



COMMITTEE OF THE WHOLE MINUTES

Tuesday, February 13th, 2023

Immediately following the Public Meeting – Zoning By-Law Amendment(s) at 5:30 p.m.
Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

ATTENDANCE:

Members Present: Chair, Councillor Angela Pierman
Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Aaron Watt, Deputy Clerk
Sean Ervin, Public Works Manager (left at 8:05 p.m.)
Ashley Liznick, Treasurer (left at 8:32 p.m.)
Noelle Reeve, Planner (left at 8:32 p.m.)

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 5:40 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES OF PUBLIC MEETINGS

i) **Public Meeting: Budget – November 28th, 2023.**

The minutes of the Public Meeting – Budget held on November 28th, 2023, were approved.

ii) **Public Meeting: Zoning By-Law Amendment(s) – December 5th, 2023.**

The minutes of the Public Meeting – Zoning By-Law Amendment(s) held on December 5th, 2023, were approved.

5. DELEGATIONS & PRESENTATIONS

None.

6. PRIORITY ISSUES

i) **Report #PD-2024-05 – Manie Daniels Centre Update (261 Maberly Elphin Road).**

The Planner explained that the report is not for decision at this meeting, but for information only. Staff thought that an information report should come forward to this meeting so that it could be explained why the Zoning Amendment Application was withdrawn.

Through discussion with stakeholders, it was determined that the project is a group home and is a permitted use under the Zoning By-Law, the Planning Act, The Lanark County Sustainable Communities Official Plan, and the Tay Valley Township Official Plan.

The Planner explained that pursuant to the requirements, the application is properly a minor variance and that a public meeting will occur through the Committee of Adjustment on March 18, 2024. The Centre is also planning a community open house and information session in the Spring.

A Member called into question the facility's compatibility with the performance standards tests for a group home, and if the Centre should ask for a variance because they do not meet one of the performance standards.

The Planner stated yes, they are asking for a variance.

A Member asked about the requirements for certification for the site. Privately funded facilities such as this one do not have to follow the same rules and requirements as publicly funded addiction centres.

The Planner explained that it is important to distinguish between addiction treatment and group homes. The proposed site in Maberly is proposed to be a

group home for those who have already completed a treatment program supporting sobriety, and that the residential setting is to further support those efforts.

Members discussed and questioned information and details contained in the zoning application submitted to the Township, details and information provided by the media, and Love Soluble Inc.'s website noting that much of the public information available is inconsistent or unclear.

The Planner explained that through consultation with the property owner, a board member, and the Township Solicitor it was determined that the application more properly fit the description of a group home. The Planner also explained that it is not unusual for applications to change after they are submitted and the details are more closely reviewed, applications evolve over time.

Questions from Members, and explanations and information from the Planner, and the Chief Administrative Officer/Clerk followed regarding the change in application, the requirements under The Planning Act, existing case law, and the purpose, scope, and authority of the Committee of Adjustment.

It was agreed that while this is currently classified as a minor variance under the Planning Act, it is a topic of major importance for the community.

The CAO/Clerk and Planner will request a meeting with the owner and a board member to fully review the intentions of the Centre and to answer any outstanding questions.

Recommendation to Council:

"THAT, Report #PD-2024-05 – Manie Daniels Centre Update (261 Maberly Elphin Road) be received for information."

THAT, Council commits to reviewing the provisions in the Official Plan and Zoning By-Law regarding group homes at a future meeting;

AND THAT, the Township encourages Mr. Spencer Kell to hold a public information session regarding the Manie Daniels Centre with a Ministry representative present to answer questions regarding public safety and operational oversight."

The Committee recessed at 6:52 p.m.

The Committee returned to session at 7:11 p.m.

- ii) **Report #PD-2024-04 – Mississippi-Rideau Source Protection Committee Member Reappointment for 2024 to 2029.**

Recommendation to Council:

“**THAT**, the Council of Tay Valley Township nominate Eleanor Renaud to be reappointed as the Mississippi-Rideau Source Protection Committee Member, on behalf of Tay Valley Township, from 2024 to 2029.”

- iii) **Report #PD-2024-03 – Rideau Corridor Landscape Strategy Steering Committee Appointment.**

Recommendation to Council:

“**THAT**, Councillor Wayne Baker be appointed as a Municipal Representative on the Rideau Corridor Landscape Strategy Steering Committee;

AND THAT, Noelle Reeve, Planner continue to serve as the alternate Municipal Representative and continue to sit on the Planners’ Technical Advisory Committee.”

- iv) **Report #PD-2024-02 – Sewage System Management Services Agreement Amendment (Payment Process).**

Recommendation to Council:

“**THAT**, the Sewage System Management Services Agreement for the provision of septic inspection and septic re-inspection services with the Mississippi Valley Conservation Authority be amended as outlined in Report #PD-2024-02 – Sewage System Maintenance Services Agreement Amendment (Payment Process);

AND THAT, the necessary by-law be brought forward to the next Council meeting.”

- v) **Report #PD-2024-01 – Declaration of a Climate Change Crisis.**

Recommendation to Council:

“**WHEREAS**, climate change annually contributes to hundreds of billions of dollars in property and infrastructure damage worldwide, stressing local to national and international economies;

WHEREAS, climate change jeopardizes the health and risks the extinction of millions of species worldwide, stressing and weakening the health and integrity of ecosystems everywhere;

WHEREAS, climate change harms the health and security of people through intense wildfires, flooding, storms, droughts, rising sea levels, the spread of invasive insects bearing diseases, negative impacts on agriculture, and food supply interruption, thus further stressing social, economic, and political systems;

WHEREAS, there is now a large body of evidence and climate change risk scenarios which point to the imperative for steep and permanent reductions in greenhouse gas emissions, immediately and in the coming decades, in order to avoid many climate change “tipping points” which, if crossed, will render further and devastating ecological, economic, and societal losses;

AND WHEREAS, a crisis can be defined as "a dangerous situation requiring immediate action";

NOW THEREFORE BE IT RESOLVED THAT, Tay Valley Township officially declares a climate change crisis for the purposes of naming, framing, and deepening our commitment to protecting our local ecosystems, local economy, and our community from climate change;

AND THAT, this resolution be provided to Prime Minister Trudeau and all federal ministers with portfolios related to climate change; to all federal Opposition party leaders; to MP Scott Reid; to Premier Ford and all Ontario ministers with portfolios related to climate change; to MPP John Jordan and all other Ontario MPPs; and to all Ontario Municipalities.”

vi) **Report #FIN-2024-01 – Property Tax Resolution.**

Recommendation to Council:

“**WHEREAS**, current provincial-municipal fiscal arrangements are undermining Ontario’s economic prosperity and quality of life;

WHEREAS, nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year;

WHEREAS, municipal revenues, such as property taxes, do not grow with the economy or inflation;

WHEREAS, unprecedented population and housing growth will require significant investments in municipal infrastructure;

WHEREAS, municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises;

WHEREAS, inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;

WHEREAS, property taxpayers – including people on fixed incomes and small businesses – can not afford to subsidize income re-distribution programs for those most in need;

WHEREAS, the province can, and should, invest more in the prosperity of communities;

AND WHEREAS, municipalities and the provincial government have a strong history of collaboration;

NOW THEREFORE BE IT RESOLVED THAT, the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;

AND FURTHER THAT, a copy of this motion be sent to the Premier of Ontario (premier@ontario.ca); Minister of Municipal Affairs and Housing (minister.mah@ontario.ca); the Minister of Finance (minister.fin@ontario.ca); and to the Association of Municipalities of Ontario (amo@amo.on.ca).

vii) **Report #FIN-2024-02 – Development Charges Background Study & By-Law.**

Recommendation to Council:

“THAT, section 7.4 of the Township’s procurement policy, “professional consulting services estimated to cost more than \$2,000 shall be requested through a competitive Request for Proposal process”, be waived;

THAT, Watson & Associates Economists Ltd. be awarded the consulting services contract for the 2024 Development Charges Background Study and development of corresponding by-law at a cost of \$33,280 + net HST;

THAT, Watson & Associates Economists Ltd. be awarded the consulting services contract for the 2024 Area Specific Study at a cost of \$6,720 + net HST;

THAT, the provisional item, the Development Charges implementation workshop, for \$3,600 + net HST, be covered by the 2024 operational training budget lines;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

viii) **Report #PW-2024-03 – Tayside Estates Subdivision.**

Recommendation to Council:

“THAT, Tay Valley Township waive the four (4) outstanding items to the Tayside Estates Subdivision Agreement as outlined in Report #PW-2024-03 - Tayside Estates Subdivision;

THAT, Tay Valley Township approve Final Acceptance of the Works for the Tayside Estates Subdivision;

THAT, the necessary by-law to assume Ernest Way in the Tayside Estates Subdivision be brought forward to the next Council meeting for approval;

AND THAT, once the Final Acceptance of the Works for the Tayside Estates Subdivision has been approved and the necessary by-law to assume Ernest Way been adopted and registered on title that the remaining securities be released.”

ix) **Report #PW-2024-04 – Pavilion Projects – Tender Awards.**

Recommendation to Council:

“**THAT**, Tender 2024-RF-001, Timber Framed Pavilion, be awarded to Hemlock Ridge Timberframes Inc.;

THAT, Tender 2024-RF-002, Pavilion Site Works, be awarded to Vanderheyden Excavating;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

x) **Report #PW-2024-02 – Road Patrol Software.**

Recommendation to Council:

“**THAT**, Section 7.2 of the Township’s Procurement Policy be waived to single source Road Patrol Software from Go Evo Inc.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

xi) **Report #PW-2024-01 – Blue Box Transition Update.**

Recommendation to Council:

“**THAT**, Report #PW-2024-01 – Blue Box Transition Update be received for information.”

xii) **Report #CAO-2024-01 – Request to Close a Portion of an Unopened Road Allowance – Illman.**

Recommendation to Council:

“**THAT**, Council agrees to proceed with the application to stop up, close and sell the said portion of the unopened road allowance as outlined in Report #CAO-2024-01 – Request to Close a Portion of an Unopened Road Allowance (Illman), as per the Road Closing and Sale Policy and call a Public Meeting.”

xiii) **Report #CAO-2024-02 – Proposed New Road Name – Murpubar Bay Lane.**

Recommendation to Council:

“**THAT**, the necessary by-law to name an existing Private Road to Murpubar Bay Lane as outlined in Report #CAO-2024-02 – Proposed New Road Name – Murpubar Bay Lane, be brought forward for approval.”

xiv) **Report #CAO-2024-03 – Request to Close a Portion of an Unopened Road Allowance – Gervais.**

Recommendation to Council:

“**THAT**, Council agrees to proceed with the application to stop up, close and sell the said portion of the unopened road allowance as outlined in Report #CAO-2024-03 – Request to Close a Portion of an Unopened Road Allowance – Gervais, as per the Road Closing and Sale Policy and call a Public Meeting.”

xv) **Report #CAO-2024-05 – Lanark County OPP Detachment Board Terms of Reference.**

Recommendation to Council:

“**THAT**, the Lanark County OPP Detachment Board – Terms of Reference be approved;

AND THAT, the necessary by-law be brought forward at the next Council meeting.”

7. CORRESPONDENCE

i) **23-12-19 – Council Communication Package.**

Recommendation to Council:

“**THAT**, the 23-12-19 Council Communication Package, excluding items 13, 14, and 15, be received for information.”

Recommendation to Council:

“**WHEREAS**, Metroland Media Group has sought bankruptcy protection and will cease the print publication of its weekly community newspapers across Ontario, moving to an online-only model;

AND WHEREAS, Neil Oliver, Chief Executive Officer and President of Metroland Media Group, said the 71 Metroland community publications will be digital only going forward;

AND WHEREAS, the *Legislation Act, 2006* provides a definition of “newspaper” which applies to every Ontario Act and Regulation, as in a provision requiring publication, means a document that, (a) **is printed in sheet form**, published at regular intervals of a week or less and circulated to

the general public, and (b) consists primarily of news of current events of general interest; (“journal”);

AND WHEREAS, Ontario Municipalities are required to follow publication and notice requirements for Provincial Acts and Regulations;

AND WHEREAS, communities such as Tay Valley Township cannot comply with publication requirements in Provincial Acts and Regulations as the Metroland Media Group news publication is no longer being printed in sheet form and there are no other local news publications fitting the definition of “newspaper”;

AND WHEREAS, some small, rural, Ontario Municipalities may not have the means to bring an application to the Court to ask for directions and approval of an alternate manner of providing notice;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Tay Valley Township does hereby request the Provincial government to make an amendment to the *Legislation Act, 2006* to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations;

AND FURTHER, requests the support of all Ontario Municipalities;

AND FURTHER THAT, this resolution be forwarded to the Minister of Municipal Affairs and Housing, Paul Calandra; Lanark Frontenac Kingston MPP, John Jordan; The Association of Ontario Municipalities (AMO); CEO and President of Metroland Media Group, Neil Oliver and all Ontario Municipalities.”

ii) **24-02-07 – Council Communication Package.**

Recommendation to Council:

“**THAT**, the 24-02-07 Council Communication Package, excluding items 38-42, be received for information.”

Recommendation to Council:

“**WHEREAS**, under the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

AND WHEREAS, over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to

the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

AND WHEREAS, municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within their jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

AND WHEREAS, cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

AND WHEREAS, the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- provide free training opportunities for municipalities regarding cemetery administration; and,
- investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

AND THAT, this resolution be circulated to the Honourable Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP John Jordan and all Ontario municipalities.”

iii) **Association of Municipalities Ontario Policy Update – Social and Economic Prosperity Review.**

Recommendation to Council:

“**WHEREAS** current provincial-municipal fiscal arrangements are undermining Ontario’s economic prosperity and quality of life

WHEREAS nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year

WHEREAS municipal revenues, such as property taxes, do not grow with the economy or inflation

WHEREAS unprecedented population and housing growth will require significant investments in municipal infrastructure

WHEREAS municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises

WHEREAS inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity

WHEREAS property taxpayers – including people on fixed incomes and small businesses – can’t afford to subsidize income re-distribution programs for those most in need

WHEREAS the province can, and should, invest more in the prosperity of communities

WHEREAS municipalities and the provincial government have a strong history of collaboration

THEREFORE, BE IT RESOLVED THAT the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario.”

iv) **Association of Ontario Roads Supervisors – Support the Creation of a Municipal Equipment Operator Course.**

Recommendation to Council:

“**WHEREAS**, municipal public works departments from across the Province of Ontario provide invaluable services to our communities ensuring the health and safety of all residents;

AND WHEREAS, if it was not for our municipal public works employees from across the Province of Ontario maintaining our public roads systems, our communities would not be able to function as emergency personnel could not respond to calls, school buses could not get our children to school, residents would not be able to get to work, school or appointments and many more basic functions would not be able to happen;

AND WHEREAS, municipal public works departments are already feeling the impacts of a labour shortage, which will only be exasperated over the next three to five years, which will cause levels of service municipalities are able to provide to ensure the health and safety of our residents to decrease;

AND WHEREAS, there is currently no provincial-wide course that properly trains potential municipal public works employees, specifically relating to municipal heavy equipment.

THEREFORE IT BE RESOLVED, that Tay Valley Township supports the work of the Association of Ontario Road Supervisors to develop a Municipal Equipment Operator Course to address this issue;

AND THAT, Tay Valley Township calls on the Province of Ontario's Ministry of Labour, Training, Immigration and Skilled Trades to fully fund the Municipal Equipment Operator Course in 2024 through the Skills Development Fund;

AND THAT, a copy of this resolution be sent to the Minister of Labour, Training, Immigration and Skilled Trades David Piccini, Tay Valley Township's Member of Provincial Parliament John Jordan and the Association of Ontario Road Supervisors."

The Public Works Manager left at 8:05 p.m.

8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES

- i) **Bolingbroke Cemetery Board.**
Councillor Wayne Baker.

The Committee reviewed the minutes that were attached to the agenda.

- ii) **Committee of Adjustment.**

The Committee reviewed the minutes that were attached to the agenda.

- iii) **Fire Board.**
Councillor Wayne Baker, Councillor Greg Hallam, Councillor Marilyn Thomas

The Committee reviewed the minutes that were attached to the agenda.

- iv) **Library Board.**
Councillor Andrew Kendrick.

The Committee reviewed the minutes that were attached to the agenda.

- v) **Pinehurst Cemetery Board** – *deferred to the next meeting.*
Deputy Reeve Fred Dobbie.

- vi) **Police Services Board** – *deferred to the next meeting.*
Reeve Rob Rainer.

- vii) **Green Energy and Climate Change Working Group.**
Councillor Greg Hallam and Councillor Angela Pierman

The Committee reviewed the minutes that were attached to the agenda.

- viii) **Municipal Drug Strategy Committee** – *deferred to the next meeting.*
Councillor Korrine Jordan.

This item will be removed from future agendas as there has been no contact with the Committee.

- ix) **Mississippi Valley Conservation Authority Board.**
Councillor Andrew Kendrick.

The Committee reviewed the report and minutes that were attached to the agenda.

- x) **Rideau Valley Conservation Authority Board.**
Councillor Angela Pierman.

The Committee reviewed the minutes that were attached to the agenda.

- xi) **County of Lanark** – *deferred to the next meeting.*
Reeve Rob Rainer and Deputy Reeve Fred Dobbie.

The Planner and the Treasurer left at 8:23 p.m.

9. CLOSED SESSION

- i) **CONFIDENTIAL: Litigation – Dog Owners Liability Act.**

The Committee moved “in camera” at 8:24 p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding the Dog Owners Liability Act and the Chief Administrative Officer/Clerk and Deputy Clerk remained in the room.

The Committee returned to open session at 8:33 p.m.

The Chair rose and reported that staff were provided direction on the matter.

10. DEFERRED ITEMS

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

- *See Township Action Plan – distributed separately to Council*

11. ADJOURNMENT

The Committee adjourned at 8:34 p.m.



Chairperson



Aaron Watt, Deputy Clerk