township staff, where timing and details of the project will be discussed. Until the Township has an approved 2010 Budget, including the Middleville sidewalk, the contractor and the County are uncertain of the scope of work for this project. It is anticipated that once the load restrictions have been lifted off the local roads, construction of this project will start.

OPTIONS CONSIDERED

Option #1 – Approve the “Staff Recommendation” to accept the current bid within the County of Lanark's recent Contract # PW-C-05-2010-10-E0, for the construction of an asphalt sidewalk from Wolf Grove Road to Herron Mills Road.

Option #2 – The Township release an independent Tender for asphalt sidewalk from Wolf Grove Road to Herron Mills Road at a later date.

Option #3 – Do Nothing

FINANCIAL IMPLICATIONS

With the amount of construction activity proposed for 2010, it is predicted that there will be an increased demand for early tender results and scheduling of contractors to complete the works identified and meet the accelerated deadlines dictated by the Province this year.

By piggy-backing with the County of Lanark this year, the Township will benefit from not having to spend the time and incur the costs associated with preparing and advertising an independent tender. Also, the County have secured an early tender price from January 2010.

The Contract price with Smith's Construction is \$19,879. With taxes and 10% contingency, the proposed budget for this project is \$25,000.

CONCLUSIONS

Staff recommendation is to adopt Option #1

Prepared and Submitted By:

Approved for Submission By:

**Scott Cameron.
Superintendent of Public Works**

**Tom Derreck,
Chief Administrative Officer**

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

COMMITTEE OF THE WHOLE

April 6th, 2010

Report #FIN-02-2010
of the Treasurer

COUNCILLOR REMUNERATION & EXPENSE SUMMARY

STAFF RECOMMENDATION(S)

For Information Only

BACKGROUND

Clause 284(1) (a) of the Ontario Municipal Act states:

“ The Treasurer of a municipality shall in each year on or before March 31st provide to the Council of the municipality an itemized statement on remuneration and expense paid in the previous year to,

(a) Each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or which the member holds office by virtue of being a member of council”.

DISCUSSION

Appendix A attached identifies both the taxable and non-taxable portions of Lanark Highlands Council remuneration, benefits as well as all other expenses paid to Councilors in 2009. This includes all payments made directly to Councilors and paid by the Township on their behalf.

OPTIONS CONSIDERED

None

FINANCIAL IMPLICATIONS

None

CONCLUSIONS

For Information only

ATTACHMENTS

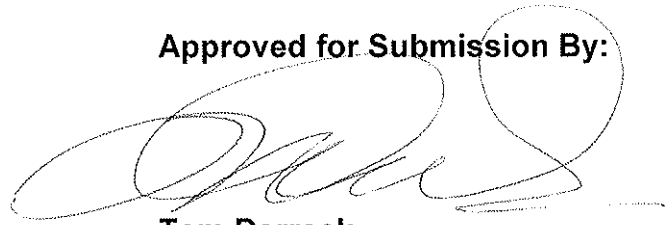
- i) 2009 Councillor Remuneration & Expense Summary

Prepared and Submitted By:



**Robert Bunker,
Treasurer**

Approved for Submission By:



**Tom Derreck,
Chief Administrative Officer**

2009 LANARK HIGHLANDS COUNCIL								
2009 REMUNERATION AND EXPENSES								
EMPLOYEE ID	LAST NAME	FIRST NAME	TAXABLE	NON-TAXABLE	BENEFITS	TOTAL SALARY PER DIEMS & BENEFITS	OTHER EXPENSES	TOTAL
ECH001	ECHLIN	LEONARD	8,193.91	4,096.95	516.80	12,807.66	6,262.04	19,069.70
FLE001	FLETCHER	ROBERT	17,070.57	8,535.29	1,076.62	26,682.48	18,618.26	45,300.74
HOR002	HORLIN	BRUCE	10,242.39	5,121.19	975.48	16,339.06	10,366.22	26,705.28
LAL001	LALONDE	TOM	8,193.91	4,096.95	745.70	13,036.56	3,806.43	16,842.99
MCL002	MCLAREN	PETER	8,193.91	4,096.95	745.70	13,036.56	2,621.15	15,657.71
STE001	STEWART	BRIAN	8,193.91	4,096.95	745.70	13,036.56	3,176.16	16,212.72
SUT001	SUTCLIFFE	ROBERT	8,193.91	4,096.95	-	12,290.86	6,130.35	18,421.21
TOTAL TOWNSHIP			\$ 68,282.51	\$ 34,141.23	\$ 4,806.00	\$ 107,229.74	\$ 50,980.61	\$ 158,210.35

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

COMMITTEE OF THE WHOLE

April 6, 2010

Report #PWWM-11-2010
of the Township Engineer and Public Works Superintendent

SEWER & WATER PROJECT UPDATE

STAFF RECOMMENDATION(S)

THAT: the attached process be followed to deal with Wilma Gibson's concerns and to complete the approval process for the ESR Addendum.

THAT: septage capability be removed from the Addendum to the ESR.

A. Sewage Treatment Plant – Removal from Ch2mhill Contract

Background

In October, 2008 the Township entered into a design contract with Ch2mhill which included the design of the sewage treatment plant.

In February, 2009, having heard from Ch2mhill that the estimated cost of the sewage treatment plant had escalated from approximately \$7 million to \$12 million, Council authorized staff to pursue a proposal from NWC which offered the most affordable solution.

Discussion

Ch2mhill have removed the design of the sewage treatment plant from their contract.

Financial Implications

The saving is \$205,522.

The new upset limit for the contract is \$1,901,880.

As an aside, a further \$6,000 reduction in the upset limit will be realized – approx \$2,000 to be return from Scope Change #4 Clyde River Assimilation Study, and approx \$4,000 from Scope Change #6 (Rear Yard Servicing).

Recommendation

Submitted for information.

B. Proposed ESR Addendum Approval Process

Background

In February, 2009 Council approved an "Approval Process" for the proposal from NWC. In November, 2009, Council approved a process for responding to a list of concerns presented by a delegation from Lanark Village. This involved the Township Engineer drafting a response, having it reviewed by the TAC, bringing it to Council for approval and then sending to the delegation.

Since the public meeting on January 18, 2010 the Township has received eight Memoranda from Wilma Gibson expressing various concerns regarding the proposed Addendum.

In addition, because of the public concern regarding aerosol drift, MOE's Environmental Assessment and Review Board in Toronto has been asked to provide clearer guidelines regarding how this issue would be dealt with in a Certificate of Approval application to ensure no health risk to villagers. The Township expects to receive a response by April 1, 2010.

Discussion

At their meeting on March 22, the TAC agreed that the Township follow the same process for the concerns of Wilma Gibson as for the delegation's concerns.

The Committee also agreed that the attached Approval Process be followed for final approval of the ESR Addendum.

Recommendation

The TAC recommends that the attached process be followed to deal with Wilma Gibson's concerns and to complete the approval process for the ESR Addendum

C. Removal of Septage from Sewage Treatment Plant Design

Background

The NWC proposal includes a capability to treat septage which was initially considered a plus for this option.

Discussion

Inclusion of septage in the sewage treatment plant design has been controversial. The villagers do not like the idea of septage being hauled through the village and some believe that they are compensating the cost of septage treatment.

As well Township residents from areas like White Lake argue that they will not benefit so why should they contribute to the cost.

The policy is user-pay, however we do not know if the plant will ever treat septage. A business case can not be made until legislation regarding septage treatment is passed, local haulers make their decisions as to whether or not they will upgrade their current treatment methods to comply, and septage treatment costs by haulers and nearby communities are evaluated.

Given this situation, the TAC agreed that septage treatment should be removed from the ESR Addendum.

If the Addendum is approved and funding is received, the TAC recommends that the design/build contract with NWC include the installation of a capped inlet pipe to Cell #1 for septage.

In the future, if a business case can be made for treating septage in the plant, Council could decide to request an amendment to the Certificate of Approval. If this amendment is approved and construction undertaken, any capital costs involved would be paid by the users.

Financial Implications

If the septage capability is removed and only the capped septage inlet pipe to Cell #1 included, the cost of the current NWC proposal could be expected to be reduced somewhat – NWC estimated the cost of including the septage treatment capability to be \$176,000.

Should the capability be installed in the future, the cost of installation could be expected to exceed this figure in 2010 dollars.

Recommendation

The TAC recommends that septage capability be removed from the Addendum to the ESR.

David Riis
Township Engineer

Tom Derreck
Chief Administrative Officer

COMMITTEE OF THE WHOLE

April 6, 2010

Report #PWWM-11-2010
of the Township Engineer and Public Works Superintendent

SEWER & WATER PROJECT UPDATE

ESR Addendum Approval Process

1. Concerns received from Public following public meetings. Addendum amended as considered necessary.
2. Receive response from MOE Environmental Assessment and Approvals Branch regarding their intentions during the Certificate of Approval process and eventual monitoring with respect to aerosols and bacteria survival;
3. Proposed responses to Wilma Gibson's Letters to be prepared, reviewed by TAC and presented to Council for approval. Approved responses forwarded to Wilma. Proposed Addendum amended as considered necessary;
4. Final draft of proposed Addendum prepared and reviewed by TAC;
5. Final draft of proposed Addendum posted on Township Web Site with changes highlighted;
6. Proposed Addendum presented to Council for approval;
7. Approved Addendum posted on Township Web Site and forwarded to stakeholders/Review Agencies.
8. Notice of Completion published in newspaper.