

## TOWNSHIP OF WELLESLEY

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March 2,

### **COUNCIL MEETING MINUTES 2009**

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Present: Mayor, Ross Kelterborn,  
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott  
Staff - Susan Duke, CAO/Clerk  
- Brad Voisin, Director of Recreation  
- Diane Lorbetski, Director of Finance  
- Will McLaughlin, Director of Public Works & Environment

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on March 2, 2009 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:**

68 Moved by: Paul Hergott – Seconded by: Shelley Wagner  
That the minutes of the Regular Council Meeting of February 17, 2009 at the Crosshill Council Chambers be adopted as presented. Carried

#### **Presentation:**

Susan Duke, CAO/Clerk read the congratulatory letter extended to Ross Kelterborn from Leeanna Pendergast, MPP for the 25 years of municipal service within the Township of Wellesley. Susan Duke presented the framed certificate and pictures taken during the presentation in London in 2008. Mr. Jim Watson had awarded this certificate to Ross Kelterborn's in recognition of the achievement of his long years of service. Mr. Kelterborn thanked his peers for this recognition.

Eugene Bersenas (re: Committee of Adjustment appointment)

69 Moved by: Shelley Wagner – Seconded by: Jim Olender  
That the Council meeting adjourn in order to hold a Public Meeting in the matter of Zoning By-law Amendment for Mannasa B. Bauman, 3310 Moser Young Rd., Part Lot 6, Con 11, Section East, St. Clements, Township of Wellesley. Carried

**Public Meeting:** Zoning By-law Amendment  
Mannasa B. Bauman  
3310 Moser Young Rd.,  
Part Lot 6, Con 11, Section East  
St. Clements, Township of Wellesley

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Susan Duke, CAO/Clerk, advised the method of advertising.

**PUBLIC NOTICE:** As required by the *Planning Act*, public notice for the meeting on March 2, 2009 was ensured by mailing public notifications to neighbouring properties within 400 feet (120 m) and to applicable agencies on January 30, 2009; and posting the notification in the Elmira Independent January 31, 2009 issue.

Devon Posthumus, K. smart & Associated presented the planning report which explained the submission.

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**INTRODUCTION:** Township Council is holding the public meeting to hear comments from the public about the Application. The Application proposes to change the current zoning to allow for the continued use of, and an expansion to, the lands being utilized for industrial purposes. The Township's comprehensive Zoning By-law No. 689-83, as amended, (the "Zoning By-law") includes permitted uses and regulations for this site within Site Specific Policy 5.10.77.

The report provides Township Council and the public with background information to the Application, summaries of written comments received thus far from commenting governments / agencies and the public. Attached as appendices to this report are:

an extract of the draft proposed by-law that would amend the Zoning By-law (dated February 2009); and

copies of the correspondence received thus far regarding the Application.

#### **BACKGROUND:**

The subject lands are located on the west side of Moser-Young Road, just south of Ament Line. The property occupies 332.5 feet of frontage with a depth of 159.5 feet for an area of 1.23 acres. The property is designated Agricultural Resource Area and is zoned Site Specific policy 5.10.77 (A1-77) General Agricultural as per Zoning By-law 28/2006.

The applicant is requesting permission to expand the existing industrial use. The current zoning on the property is a special zoning of A1-77, added by By-law 44-92. This existing section lists the defined area, permitted uses, maximum floor area, minimum lot area, and minimum lot frontage. The applicant request amendment to the following provisions: maximum floor area, minimum rear yard, and maximum lot coverage. The current minimum rear yard standard of 7.5 metres is contained within Section 5.8. The current maximum lot coverage standard of 10% is contained within Section 5.4.

Appendix A provides a draft version of the revised Site Specific text for Section 5.10.77 which reflects the changes requested in the Zone Change Application.

#### **GOVERNMENT / AGENCY / PUBLIC CORRESPONDENCE:**

- 1) On February 6, 2009, a representative from the Waterloo Catholic District School Board wrote that they have no concerns or objections.
- 2) On February 9, 2009, a representative from the Grand River Conservation Authority wrote that they have no objection to the application, and that the file is subject to the "Minor Zone Change" plan review fee of \$360.
- 3) The Region of Waterloo has been advised of the meeting date and written comments will be presented at the time of the public meeting.

#### **TOWNSHIP ZONING BY-LAW:**

The proposed by-law to amend the Zoning By-law enclosed herein as Appendix A to the Report is written so as to not conflict with any other portions of the Zoning By-law.

#### **CONCLUSIONS:**

- 1) Township Application No. ZC-06/08 proposes a by-law to amend the Zoning By-law that:
  - (a) conforms to or does not conflict with the Township's OP; and

(b) does not conflict with any provisions of the Zoning By-law that it will amend.  
2) The by-law proposed by ZC-06/08 is an option for Council to consider as being appropriate planning for the ongoing application of the Township's Zoning Bylaw.

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Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn requested that interested parties may sign the signup sheet provided at the back of the Council Chambers.

Mayor Kelterborn asked if there was any person present who wished to object to the application. None came forward.

Mayor Kelterborn asked if there was any person present who wished to support the application. No one came forward.

Mayor Kelterborn asked if the applicant would like to comment. No comments were made.

70 Moved by: Herb Neher – Seconded by: Jim Olender  
That the Public Meeting of a Zoning By-law Amendment for Mannasa B. Bauman, 3310 Moser Young Rd., Part Lot 6, Con 11, Section East St. Clements, Township of Wellesley, does now adjourn and the Regular Council Meeting resume. Carried

71 Moved by: Shelley Wagner – Seconded by: Jim Olender  
That the Council of the Township of Wellesley authorize the inclusion of a \$9,000.00 addition for the Capital Fire Budget for the acquisitions of equipment for RIT Packs for each fire station (\$3,000.00 per station) to be funded from the 2009 Fire Equipment Reserve. Carried

Note: Devon Posthumus left the meeting at this time.

Councillor Hergott indicated he is concerned that the RIT Packs should be included in the Capital Budget (\$3,000.00 per station). Diane Lorbetski, Director of Finance confirmed funding will be from the Fire Equipment Reserve which would not impact the tax rate increase..

**Petitions:** None

**Delegations:**

72 Moved by: Jim Olender – Seconded by: Paul Hergott  
That the following be received as a delegation:  
1) Jen Summers, Wellesley Lions Club re: Wellesley Splash Pad proposal. Carried

*Jen Summers*, Wellesley Lions Club

Jen Summers introduced members of the committee in attendance and provided an overview of the proposal.

Mr. Bob Reid, President of the Wellesley Lions Club, indicated the committee members for the proposal have been accepted as Lions Club members and have indicated their support of taking over the Don Green Tournament to fund the Splash Pad proposal.

Mr. Reid said that the Lions Club will agree to enter into a maintenance agreement with the Township of Wellesley, further indicating the Township will be responsible for daily checking of the water and the Lions Club will pay the water bills, pay for maintenance and repair damages (as required).

Council asked questions, with Jen Summers and Rob Reid responding.

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#### **Committee of the Whole:**

- A Moved by: Paul Hergott – Seconded by: Herb Neher  
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. 23/09 – Planning Report re: Mannasa B. Bauman, 3310 Moser Young Rd.,  
Township of Wellesley
- 73 Moved by: Herb Neher – Seconded by: Ross Kelterborn  
That the Council of the Township of Wellesley authorize the preparation of a Zoning By-law to amend By-law 28/2006 as indicated in Planning Report P. & D. 23/09. Carried

Councillors asked questions about requirements for a fire reservious. Susan Duke indicated this application was not subject to the requirements of a farm related occupation, however, if a fire suppressor system is required it will be under the Building & Fire Codes.

- P. & D. 24/09 – Certificate of Occupancy – For information  
CO-06-09, Ivan M. Martin, 4850 Schummer Line, RR#1 Linwood  
CO-09-09, David B. Bauman, 4437 Ament Line, RR#3 Wallenstein  
CO-10-09, Edwin M. Bauman, 3972 Ament Line, RR#3 Wallenstein  
CO-11-09, Enos F. Bauman, 2620 Moser Young Rd., RR#1 St. Clements

- P. & D. 25/09 – Notice of Public Meeting March 5, 2009 re: County of Perth Official  
Plan Amendment– For information

- P. & D. 26/09 – Doon Heritage Crossroads re: Speakers Bureau – For information

- P. & D. 27/09 – Thank you letter from Ron Hackett, Chairman, Wellesley Township  
Heritage & Historical Society – For information

#### **Road & Bridge; Property & Fire:**

Chairperson: Paul Hergott

- R. & B.; P. & F. 17/09 – Linwood Station #1 – Training Report – For information

- R. & B.; P. & F. 18/09 – Grand River Conservation Authority re: News Release

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- R. & B.; P. & F. 19/09 – Subdivision Release re: Cora Subdivision RP1722 – St. Clements
- 74 Moved by: Ross Kelterborn – Seconded by: Herb Neher  
That the Council of the Township of Wellesley approve the release of Subdivision Agreement registered as instrument number 1039260 with respect to Plan of Subdivision #30T-86033 in favour of The Cora Group Inc., and further  
That the Council of the Township of Wellesley authorizes the registration of a General Certificate of Release as per Clause 5(b) of the subdivision agreement; and further,  
That the Council of the Township of Wellesley provides a release of the Overall Lot Grading Deposit in the amount of \$20,000.00 and the outstanding letter of credit valued at \$7,900.00 Reference Number P19050/02482 in regards to the Cora Subdivision Registered May 18<sup>th</sup>, 1990 as RP1722. Carried
- 75 Moved by: Paul Hergott – Seconded by: Jim Olender  
That the Council of the Township of Wellesley support Lights Out across Canada for Earth Hour March 28, 2009 and authorize staff to participate by turning out lights in public facilities & offices except where required for safety purposes. Carried

**Administration/Finance:**

Chairperson: Ross Kelterborn

Admin./Finance 41/09 – Press Release re: Ontario Affordable Housing Program  
– Down Payment Assistance Provided to 99 Households in the  
Regional Municipality of Waterloo – For information

Admin./Finance 42/09 – FCM Members Advisory re: Lights Out Across Canada for  
Earth Hour, March 28, 2009 – For information

Admin./Finance 43/09 – Community Justice Initiatives re: Mark Yantzi – Retirement  
– For information

Admin./Finance 44/09 – Response Letter from Leeanna Pendergast, MPP re: Poverty  
Reduction Strategy; Bill 50 and Municipal Property Assessment  
Resolutions – For information

Admin./Finance 45/09 – AMO Alert re: Government Releases Draft Employment Standard under AODA for Public Review – For information

Admin./Finance 46/09 – Resolution from the Corporation of the City of Cambridge re: Internet Filtering Software on Computers

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Mayor Kelterborn read correspondence from Lucille Bisch on the issue of computer internet filtering in the Region of Waterloo Library system.  
Councillor Neher is supportive of the Region of Waterloo Library system on how it deals with the issues of filtering materials from the internet.  
Councillor Neher encouraged Lucille Bisch to attend the March 17, 2009 Council Meeting as a delegation.

Admin./Finance 47/09 – No report

Admin./Finance 48/09 – Resolution from the City of Waterloo re: Citizens for Better Government – For information

Admin./Finance 49/09 – Proposed Resolution by Waterloo Regional Council re: Better Care – Closer to Home – Growing Communities Health Care Alliance

- 76 Moved by: Shelley Wagner – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley defer consideration of the proposed resolution as brought forth by Waterloo Regional Council regarding better health care – closer to home as detailed in File No. Admin./Finance 49/09. Carried

This matter was deferred pending the decision of other municipalities more directly impacted that Wellesley Township.

**Recreation:**

Chairperson: Shelley Wagner

- Recreation 4/09 – Outdoor Beer Gardens Requests for 2009
- 77 Moved by: Paul Hergott – Seconded by: Jim Olender  
That the council of the Township of Wellesley authorizes Beer Gardens to be held at Township of Wellesley Recreation Facilities as follows:
- |              |                               |                                                                                       |
|--------------|-------------------------------|---------------------------------------------------------------------------------------|
| St. Clements | – <b>May 22 to 24, 2009</b>   | K-W Pride Fastball Tournament<br>Contact: Bob Hall                                    |
| Linwood      | – <b>June 5 &amp; 6, 2009</b> | Linwood Sunfest<br>Host: by the Linwood Recreation Committee                          |
| Linwood      | – <b>June 20, 2009</b>        | Kruisin' with the King Event<br>Host: Linwood Rod & Gun Club Contact: Tom Kleinknecht |
| St. Clements | – <b>June 20, 2009</b>        | Memorial Ball Tournament                                                              |

Contact: Karen Huber - Lutherwood  
St. Clements – **July 17 & 18, 2009** Autorama – Car Show  
Host: St. Clements Recreation Service Board  
Wellesley – **August 14 & 15, 2009** Don Green Memorial Slo Pitch Tournament  
Contact: Jim Green  
St Clements – **September 19 & 20, 2009** KW Slo Pitch League Wrap-up Tournament  
Contact: Lisa Schurter . Carried

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- 78 Recreation 5/09 – Township of Wellesley Community Festival 2009  
Moved by: Ross Kelterborn – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley identify the following as Community Festivals in the Township of Wellesley for 2009:  
Linwood Rod & Gun Club and the organizers of Kruisin with the King;  
Autorama; and  
Sunfest; and  
Wellesley Soapbox Derby; and  
St. Clements Garage Sale & BBQ, and further  
That these groups be permitted to retain a Certificate of Insurance from The Waterloo Regional Municipalities Insurance Pool. Carried

Councillor Wagner reminded all Councillors to vote for Woolwich for Hockeyville.

**Personnel:**

Chairperson: Herb Neher

Personnel 11/09 – Training Program – Part 1 Municipal Law Enforcement  
– Foundations

- 79 Moved by: Jim Olender – Seconded by: Shelley Wagner  
That the Council of the Township of Wellesley authorizes Andrew Loch to attend the five day training program in Gravenhurst Ontario, being the Municipal By-law Enforcement Officers Association training program. The total cost of \$1,000.00 & \$167.70 in expenses to be funded from the By-law Seminars and Workshops Account; and further,  
That Andrew Loch be paid his regular wages for the additional two days. Carried

**B** Moved by: Paul Hergott - Seconded by: Shelley Wagner  
That the Committee of the Whole rise and Council resume and report. Carried

**C** Moved by: Herb Neher - Seconded by: Jim Olender  
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: Herb Neher – Seconded by: Paul Hergott  
That the Accounts in the amount of \$1,320,260.90 dated January 31, 2009 be approved as presented. Carried

81 Moved by: Shelley Wagner – Seconded by: Jim Olender  
That the Financial Statement as of January 31, 2009 be approved as presented. Carried

**Unfinished Business:**

Council Chambers interior.

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**New Business:**

Councillor Olender questioned the policy of non-residents being billed for fire services received for motor vehicle accidents and indicated that this issue should be reviewed when the new Fire Chief is hired.

Mayor Kelterborn updated Council on Mr. Smitherman's presentation to OGRA/ROMA.

**Other Reports:**

Councillor Hergott updated Council on the delivery date for the Linwood Rescue truck which has been delayed by the delivery of the Raven Generator from Maine. Delivery to Linwood should occur at the end of the week.

**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: Shelley Wagner – Seconded by: Paul Hergott  
That the Council meeting resume and report. Carried

Admin./Finance 47/09 – Section 239(2)(g) of the Municipal Act – For information

Personnel 12/09 – Section 239(2)(b) of the Municipal Act – Planner Position  
- For Discussion

Councillor Neher explained the interview process and the follow up conducts at Council's instruction by the CAO with two candidates. It was concluded that the CAO should proceed with a job offer to Mr. Benjamin Puzanor for a Planner position at reduced wages and with a minimum 9 months probationary period after verifying referenced..

Personnel **5/09** - Section 239(2)(b) of the Municipal Act – Deferred from January 20,  
2009

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

That the Council of the Township of Wellesley authorize the posting and advertising for a Fire Chief for the Township of Wellesley Fire Department. This is to be a full time position which is advertised. Carried

Council discussed several issues surrounding the Fire Chief position

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**By-Laws:**

- D Moved by: Shelley Wagner - Seconded by: Paul Hergott  
By-Law Nos.  
9/2009 – By-law to Establish an Appointment of Member to the Committee of Adjustment – Eugene Bersenas  
10/2009 – By-law to Adopt the Levy and Budget in the Township of Wellesley for the Year 2009  
11/2009 – By-law to Appoint Fire Chief  
12/2009 – Appointment of District Fire Chiefs, Linwood; St. Clements and Wellesley  
13/2009 – By-law to Appoint Auditors for the Township of Wellesley  
14/2009 – By-law to Provide for the Final Cost of Various Drainage Works in the Township of Wellesley  
15/2009 – Confirming be read a first and second time. Carried
- E Moved by: Jim Oleneder - Seconded by: Herb Neher  
That By-Law No. 9/2009; 10/2009; 11/2009; 12/2009; 13/2009; 14/2009 and 15/2009 pass first and second readings. Carried
- F Moved by: Paul Hergott - Seconded by: Shelley Wagner  
That By-Law No. 9/2009; 10/2009; 11/2009; 12/2009; 13/2009; 14/2009 and 15/2009 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

<b><u>Next Meetings:</u></b> Regular Council Meeting	March 17, 2009	6:45pm
Regular Committee Meeting	March 31, 2009	6:45pm
Regular Council Meeting	April 6, 2009	6:45pm

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

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CAO/Clerk – Susan Duke

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Mayor – Ross Kelterborn