



#14 Minutes Meeting of August 22, 2017 Committee of The Whole

The Committee of the Whole met on Tuesday, August 22, 2017 at the Township of Drummond/North Elmsley Administrative Building, 310 Port Elmsley Rd.

Members Present:

| | |
|----------------|-------------------------------|
| Gail Code | Deputy Reeve (Chair) |
| Steve Fournier | Councillor |
| George Sachs | Councillor |
| Ray Scissons | Councillor |

Staff Present:

| | |
|-------------------|---------------------|
| Cindy Halcrow | Clerk Administrator |
| Cathy Ryder | Deputy Clerk |
| Linda Van Alstine | Treasurer |

Absent: Aubrey Churchill Reeve

1. Call to Order

The meeting was called to order at 5:13 p.m. A quorum was present.

2. Disclosure of Pecuniary Interest

The Chair invited members wishing to disclose a pecuniary interest to do so now. No members declared a pecuniary interest.

3. Minutes of Previous Meetings

3.1 Regular Session Minutes of August 8, 2017

MOTION #COW-17-135 (Verbal)

MOVED BY: Ray Scissons
SECONDED BY: Steve Fournier

THAT the Committee of the Whole approves the minutes of the Regular Committee of the Whole meeting held on August 8, 2017 as circulated.

ADOPTED

3.2 Closed Session Minutes (8.1) of August 8, 2017

MOTION #COW-17-136 (Verbal)

MOVED BY: George Sachs
SECONDED BY: Steve Fournier

THAT the Committee of the Whole approves the minutes of the Closed Committee of the Whole meeting (8.1) held on August 8, 2017 as circulated.

ADOPTED

3.3 Closed Session Minutes (8.2) of August 8, 2017

MOTION #COW-17-137 (Verbal)

MOVED BY: Ray Scissons
SECONDED BY: George Sachs

THAT the Committee of the Whole approves the minutes of the Closed Committee of the Whole meeting (8.2) held on August 8, 2017 as circulated.

ADOPTED

4. Approval of Agenda

MOTION #COW-17-138 (Verbal)

MOVED BY: Steve Fournier
SECONDED BY: George Sachs

THAT the Committee of the Whole approves the agenda for the August 22, 2017 meeting of the Committee, as amended.

ADOPTED

Amendment:

10.1 New Business - John Hoffman's Retirement

5. Petitions/Delegations/Public Hearings

5.1 5:10 p.m. Randy Hillier – Legislative Updates

Mr. Hillier expressed his appreciation to the Township for taking a lead role with MVCA's proposed wetlands regulation and stating that Council and staff mirror the interests of the residents and the community. He provided a review of current changes to the following legislation: Bill 68 Modernizing the Municipal Act, Bill 148 Fair Workplace, Better Jobs, Bill 142 Construction Lien Act. He reviewed how the changes are going to have an impact on municipalities. He reported that either implementing legislation or the consequences due to the legislation will create challenges for local government. Mr. Hillier offered his assistance to the Township regarding the legislation review.

Dealt with Item 7.3 a Report of the Treasurer – Tax Sale Change

5.2 6:00 p.m. Cavanagh Pit Re-Zoning Public Meeting

Cavanagh Pit Re-Zoning

Minutes of Public Meeting Proposed Zoning By-Law Amendments

**ZA-17-03 Thomas Cavanagh Construction Ltd.
2001 Fergusons Falls Road**

Public (signed in): Emma Roy, Earl Ennis, Laura Roy, Alan Roy, Ed Coleman, Melany Swinwood

Call to Order

Councillor Gail Code opened the meeting at 6:00 p.m.

Purpose of Meeting

Deputy Reeve Code stated that the purpose of the meeting was to provide an opportunity for the applicants to present their proposal to Council and the public and provide a forum for comments on the proposed amendment before a decision is made on the application.

Presentation and Hearing

Deputy Reeve Code invited Cindy Halcrow, Clerk Administrator to report on notification and review.

Report and Presentation

Cindy Halcrow reported that the purpose and effect of the application was to rezone an Aggregate Reserve area to Aggregate Pit-Special Exception to regularize the existing pit and allow explosives storage in a license magazine as an accessory use at the Cavanagh Pit, 2001 Fergusons Falls Road and to rezone Rural to Rural Special Exception to allow an accessory office building.

Cindy Halcrow reported that an application has been submitted from McIntosh Perry, on behalf of Cavanagh Construction, which currently operates a pit on a 98 acre lot at 2001 Fergusons Falls Road and has been in operation since 1984.

The purpose of the public meeting was to hear feedback from the community prior to Council making a decision on the rezoning. This application, including all notifications to agencies and abutting property owners, was done in accordance with the Planning Act. Cindy Halcrow described the site and advised that the proposed rezoning only applies to that property. She also noted that a decision would not be made on the application this evening, a report and recommendation would follow at a future meeting.

She reviewed a PowerPoint presentation outlining the location, background, current and proposed zoning changes, evaluation of the application and next steps.

Oral and Written Presentations by those in Attendance

Deputy Reeve Code advised that those speaking need to state their name and address, whether they support or oppose the application and their reason. She asked if there were any oral or written presentations from those in favour of the application. No written comments.

Laura Roy: Asked if a written submission can still be made. Deputy Reeve Code reported that written submissions can be submitted.

Melany Swinwood: How close will the office be located on the property? Marko Cekic reported that the exact location has not been determined but it will be closer to Fergusons Falls Road off the internal access road. She asked if the trucking traffic will increase. Mr. Cekic reported that it should not increase a tremendous amount and that a Traffic Impact Study was not required as part of the proposed application.

Alan Roy: Inquired about where the explosives would be stored. Cindy Halcrow reported that the explosives would be stored in a licensed magazine at the pit.

Laura Roy: Inquired about whether the wetland zone will be changed and if so, is it being changed so the land can be mined. Cindy Halcrow reported that at this time the zoning of the property is the only item being considered. She stated that if additional expansion was requested, this could not happen without the applicants going through a lengthy process.

Alan Roy: Stated that he was concerned and that who would want explosives/mines behind their property. He also stated that the applicants could apply to expand. Cindy Halcrow stated that the concerns about the explosives were valid concerns but that the explosives are heavily regulated.

Melany Swinwood: Inquired about how will this impact her resale value? Cindy Halcrow reported that she did not have an answer to that question and suggested contacting a real estate agent. This is a number one question asked but she has not seen the data that substantiates a decrease in property value.

Alan Roy: Stated that a farmer's field with explosives in your backyard will impact the resale value.

Laura Roy: Inquired about whether there would be consideration for reduced taxes on their properties because of the explosives. Council will not reduce the property taxes.

Emma Roy: Could their homes be reassessed? Deputy Reeve Code suggested they could contact MPAC.

Deputy Reve Code invited the applicants to present their presentation and the audience members could ask their questions afterward.

Marko Cekic, McIntosh Perry and Benoit Choquette, Dyno Nobel, reviewed their presentation.

Mr. Choquette reported that they have an existing site in Ashton and that they are a worldwide company. The Fergusons Falls project will have two magazines; one to store blasting agents and one to store detonators. Mr. Choquette reviewed the company Dyno Nobel and the products they use and the various industries they operate such as coal mines, agriculture, seismic, stone, oil and gas, roads, pipelines, mining and fuels electrical power plants.

He reviewed explosive regulations regarding the tables of quantity distances – how far they must be distanced from property, buildings, etc. Mr. Choquette reviewed the magazine safety features such as no electricity in the magazine, bullet proof, alarm system, fire safety plan, key control, security plan. He reported that in the 25 years' operating in Canada there have been no incidents. Mr. Choquette stated that there will be no manufacturing at the site and it will be solely for storage purposes. He reported that the explosives require a denotation or strong shock to explode.

Questions from the audience:

Ed Coleman: Inquired about the risk due to lightning strike. Mr. Choquette reported that there

is no risk because it is a steel magazine. Mr. Coleman asked if their severances would be impacted. Mr. Cekic stated that there is potential that severances would be impacted. He reported that currently there are setbacks in place at the pit. Mr. Coleman wanted to know if camping would be allowed in the D7 area. Mr. Choquette reported that they can't stop anyone from developing or using the land inside the D7 circles as it is your own property.

Ed Coleman: Inquired about whether camping would be permitted. Mr. Choquette reported that risk assessment might be needed to evaluate the impact. Mr. Coleman asked in the worst case scenario, how big it would blow. Mr. Choquette reported that if it were to blow, they would be safe outside D7 and there was very little risk. Mr. Coleman asked about the type of security in place? Mr. Choquette reported that there is an alarm system and a daily check will be done to check on the security of the building. Mr. Coleman expressed his concerns about someone trying to access the building to get access to the explosives. Mr. Choquette reported that the magazine is made out of heavy steel, and it is rare that there are attempts to break into the magazine. It is much easier to target a truck. Mr. Coleman stated that the magazine is underneath a direct fly path to Ottawa. Mr. Choquette reported that they would inform the airport if there was any type of event happening as that is part of their emergency response plan. Mr. Choquette reported that the risk of the explosives igniting due to outside sources is very low. Mr. Coleman asked if there were any plans to make it larger than it is now. Mr. Choquette reported no, that the site is large enough for their needs.

Emma Roy: Reported results from a quick google search regarding explosions. Mr. Choquette reported that these incidents are from manufacturing sites. Ms. Roy stated Fergusons Falls is an up and coming area and asked if the increase in traffic was taken into account and if a traffic study had been completed. Mr. Cekic reported that there are no roads inside D4 and D5 and a traffic study was not required.

Alan Roy: Asked if they were going to expand the quarry and would they be allowed to build a pit closer to his property. Mr. Cekic reported the Township and County's Official Plans protect aggregate resources that can be extracted. As long as the proponent went through the proper process they could expand although that is not the plan. Mr. Cekic reviewed the current extraction limit, and stated that as long as the proponent went through the proper channels, they could expand their license.

Melody: Will the farmers be allowed to continue to farm, plow and grow crops? Mr. Cekic said agriculture uses would still be permitted and that is up to the land owner.

Laura Roy: Who owns the property to be rezoned? Mr. Cekic stated that Cavanagh owns the land. Ms. Roy asked why rezone such a large area for an office. Mr. Cekic reported that the office is for the pit and storage. He stated that the location of the office is not known at this time but will follow the proper procedures. Ms. Roy states that the zoning seems to be a prerequisite for the pit expansion. Mr. Cekic reported that if there is any pit expansion, it would have to go through a rigorous process. Mr. Roy says it sounds like they are using it more for storage. Mr. Cekic stated that yes and that it is not a heavily excavated pit.

Ed Coleman: Reported that they all knew when they purchased their property that a pit was in place. He stated that he is not going against his neighbours and shares their concerns.

Emma Roy: The meeting two weeks from now will it be a public meeting. Cindy Halcrow reported that the meeting is open to the public but it is not a public meeting under the Planning Act. She stated that anyone can come as a delegation by informing Cathy Ryder, Deputy Clerk and provide a written submission.

Ed Coleman: Inquired about whether the fertilizer is being trucked in in transport loads? Mr. Choquette reported that it comes in 20,000 kg per load and would be one load every two weeks. Mr. Coleman asks if it is a D8 or D7 driving down Fergusons Falls Road. Mr. Choquette stated that it would be less than D5 and the trucks would be carrying packaged products not bulk products.

Laura Roy: Inquired about who will have the key? Mr. Choquette said only the site operator will have the key. Ms. Roy asks if there will always be a site operator. Mr. Choquette stated that they need someone from Dyno or the site operator to open the magazine as the keys are controlled and regulated.

Laura Roy: Inquired about if the company would know when a delivery happens. Mr. Choquette states that yes, they will know. Mr. Choquette reported that the keys cannot be copied.

Councillors Questions:

Councillor Sachs: Inquired if the storage facility was fire proof? Mr. Choquette states that it is fire proof. Councillor Sachs asks if the magazine is non-movable – is it locked into place. Mr. Choquette states that it would require a crane to lift if off the ground. Councillor Sacks inquires if there was an electrical magnetic pulse or solar flare is the magazine impenetrable. Mr. Choquette reports that if it won't melt steel, it will not impact the contents inside.

Councillor Fournier: Inquires where does the product come from? Mr. Choquette reported that most of the manufacturing plants are in the USA and some manufacturing plants are in Ontario. Councillor Fournier asks if the magazines are full or half-full. Mr. Choquette states that they are half-full to supply their customers. Councillor Fournier asks who the customers are and Mr. Choquette states that he is not certain as he is not in sales. Councillor Fournier asks if the building is a fixed building or is it trailer. Mr. Cekic states that this would be up to Cavanagh but is unsure if it will be fixed.

Councillor Sachs: Inquired if the people impacted by the rezoning would require anything on title? Cindy Halcrow stated that she is not aware of what goes on the property title. Mr. Cekic stated that he did not think it would be normally added to someone's title.

Councillor Ray Scissons: There were a lot of concerns about the front portion turning into a pit but what we are considering tonight is the rezoning to allow for the building on site. Mr. Cekic stated that is correct.

Marko Cekic Comments:

Mr. Cekic provided a brief explanation of the proposal and reported that it does conform to the Provincial Policy Statement and the Township's Official Plan.

Chair's Closing Remarks and Reminder to Audience

Deputy Reeve Code reminded audience members to sign the attendance sheet if they would like notice of Council's decision

Adjournment of Public Meeting

Public Meeting closed at 7:13 p.m.

Note: Council took a 5 minute recess at 7:14 p.m.

6. Communication/Correspondence

The Committee gave direction on Item #2 – Eastern Ontario Wardens Caucus – Ambulance Act Legislative Consultation Fire Medic Proposal:

Action Item: Direction given to staff to send a letter of support.

MOTION #COW-17-139 (Verbal)

MOVED BY: Ray Scissons
SECONDED BY: George Scissons

THAT THE COMMITTEE OF THE WHOLE receives the remainder of the communication items for the August 22, 2017 Committee of the Whole as information.

ADOPTED

*Dealt with Item 7.1 a at this point in the meeting at 5:57 p.m. Committee of the Adjustment
Dealt with Item 7.1 b at this point in the meeting at 5:58 p.m. Tulipano*

7. Committee and Board Reports

7.1 COMMUNITY DEVELOPMENT

a) Report of the Planner – Committee Of Adjustment Membership

The Clerk Administrator provided an update on the resignation of Julie Stewart from the Committee of Adjustment effective August 21, 2017. Ms. Stewart has accepted the position of Planner for the County of Lanark and an advertisement has been placed in the local paper and website for a member to serve the remainder of the term. The Committee received the report as information.

b) Report of the Planner – Tulipano Zoning Amendment

The Clerk Administrator provided an update on the proposed rezoning of a 91 acre lot from Rural to Rural-Temporary Use to allow a garden suite as a permitted secondary dwelling for a period not exceeding 20 years at 15880 Highway 7. The Committee accepted the recommendation to proceed to a public meeting.

Action Item: Direction given to staff to schedule a public meeting to consider the Tulipano zoning amendment.

c) Report of the Planner – Rodger Robertson Site Plan Agreement

The Clerk Administrator provided an update on entering into a site plan agreement with

Rodger Robertson to accommodate site specific development of his proposed 54 unit mobile home park at 949 Drummond Conc. 7. The site plan is required due to the single ownership with individual sites leased. Upon completion of a draft site plan, staff will review the proponents prior to final approval.

Action Item: Direction given to staff to bring forward a Site Plan Agreement and implementing By-law for consideration at a future meeting.

7.2 PUBLIC WORKS

- a) Report of the Public Works Manager - None

7.3 CORPORATE SERVICES

- a) **Report of the Treasurer – Changes to Tax Sales**

The Treasurer provided an update on change to the existing Tax Collection Policy regarding tax sales. The changes allow tax sales to begin after two years as opposed to three years. The Committee accepted the recommendation of the Treasurer and the following motion was adopted:

MOTION #COW-17-140 (Verbal)

MOVED BY: George Sachs
SECONDED BY: Steve Fournier

THE COMMITTEE OF THE WHOLE RECOMMENDS TO COUNCIL,

That Council approves the revised Tax Collection Policy renumbers as POL.01.2017 in order to conform to Bill 68 to allow tax registrations and tax sales to start at the end of two years in arrears.

ADOPTED

- b) **Report of the Clerk Administrator – 150th Canada Day Celebration**

The Clerk Administrator provided an update on the financial summary relating to the 150th Canada Day Celebration. The report was received as information.

Action Item: Direction given to staff to send thank-you letters to the various people contributing to the success of the Canada Day Celebration.

7.4 COMMUNITY SERVICES: None

7.5 CLERK/MEMBERS OF COUNCIL

- a) **Report of Reeve:** None
- b) **Report from Fire Board:** None
- c) **Report from Library Board:** None
- d) **Report from CA's:** None
- e) **Report from Members of Committee**

8. CLOSED SESSION: None

9. Unfinished Business: None

10. New Business

10.1 John Hoffman's Retirement – September 12, 2017

The Clerk Administration reported that John Hoffman's retirement lunch has been scheduled for August 31, 2017 at the Township Office.

11. Adjournment

MOTION #COW-17-141 (Verbal)

MOVED BY: George Sachs

SECONDED BY: Steve Fournier

THAT the Committee of the Whole stand adjourned at 7:40 p.m.

ADOPTED

CHAIR

CLERK ADMINISTRATOR