

## MINUTES – REGULAR MEETING

August 9, 2016

**PRESENT:** Mayor Kevin Holland  
Councillor Robert MacMaster  
Councillor Sheila Maxwell  
Councillor Cathy Woodbeck

**ALSO PRESENT:** Laura Bruni, Treasurer, Jessie Salo, Barbie Salo, Amy Adams, Vivian Adams, Dan Strachen, Martin Erdman, Janis Erdman, Mike Lehto, Dayna Bernier, Kathleen Powers, Suzanne Huot, Faye Noga, Margie Bettiol, Doug Flegal, C.W. Newton, Stephen Merryfield, Joy Gabler, Ethan Gabler, Marg Rothenberg, Pamela Hald, Bert Allison, Lyal Carlson, Chris Fiorito, Nick Della Porta, Miles Venne, Maryann Silvaggio, Lisa Croft, Greg Croft, Dayna Bernier

**ABSENT:** Councillor Grant Arnold

### 1. **CALL TO ORDER**

Mayor Holland called the meeting to order at 6:00 pm.

Prior to moving to the Adoption of the Agenda Mayor Holland made the following statement:

Before we continue on with tonight's agenda, I am going to take time to recognize and honour firefighter and friend Mr. Terry Baxter. Firefighter Baxter answered his last call early on the morning of Friday August 5, 2016 after a long battle with cancer. It has been determined that the cancer Terry was fighting was attributed to his 37 years of service with Conmee Emergency Services. As such his death is officially recognized as a Line of Duty death. The flag has been lowered to half-mast at the Municipal Complex.

Terry was a founding member of the fire department and remained active in the department right up to the time that he was admitted to hospital 2 weeks ago. Although his deteriorating health prevented him from participating in fire ground operations he continued to remain very active in an administrative capacity. In fact Terry was responsible for most administrative duties throughout his time on the department. Over the 37 years of service to Conmee, Terry served many roles, including Captain, Deputy Chief and Chief. Terry was the behind the scenes guy making sure the department ran smoothly and ensuring that all government regulations and legislation were being met. Terry was a fixture of the fire service not just in Conmee but in the District as well. It was an honour for me to have served alongside Terry during the 21 years that I was on the department.

Watching Terry at the Fire hall during training, day ones or just hanging out, you could see the excitement and passion Terry had for the service. Always upbeat and happy, his contribution and presence around the fire hall and Township will be greatly missed.

On behalf of the Township of Conmee I extend deepest sympathies to Terry's wife, Dianne, his family and friends.

To the Conmee Emergency Services I offer sincere condolences on the loss of your colleague and friend.

The residents of the Township owe Terry a debt of gratitude for his devotion and service to Fire Safety in Conmee.

I would ask everyone to join me in a moment of silence in memory of Fire fighter, Terry Baxter of the Conmee Emergency Services.

R.I.P. Terry.

## **2. ADOPTION OF THE AGENDA**

### **Resolution No. 2016 - 155**

**Moved by                      Councillor MacMaster**  
**Seconded by                Councillor Woodbeck**

**THAT** the Meeting Agenda be adopted as amended.  
**CARRIED.**

The Agenda was amended by deferring item 8.1 and moving item 8.2 to be dealt with right after the delegations.

## **3. DECLARATION OF PECUNIARY INTEREST**

Mayor Holland declared a conflict on item 6.4 Resolution to transfer funds and item 7.2 Disbursement List.

## **4. DEPUTATIONS AND PETITIONS**

### **4.1 Suzanne Huot**

Ms. Huot spoke to Council about the proposed gravel pit on Mokomon Road. Ms. Huot felt that the Notice that was placed on the property was not "clearly visible" as it was on a short stick hidden by grass. It was noted that the date on the Notice was wrong. Ms. Huot also noted that since everyone worked the time for the public meeting was too early. Ms. Huot objected to the noise and dust from gravel trucks on Mokomon Road as it was used for recreation. Ms. Dayna Bernier also spoke at this time about some of the same issues and noted that she was concerned that there was no indication of the amount to be extracted. Ms. Bernier also noted that she felt all extractive uses should be banned as they do not fit with the Township's vision for rural areas.

### **4.2 Dan Strachan**

Mr. Strachan spoke about how such developments affect property values. He also felt that most of the residents were not notified of the Zoning Amendment. He also noted that the Notice on the property was too small to be seen. Mr. Strachan felt that the citizen's concerns were being dismissed and that his wife had been laughed at when she spoke at the Public Meeting. Mayor Holland questioned whether he felt that Council had laughed at her and Mr. Strachan responded "yes". He then went on to say that Mr. Erdman had laughed at their concerns. He also noted that all of the residents in attendance at the meeting were objecting to the by-law.

### **4.1 Lisa and Greg Croft**

Mayor Holland asked Ms. Croft to confirm that the emails sent to the Township from her work email address were personal and not on behalf of any lawyer. Ms. Croft did confirm that she was speaking for herself in the emails. Ms. Croft reiterated the concerns that she has stated previously regarding the operations being a major nuisance to the surrounding residents. She noted that Section 3.3.6 of the Official Plan does not say the

nuisance has to be to only abutting landowners. Mr. and Mrs. Croft advised that they felt this pit would financially, physically and emotionally affect landowners. Ms. Croft felt that 250 metres was not enough separation distance for crusher operations due to noise. Ms. Croft mentioned the opinion letter received from their lawyer which stated that Section 1.2(d) of By-law 645, the Conmee Zoning By-law and Section 34 of the Planning Act states that the zoning would no longer be valid on the property since there was no continuous extractive use. Ms. Croft noted that she felt that Council had a bias towards the applicant and that the posted Notice on the property was not clearly legible. Ms. Croft also noted that she did not feel that putting the Notice in the Chronicle Journal was sufficient as no one she had talked to gets the newspaper. Ms. Croft requested that Council deny this application so the Township would remain a peaceful and harmonious place to live.

#### 4.4 Doug Flegel/Margie Bettiol

Ms. Bettiol distributed some letters to Council. She noted that she felt frustrated and disappointed and felt Council had no interest in the well-being of the community. Ms. Bettiol also noted that the logo of the Township talks about living healthy naturally and this proposal did not fit that vision. Ms. Bettiol also distributed an article printed from the web by an author who lives near a gravel pit. Ms. Bettiol also stated she felt Council had a bias toward the developer and that that had also been the opinion of the Chair of the Ontario Municipal Board. Ms. Bettiol was disappointed that Council had only commented on the hours of operation when the Aggregate Licence application was circulated to them and that they could have commented on much more. Ms. Bettiol repeated the opinion from their lawyer on Section 1.2(d) of the Zoning By-law regarding continuing uses. Ms. Bettiol noted that there is no evidence to contradict By-law 501, the previous Zoning By-law which shows a 600'x600' extractive zone. Ms. Bettiol spoke again about the OMB Chair's opinion that Council's actions to allow the pit because it would be officially recognized in the Official Plan and Zoning By-law update was presumptuous since the update could preclude such a use, and that Council was abrogating their responsibility by stating that the concerns of the residents would be dealt with in the Aggregate Licence. Ms. Bettiol stated that she didn't believe Council was considering any of the resident's concerns, let alone caring about the Township. Ms. Bettiol stated that she felt Council's actions were questionable. Ms. Bettiol also noted that she felt the Notice posted on the property was not clearly visible and legible from the highway. Ms. Bettiol noted that if Council was truly doing an update of the Official Plan why would they allow this development at this time. Ms. Bettiol also noted that the MNR said there would be no impact to the environment but she believed there would be impact to the animals. Ms. Bettiol stated that they live an organic lifestyle and don't want crushers and more gravel trucks down the highway. Ms. Bettiol stated that she had been advised that her property value would be significantly reduced by these operations. Ms. Bettiol also noted that the information required by Section 3.3.6 of the Official Plan had not been submitted. Ms. Bettiol stated that the Notice was to be put in a newspaper and the definition states it has to have sufficient circulation which the Chronicle Journal did not. Ms. Bettiol also asked for a list of the people who were circulated the Notice.

#### 4.5 Kathleen Powers

#### 4.6 Amy Adams

Ms. Powers and Ms. Amy Adams jointly presented their support to the Objectors to this By-law. Ms. Powers also spoke about the crusher running continuously and noted that they have been advised that property values will drop 30% as soon as an application for a pit is made. Ms. Powers and Ms. Adams questioned whether the owners of the pit will compensate the Township and the residents for this loss.

4.7 Bryan/Daniela Barrett

4.8 Domonique Houstoun

Mayor Holland acknowledged the submission of written objections from Mr. and Mrs. Barrett and Ms. Houstoun.

4.9 Chris Fiorito

Mr. Fiorito attended the Council meeting to update Council on the activities of the Skatepark Committee since Council was no longer involved on the Committee. Mr. Fiorito noted for the audience members that no Township money would be spent on the Skatepark and that any taxpayer money spent to date had been paid back by the fundraising activities of the Committee.

Mr. Fiorito questioned whether Council would lease the land to the Skatepark if they are successful in their fundraising and what would be the obligations of the Committee, including on-going maintenance. Mr. Fiorito also requested a list of donors so the Committee could thank them.

Mr. Fiorito noted that they have involved Mr. John Kelly who operates the City of Thunder Bay's Skatepark and that they had secured a setup made of wood that they would like set up in the rink area to use on a temporary basis.

Mayor Holland requested that Mr. Fiorito consult with staff so a report can be brought back to Council.

8.2 By-law No. 1107 – Agenda amended to move up this item.

Mayor Holland read the By-law.

Councillor MacMaster requested a recorded vote and each Councillor present spoke to the resolution and by-law.

Councillor MacMaster noted that he had looked at all of the written concerns and listened to the residents and had done some searching for information on pits and quarries as well as on Council's responsibilities and liabilities on this issue. Councillor MacMaster noted that he lives close to the subject property and will be personally affected by these operations but believes that he has an obligation, as a Councillor, to approve the change in zoning and that he could find no planning reason to deny the application.

Councillor MacMaster noted that he understood that one of the up-coming delegations at the Association of Municipalities of Ontario (AMO) conference was to lobby the Province to return municipal powers back to local control. Councillor MacMaster also advised he had researched the issue and found an article from the Ontario Bar Association explaining that Council could be liable for damages and costs if they tried to hinder such developments. Councillor MacMaster voted Yeah.

Mayor Holland advised that the Council had completed the first step for the Official Plan review and encourage those present to make comment on the Official Plan when the required Public Meeting was held. Mayor Holland noted our lack of the ability to change Provincial Policy.

Councillor Woodbeck noted that since Mr. Erdman will be submitting a new Aggregate Licence application, Council would review it closely for ways to mitigate the impact to the residents and will make those comments to the MNR. Councillor Woodbeck noted that she supported the possibility of changing the Official Plan during the review, but that Council must deal with the provisions as they stand now. Councillor Woodbeck also noted that the Township logo is not part of the Official Plan. Councillor Woodbeck stated

that she was unsure of whether the Township could entirely restrict extractive operations. Councillor Woodbeck questioned whether the Provincial regulations superseded the Township By-laws and was advised that they did.

Councilor Woodbeck also questioned why the By-law was changing the zoning from Rural and Extractive Industrial to Rural and Extractive Industrial. The Clerk advised that when Mr. Erdman had first approached Council and the extractive zoning was noted on the property, the Clerk was unable to find any confirmation of the extent of that zone. The Clerk contacted MNR who advised that in the absence of any evidence to the contrary they would presume the property to be completely zoned as Extractive. Based on that information the Council had advised Mr. Erdman to make his application for the Aggregate Licence and had commented on the hours of operation of the crusher and screener and those restrictions had been incorporated into the Licence application. However, during the OMB hearing on Mr. Erdman's Aggregate Licence application the Chair had disagreed with Council and had denied the application because he did not feel the zoning was adequate. Therefore Mr. Erdman had submitted an application for a Zoning Amendment. Despite the OMB Chair's opinion, Council still believes that some extractive zoning exists on the property and the only question is the size of that zone. The Clerk also advise that because Council was now dealing with the zoning on the property, the house that exists had to remain in the Rural Zone as there are no dwellings allowed in the Extractive Zone. Therefore the By-law was written to recognize that both zones existed and will continue to exist but will confirm the extent of both zones by the mapping attached to the By-law. Councillor Woodbeck voted Yeah.

Councillor Maxwell stated that she had heard the resident's concerns but that she also lives near an operating pit with a crusher and did not find the noise to be excessive. Councillor Maxwell also noted that she has 4 children as well, including one with medical issues and did not feel they had been affected. Councillor Maxwell stated she had also read all the comments made by the residents. Councillor Maxwell voted Yeah.

Mayor Holland stated that he had reviewed all the information and recognized the resident's concerns. He noted that Council would welcome the opportunity to provide comment on the Aggregate Licence on behalf of the residents but that Council has to be careful about denying any application when it was a permitted use. Mayor Holland voted Yeah.

Mayor Holland noted that the Official Plan review is underway has completed its first stage but Council must also be careful about impeding the provisions of the Provincial Policy Statement. Mayor Holland read the By-law again.

#### **Resolution No. 2016 – 156**

**Moved by                      Councillor MacMaster**  
**Seconded by                Councillor Maxwell**

**THAT** the Mayor and Clerk be authorized on behalf of the Township of Conmee to affix their signatures to By-law No. 1107 being a by-law to change the zoning on a part of Lot A, Concession 3, less Hwy Parcel 2746, also known as 5450 Highway 11/17, from the Rural Zone and Extractive Zone to the Rural Zone and Extractive Zone.

Councillor L.G. Arnold – Absent  
Councillor R. MacMaster – Yeah  
Councillor S. Maxwell – Yeah  
Councillor C. Woodbeck – Yeah

Mayor K. Holland - Yeah

**CARRIED.**

Councillor Woodbeck noted that Council could review the provision for notice in such matters in the Official Plan review. The Clerk advised that we are currently waiting for mapping to be completed and then the Official Plan will be brought back to Council to set a public meeting date.

**5. ADOPTION OF MINUTES**

**5.1 Resolution No. 2016 - 157**

**Moved by                   Councillor Maxwell**  
**Seconded by            Councillor Woodbeck**

**THAT** the Minutes of the Public Meeting of Council held on July 12, 2016 be adopted as circulated.

**CARRIED.**

**5.2 Resolution No. 2016 - 158**

**Moved by                   Councillor Woodbeck**  
**Seconded by            Councillor MacMaster**

**THAT** the Minutes of the Regular Meeting of Council held on July 12, 2016 be adopted as circulated.

**CARRIED.**

**5.3 Resolution No. 2016 - 159**

**Moved by                   Councillor MacMaster**  
**Seconded by            Councillor Maxwell**

**THAT** the Minutes of the Public Meeting of Council held on July 27, 2016 be adopted as circulated.

**CARRIED.**

**6. REPORTS FROM MUNICIPAL OFFICERS**

**6.1 Road Superintendent's Report**

Councillor MacMaster questioned the addition of a culvert on the project on Hume Road. Mayor Holland explained that the Road Superintendent had noted a significant flooding hazard in the area during the last storm and had install an additional culvert to help alleviate any future flooding issues.

- Grading Report - filed
- Landfill Report – not at this meeting
- Generator Report – not at this meeting
- Tank Level Report – not at this meeting

**6.2 Fire Chief's Report – filed**

**6.3 Clerk's Report - filed**

**6.4 Treasurer's Report**

The Treasurer presented the following resolution. Mayor Holland declared a conflict and left the room.

**Resolution No. 2016 – 160**

**Moved by                   Councillor Woodbeck**  
**Seconded by               Councillor Maxwell**

**THAT** the Council for the Township of Conmee approve a transfer of funds from the Operating Reserve Account to the General Operating Account in the amount of \$30,461.65 to pay for the fire truck repairs as per invoice 11718 – Holland Enterprises;

**AND THAT** the Council for the Township of Conmee approve a second transfer of funds from the Operating Account to the chequing account (SRSSB) in the amount of \$1,075 to pay the Michael Hull Consulting Services – July invoice.

**CARRIED.**

6.5 Councillor Reports

Councillor MacMaster advised he will be attending the Thunder Bay District Municipal League meeting on behalf of Councillor Woodbeck.

Councillor Maxwell noted there had been no Social Committee meetings this month.

Councillor Woodbeck advised there had been no meetings but that she had attended the OCIF funding announcement.

Mayor Holland noted that he had attended a meeting to update the Emergency Plan, and an SRSSB meeting, a Planning Board meeting and a second SRSSB meeting since the last Council meeting. Mayor Holland was questioned on the progress of the Superior Regional Social Services Board and had replied that the group was meeting with the Minister responsible for social services at AMO and that the Board was moving forward with the set-up of an office and staffing. The Province will be asked to make the change in regulation to form the separate Board and provide the appropriate computer program and the TBDSSAB will be asked to forward all the relevant client information.

- 6.6 Other Board and Agency Reports
- LRMC – Minutes – May 19, 2016
  - SRSSB – Minutes – July 7, 2016
  - Rural Food Cupboard – Statistics
  - TBDML – Minutes – June 4, 2016

7. **DISBURSEMENT LIST**

Disbursement List No 08A 2016

**Resolution No. 2016 - 161**

**Moved by                   Councillor MacMaster**  
**Seconded by               Councillor Maxwell**

**THAT** the accounts in the amount of \$177,508.80 as per Disbursement List No. O8A, 2016 be approved for payment.

**CARRIED.**

Disbursement List No 08AA 2016

**Resolution No. 2016 - 162**

**Moved by                   Councillor MacMaster**

**Seconded by Councillor Woodbeck**

**THAT** the accounts in the amount of \$30,461.65 as per Disbursement List No. O8AA, 2016 be approved for payment.

**CARRIED.**

Mayor Holland declared a conflict and left the room.

Payroll Disbursement

**Resolution No. 2016 – 163**

**Moved by Councillor Woodbeck**

**Seconded by Councillor MacMaster**

**THAT** the Payroll in the amount of \$13,831.31 as per Disbursement List No. 08AAA Payroll be approved for payment.

**CARRIED.**

**8. UNFINISHED BUSINESS**

- 8.1 By-law No. 1106 – Tycon Zoning Amendment – deferred
- 8.2 By-law No. 1107 – Erdman Zoning Amendment – Admin. Report #023-2016 - Dealt with after Delegations
- 8.3 Draft Job Description – Public Works Manager – filed

**9. NEW BUSINESS**

- 9.1 ecosuperior – Request to Restrict Open Burning

Council discussed the request from ecosuperior to amend the Burning By-law to prohibit burning of garbage. Council felt that this could be difficult to enforce. Council did agree to add a notice on the bottom of the Fire Permit that burning garbage can be detrimental to health and the environment.

- 9.2 North of Superior – Membership – filed
- 9.3 NOMA and Common Voice Conference

**Resolution No 2016 – 164**

**Moved by Councillor Woodbeck**

**Seconded by Councillor Maxwell**

**THAT** the following persons be authorized to attend the NOMA Conference and the Common Voice Northwest Conference to be held in Thunder Bay on September 22 and 23, 2016:

Councillor R. MacMaster  
Councillor S. Maxwell  
Mayor K. Holland  
Clerk P. Maxwell

**CARRIED.**

Mayor Holland left the room.

At this time Councillor Woodbeck questioned who would be flooding the rink and how it was done. Councillor Woodbeck suggested that a tank could be buried near the rink to provide the water. Councillor MacMaster noted that a local business may have tanks available for such a use and the Clerk was

directed to obtain more information on the cost and how it would be kept filled.

#### 9.4 Spectrum Radio System

Mayor Holland explained that we would be meeting this company for a possible trial of a new digital radio system that would also record when the machines are operating. This will help mitigate the Township's liability when an accident occurs as it will record when maintenance is being performed including sanding.

#### 9.5 DSSAB – Resolution Request

##### **Resolution No. 2016 – 165**

**Moved by                      Councillor Maxwell**  
**Seconded by                Councillor MacMaster**

**THAT** the Council for the Township of Conmee supports the proposal from the District of Thunder Bay Social Services Administration Board to maintain the Community Social Reinvestment Fund by levying the member municipalities.

**DEFEATED.**

#### 9.6 Message from Bill Vrebosch re ROMA – filed

#### 9.7 Letter from Ministry of Tourism Culture and Sport – Funding – filed.

#### 9.8 Review of Ontario Municipal Board

Council requested that comments be made to the OMB review that there should be training for OMB Chairmen, that Chairmen should have regional knowledge and that greater emphasis should be placed on local decisions.

### **10. CORRESPONDENCE**

10.1 The Explorationist Prospector's Newsletter

10.2 CNN Publication

10.3 Independent Electricity Operators' 2015 Annual Report

10.4 TBDSSAB 2015 Annual Report

### **11. ADJOURNMENT**

##### **Resolution No. 2016 -166**

**Moved by                      Councillor Woodbeck**  
**Seconded by                Councillor Maxwell**

**THAT** we do now adjourn this meeting at 9:18 pm.

**CARRIED.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk