

TOWNSHIP OF WELLESLEY

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March 16, 2010

COUNCIL MEETING MINUTES

Present: Mayor, Ross Kelterborn,
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott
Staff - Susan Duke, CAO/Clerk
- Sarah Peck, Junior Planner
- Andrew Lilloco, Fire Chief
- Rik Louwagie, Chief Building Official
- Will McLaughlin, Director of Public Works & Environment
- Brad Voisin, Director of Recreation

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on March 16, 2010 with all members in attendance. The Council meeting opened with Susan Duke leading in prayer and Mayor Kelterborn was in the chair.

Minutes of the Previous Meeting:

62 Moved by: Shelley Wagner – Seconded by: Paul Hergott
That the minutes of the Regular Council Meeting of March 1, 2010 at the Crosshill Council Chambers be adopted as corrected regarding Page 2 and page 5. Carried

Petitions: None

63 Moved by: Herb Neher - Seconded by: Jim Olender
That the Council meeting adjourn in order to hold a Public Meeting in the matter of a Zoning By-law Amendment for Jason & Melissa Barry, 3494 Lobsinger Line, St. Clements, Township of Wellesley. Carried

PUBLIC MEETING: Zoning By-law Amendment Application 01/10
Jason & Melissa Barry,
3494 Lobsinger Line, St. Clements

Public Notice: As required by the Planning Act, public notice for this meeting on March 16, 2010 was provided by posting a notice on the subject property; mailing public notifications to neighbouring properties within 120 m. and to applicable agencies on Wednesday, February 3, 2010 and Thursday, February 4, 2010, respectively; and posting the notification in the Elmira Independent on Friday, February 19, 2010.

Discussion: The subject lands are located on the south side of Lobsinger Line. The property occupies 108.24 ft of frontage on Lobsinger Line and has a total area of 0.34 acres. The property is zoned Settlement Residential (SR) as per Zoning By-law 28/2006 (the “By-law”). The accessory building exists as a storage building accessory to the residence. Its dimensions are 24 ft x 36 ft. Its height is 15 ft. Melissa Barry, part owner of 3494 Lobsinger Line, currently holds a legal Certificate of Occupancy for private music lessons (home occupation) for the residential unit on the property.

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Public Comments (received prior to the public meeting):

Seven positive comments from the public have been received to date, all emphasizing that they (neighbours within a close proximity of the subject property) have never been disturbed by noise coming from the accessory building.

Two negative comments from the public have been received to date.

One neighbour informed staff that the construction of the accessory building has lead to property damage caused by steepened grade and poor drainage on the subject property. Also, that neighbour informed

staff that noise, specifically drum beats and vibrations, interfere with her enjoyment of her property.

Finally, the neighbour informed staff that parking is an issue. At times there have been up to five vehicles parked in front of the subject property for prolonged periods of time, which limits visibility for vehicles entering and exiting the neighbour's driveway.

Another neighbour informed staff that she could hear the music at her property coming from the subject property's accessory building. The noise and vibrations were particularly bothersome as it disrupted her sleep and her enjoyment of her property including sitting on her deck.

Agency Reports:

Director of Public Works, Township of Wellesley

Mr. Barry has informed Township staff that he incorporated a dry well into the drainage system in the rear yard and has redirected the downspouts to this receptor. The applicant is aware that any further drainage issues will remain his responsibility to resolve.

Chief Building Official, Township of Wellesley

Onsite parking requirements need to be addressed.

A noise study needs to be completed before a decision is made.

A change of use permit will be required from the Building Department if this application is approved and the owners wish to carry on a commercial use of the building.

Fire Chief, Township of Wellesley

No concerns.

Region of Waterloo

No concerns.

Grand River Conservation Authority

No concerns.

Union Gas

No comments to date.

Waterloo Catholic School Board

No comments to date.

Waterloo Region District School Board

No concerns.

Waterloo North Hydro

The resident at 3494 Lobsinger Line, St. Clements, is to send Waterloo North Hydro a load study for the existing and new load at the property so we may analyse the impact to our system. The load study can be completed by an electrical contractor.

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Conclusion:

No decisions will be made at this public meeting. Following the meeting and upon the receipt of required studies and relevant comments from the requesting agency (noise study and hydro load study to be completed by applicant; onsite parking requirements to be reviewed by Township), a final report will be prepared for the consideration of Council.

Mayor Kelterborn asked if Council has any questions?

Mayor Kelterborn asked if there is any kind of approval from an inspecting agency concerning noise volumes? Sarah Peck, Junior Planner indicated Mr. Barry may be able to address this issue.

Mayor Kelterborn asked if there is air conditioning in the accessory building. Sarah Peck indicated this issue is unknown at this time but it could be addressed by the property owner.

Mayor Kelterborn asked if there was any person present who wished to object to the application.

Mark Radulescu, 60 College St., Kitchener

Mr. Radulescu spoke on behalf of Jeanette and Bob Bell, 3474 Lobsinger Line, St. Clements. Mr. Radulescu stated the Bells' are the Barry's neighbour on the east side. The Bells have lived at their residence for 35 years and they are aware and happy for the success of Barrytone Studios. Mr. Radulescu stated Mr. Bell has a hearing deficiency which is significant due to the nature of the issue at hand. Mr. Bell has indicated he is able to hear audible noise from outside and inside the house without his assisted devices specifically repetitive base percussion. Mr. Radulescu spoke of the parking being a safety concern because the road slopes down from the Barry residence to the Bell residence. Visibility is an issue if cars are parked on the road. Mr. Radulescu spoke of the drainage problem from the Barry residence to the Bell residence due to the steeper slope after the construction of the Barry building.

Councillor Hergott asked is the water still getting into the Bell basement even with the drywell installation. Mr. Radulescu indicated the water runs over the eaves trough and spills onto the Bell property.

Councillor Wagner asked how often is the noise occurring. Mr. Radulescu indicated this has not been often recently.

Mayor Kelterborn asked if there was any person present who wished to support the application.

Tracey Cronin, 3446 Lobsinger Line

Ms. Cronin stated her family has lived in the area for 10 years and Melissa Barry is a music teacher for her son. Ms. Cronin indicated she walks Lobsinger Line frequently and has not witnessed more than 1 or 2 vehicles in front of the Barry property at any one time.

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Luke Calma, 3500 Lobsinger Line

Mr. Calma resides on the west side of the Barry property. Mr. Calma stated of truck noise has rattled the windows of his home, further indicating this noise is louder than the noise heard from the Barry property.

Ryan Crawford, Elmira

Mr. Crawford indicated he helped install the sound booth kit and will be assisting in the installation of quiet rock, further indicating Mr. Barry has gone far beyond what is required and has tried to help out the neighbours.

Mayor Kelterborn asked about the construction of the sound booth and if there is an air exchange system. No one responded.

Jim Galloway, 3501 Lobsinger Line

Mr. Galloway indicated he has not heard noise from the Barry residence in the evening, although a certain amount of sound should be tolerated during the daytime.

Brad Dietrich, 2826 Herrgott Road

Mr. Dietrich stated his support echoing Mr. Galloway's comments. He also noted that businesses exist in other residential properties in the area.

Mayor Kelterborn asked if the applicant would like to speak?

Mr. Barry, 3494 Lobsinger Line,

Mr. Barry provided Council with a background of his personal achievements in the music industry as well as his wife's family roots. Mr. Barry described the construction of the building and his efforts to reduce audible noise. Mr. Barry indicated he was not aware drainage was still an issue, but will have it looked at.

Mayor Kelterborn explained why he asked about the air conditioning. Mr. Barry indicated he uses a small portable air conditioner in the building.

- 64 Moved by: Paul Hergott - Seconded by: Herb Neher
That the Public Meeting of a Zoning By-law Amendment for Jason & Melissa Barry, 3494 Lobsinger Line, St. Clements, Township of Wellesley, does now adjourn and the Regular Council Meeting resume. Carried

P. & D. 28/10 – Zoning By-law Amendment Application 01/10 re: Jason & Melissa Barry, 3494 Lobsinger Line, St. Clements

- 65 Moved by: Herb Neher – Seconded by: Ross Kelterborn
That the Council of the Township of Wellesley defer the decision in the matter of Zoning By-law Amendment Application 01/10 regarding Jason and Melissa Barry, 3494 Lobsinger Line until such time that all required studies have been received and considered by the relevant agencies. Carried

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Delegations:

- 66 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the following be received as a delegation:
1) Rene Gatien, President & CEO, Waterloo North Hydro

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Mr. Gatien provided the 2009 Waterloo North Hydro Budget results and summarized the projects scheduled for 2010 within the Township of Wellesley. Mr. Gatien spoke of the Green Energy Act – 2009 and the MicroFit Solar Program.
Mayor Kelterborn commented on the local shops that rely on diesel energy, who indicated energy from Waterloo North Hydro is cheaper than self generation through diesel.

Committee of the Whole:

- A Moved by: Shelley Wagner – Seconded by: Paul Hergott
That the Council rise and go into a Committee of the Whole to receive reports and recommendations. Carried

Planning & Development:

Chairperson: Jim Olender

P. & D. 27/10 – Certificate of Occupancy – For information
CO-09-10, Jesse M. Martin Jr., 4940 Schummer Line, RR#1 Linwood
CO-10-10, Solomon & Abraham Martin, 2690 Manser Rd., RR#1 Millbank
CO-11-10, Isaiah B Martin, 3482 Hessen Strasse, RR#1 St. Clements
CO-12-10, Ezra B. Martin, 4250 Manser Rd., RR#1 Wallenstein
CO-13-10, Edwin B. Hoover, 4639 Weimar Line, RR#3 Wellesley
CO-14-10, Solomon Brubacher, 7254 Line 86, Wallenstein
CO-15-10, Enoch M. Martin, 5029 Buehler Line, RR#1 Wallenstein
CO-16-10, Emanuel M. Bauman, 6237 Schummer Line, RR#1 Linwood
CO-17-10, Allen SM Martin, 3060 Moser Young Rd., RR#1 St. Clements
CO-18-10, Sydney M. Martin, 4880 Schummer Line, RR#1 Linwood
CO-19-10, Aaron S. Martin, 4610 Hessen Strasse, RR#3 Wellesley
CO-20-10, Noah MH Martin, 4360 Hessen Strasse, RR#3 Wellesley
CO-21-10, Ray Brubacher, 5764 Buehler Line, RR#1 Wallenstein

- P. & D. 17/10 – Horse Manure Complaint (from Feb 16/10) Council Meeting
67 Moved by: Ross Kelterborn – Seconded by: Paul Hergott
That the Council of the Township of Wellesley attempt to coordinate a meeting with representatives of the Mennonite community and other interested parties in the interest of discussing opportunities to improve relationships with regards to the use of roads and parking areas in the Settlement Area of Linwood. Said meeting to be held in a mutually convenient location in Linwood to be confirmed along with the date and time. Meeting to be chaired by the Planning and Development Chairman Jim Olender. Carried

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Council discussed changing the location of the meeting. Councillor Olender requested Mr. Bax be in attendance. Staff will inform Mr. Bax of the date and time of the meeting once it is confirmed. Councillor Hergott suggested trail riders should be involved. Mayor Kelterborn stated that anyone who is interested may attend the meeting. It will not be a Council Meeting. It is not intended that this meeting will be a Public Meeting. Mayor Kelterborn requested a report to be returned to Council after the meeting to discuss possible further action.

P. & D. 29/10 – Minor Variance Application A1/10 re: Noah B. Martin, 1045 Ayrshire Lane

68 Moved by: Ross Kelterborn – Seconded by: Shelley Wagner

That the Council of the Township of Wellesley accept the comments in the P. & D. 29/10 report and forward this report to the Committee of Adjustments for their consideration in the matter of the Minor Variance Application A1/10 regarding Noah B. Martin, 1045 Ayrshire Lane. Carried

P. & D. 30/10 – Pick-up Truck Purchase for the Building Department – For information

P. & D. 31/10 – Jack Koehler Fund Request – Curator Contract Position

69 Moved by: Ross Kelterborn – Seconded by: Herb Neher

That the Council of the Township of Wellesley defer this report and defer authorizing the Wellesley Township Heritage/Historical Society to access an upset limit of \$380.00 per month to pay a curator for a total of six (6) months, at which time the contract may be renewed. The contract renewal will require confirmation of Council. Carried

Road & Bridge; Property & Fire:

Chairperson: Paul Hergott

R. & B.; P. & F. 10/10 – Fire Call Reports – For information

R. & B.; P. & F. 11/10 – Ministry of Natural Resources re: Dealing with Human-Coyote Conflicts in your Municipality – For information

R. & B.; P. & F. 12/10 – Tractor Purchase for Public Works

70 Moved by: Jim Olender – Seconded by: Herb Neher

That the Council of the Township of Wellesley approve the price of \$63,200.00 plus tax submitted by Elmira Farm Service for a John Deere Model 6430 agricultural tractor. Funding for this item is included in the 2010 Roads Capital Equipment Reserve. Carried

R. & B.; P. & F. 13/10 – Amendment to the Fees & Charges By-law

71 Moved by: Shelley Wagner – Seconded by: Jim Olender

That the Council of the Township of Wellesley amend Fees & Charges By-law 19/2005 to include the revised Schedule “B” (Fire Department Fees & Charges) in File No. R. & B.; P. & F. 13/10. Carried

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R. & B.; P. & F. 14/10 – New Fire Department Tanker for Linwood Station

72 Moved by: Herb Neher – Seconded by: Jim Olender

That the Council of the Township of Wellesley approve the following:

RFP 2010-01 PHASE #1 – to purchase a 2011 7500 SBA 6x4 International truck chassis from Asphodel Fire Trucks LTD at a total cost of \$90,899 plus GST (to be paid upon receipt of the chassis by the body builder) Township will receive ownership for the chassis; and further,

RFP 2010 -01 PHASE# 2- Asphodel Fire Trucks to construct and supply the body and components required to complete the Fire Department tanker truck as specified in the Township of Wellesley Fire Department RFP 2010-01 from Asphodel Fire Trucks in accordance with the Township of Wellesley RFP 2010-01 total cost including the chassis not to exceed \$240,000 including trade in of the 1986 Linwood tanker plus applicable taxes from the 2010 Capital Fire Budget; and further,

That Council direct the Fire Chief to hold a pre-construction meeting with the vendor, and continue to monitor the design and build process during the project. Carried

Councillor Hergott congratulated Fire Chief Andrew Lillico on getting this tender organized.

Administration/Finance:

Chairperson: Ross Kelterborn

Admin./Finance 23/10 – Resolution from the Town of Fort Erie re: Petition Province to include Hospitals under Jurisdiction of Ombudsman

73 Moved by: Paul Hergott – Seconded by: Shelley Wagner

That the Council of the Township of Wellesley support the resolution brought forth by the Town of Fort Erie with respect to include hospitals under the jurisdiction of the Ombudsman Act to ensure a high level of health care, fiscal responsibility, accountability, openness and transparency as detailed in File No. Admin./Finance 23/10. Carried

Admin./Finance 24/10 – Resolution from the Town of Gravenhurst re: Petition Province to include Hospitals under Jurisdiction of Ombudsman

74 Moved by: Shelley Wagner – Seconded by: Paul Hergott

That the Council for the Township of Wellesley support the resolution brought forth by the Town of Gravenhurst with respect to petition the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman Act to ensure a high level of health care, fiscal responsibility, accountability, openness and transparency as detailed in File No. Admin./Finance 24/10. Carried

Admin./Finance 25/10 – Region of Waterloo re: Council Info – For information

Admin./Finance 26/10 – Office of the Lieutenant Governor of Ontario re: Call for Nominations – For information

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Admin./Finance 27/10 – Zone 3 Joint Meeting, April 15, 2010 Wilmot Township – For information

Admin./Finance 28/10 – Remuneration & Expenses for Members of Council & Local Boards 2009 – For information

- 75 Admin./Finance 29/10 – Gas Tax – Authorization to Sign Agreement to Receive Funding
 Moved by: Herb Neher – Seconded by: Jim Olender
 That the Council of the Township of Wellesley authorize the Mayor and Clerk to sign the Amended Gas Tax Agreement with the Association of Municipalities of Ontario (AMO) for the period of time 2010 – 2014. Carried

- 76 Admin./Finance 30/10 – Resolution from the City of Waterloo re: Gas Tax Program
 Moved by: Paul Hergott – Seconded by: Shelley Wagner
 That the Council of the Township of Wellesley support the resolution brought forth by the City of Waterloo regarding the Gas Tax Program as detailed in File No. Admin./Finance 30/10. Carried

- 77 Moved by: Herb Neher – Seconded by: Paul Hergott
 That the Council of the Township of Wellesley authorize Council to attend a special meeting of the Joint Councils of Wellesley, Wilmot and Woolwich which is to be held on March 25, 2010 at the Wilmot Recreation Centre, Erb Transport Room #A, Wilmot at 6:30 p.m. to 8:00 p.m. Carried

Recreation:

Chairperson: Shelley Wagner

Recreation 9/10 – Volunteer Action Centre – Call for Nominations – 5th Annual Volunteer Impact Awards 2010 – For information

Recreation 10/10 – Ministry of Citizenship & Immigration re: Lincoln M. Alexander Award 2010 – For information

- 78 Recreation 11/10 – Wellesley Arena Concession Booth
 Moved by: Jim Olender – Seconded by: Herb Neher
 That the Council of the Township of Wellesley authorize staff to enter into negotiations to develop an appropriate contract between the Township of Wellesley and We Grill-n-U-Chill Drive Inn to operate the concession booth at the Wellesley Arena, and that when an appropriate contract has been developed that it is returned to Council for authorization to sign the contract. Carried

Councillor Hergott stated he is opposed to a private enterprise operating from a public facility. Councillor Neher indicated this is an opportunity to review the options. Brad Voisin, Director of Recreation indicated the group wants to move quickly to get an agreement.

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Mayor Kelterborn suggested a security problem could arise if the operators wanted the building open for business when the arena is not being used. Rik Louwagie, Chief Building Official advised there are no building code issues.

Councillor Wagner stated her concerns about the use of public building being used by a private business such as the possibility of loitering/vandalism and the hours of operation.

Councillor Neher stated that if this is not to the advantage of the community, then it should not be supported, but if this is a way to get regular hours for the concession booth all year around, it could be a good option.

Personnel:

Chairperson: Herb Neher

Personnel 13/10 – Public Works Full Time Labourer Position Filled – For information

Personnel 14/10 – see Caucus below

Personnel 15/10 – Management Mission Statement

79 Moved by: Jim Olender – Seconded by: Paul Hergott

That the draft Management Mission Statement for the Township of Wellesley be reviewed and adopted as presented. Carried

B Moved by: Paul Hergott - Seconded by: Jim Olender

That the Committee of the Whole rise and Council resume and report. Carried

C Moved by: Herb Neher - Seconded by: Shelley Wagner

That the report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above. Carried

Accounts:

80 Moved by: Shelley Wagner - Seconded by: Paul Hergott

That the Accounts in the amount of \$ 785,580.63 dated February 28, 2010 be approved as presented. Carried

81 Moved by: Jim Olender – Seconded by: Paul Hergott

That the Financial Statement as of February 28, 2010 be approved as presented. Carried

Unfinished Business:

Susan Duke provided Council with a draft copy of the Clean Yards By-law to be discussed at the future Council Meeting.

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Other Reports:

Councillors Neher and Olender attended the Fusion Youth Centre in Ingersol in conjunction with the Crime Prevention Council. This program deals with kids between the ages of 12 to 18 with a staff of six people. Program participation costs a one-time payment of \$5.00.

Councillor Olender stated he attended a Crime Prevention Council meeting attended by the speaker from the Parole Office attended. Mr. Brian Wheeler, Superintendent of the Guelph Office indicated the number of cases handled in the Kitchener area.

Councillors Neher and Hergott attended a CTT open house and the ribbon cutting ceremony for their new accommodations.

New Business: None

Caucus:

82 Moved by: Paul Hergott – Seconded by: Herb Neher
That this portion of the meeting be closed to the public in order to consider the following:
X Section 239(2)(b) of the Municipal Act – personal matters about an identifiable individual, including municipal or local board employees. Carried

83 Moved by: Herb Neher – Seconded by: Jim Olender
That the Council meeting resume and report. Carried

Personnel 14/10

84 Moved by: Jim Olender – Seconded by: Paul Hergott
That the Council of the Township of Wellesley confirm the completion of the probationary period for Sarah Peck, Junior Planner and that her full time employment status be confirmed as of March 14, 2010. Carried

By-Laws:

D Moved by: Shelley Wagner - Seconded by: Paul Hergott
By-Law Nos.
13/2010 - Confirming be read a first and second time. Carried

E Moved by: Herb Neher - Seconded by: Jim Olender
That By-Law No. 13/2010 pass first and second readings. Carried

F Moved by: Jim Olender - Seconded by: Paul Hergott
That By-Law No. 13/2010 be read a third time and passed and the Mayor and Clerk be authorized to sign and seal the By-Laws under the Corporate Seal. Carried

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<u>Next Meetings:</u> Regular Committee Meeting	March 30, 2010	6:45pm
Regular Council Meeting	April 6, 2010	6:45pm
Regular Council Meeting	April 20, 2010	6:45pm

85 On a motion by Paul Hergott, the Council meeting adjourned.

CAO/Clerk – Susan Duke

Mayor – Ross Kelterborn