



MUNICIPALITY OF ARRAN-ELDERSLIE

Council Meeting

MINUTES

Meeting No. 26-2022

Monday, December 12, 2022, 9:00 a.m.

Council Chambers

1925 Bruce Road 10, Chesley, ON

Council Present: Mayor Steve Hammell
Deputy Mayor Jennifer Shaw
Councillor Ryan Nickason
Councillor Darryl Hampton
Councillor Brian Dudgeon
Councillor Moiken Penner
Councillor Peter Steinacker - present electronically

Staff Present: Sylvia Kirkwood - CAO
Christine Fraser-McDonald - Clerk
Julie Hamilton - Deputy Clerk
Scott McLeod - Public Works Manager - present electronically
Tracey Neifer - Treasurer
Carly Steinhoff - Recreation Manager
Pat Johnston - Chief Building Official - Present Electronically
Steve Tiernan - Fire Chief
Christina Tennyson -Regional Economic Development
Coordinator for Bruce County

1. Call to Order

Mayor Hammell called the meeting to order at 9:00 am. A quorum was present.

2. Mayor's Announcements (If Required)

3. Adoption of Agenda

Subsequent to further discussion, Council passed the following resolution:

344-292-2022

Moved by: Councillor Dudgeon

Seconded by: Councillor Penner

Be It Resolved that the agenda, as amended, for the Council Meeting of Monday, December 12, 2022 be received and adopted, as distributed by the Clerk.

Carried

4. Disclosures of Pecuniary Interest and General Nature Thereof

4.1 Councillor Hampton - Chesley Kinsmen – Proposed Replacement of Playground Equipment Chesley Community Park

Councillor Hampton is a member of the Kinsmen Club.

5. Unfinished Business

5.1 Committee Appointments

Subsequent to further discussion, Council passed the following resolution:

345-29-2022

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Hampton

Be it resolved that the following members of Council be appointed to the following advisory committees, groups and boards for the 2022 - 2026 term of Council or until a successor is appointed:

Grey Sauble Conservation Authority - **Deputy Mayor Shaw**

Saugeen Valley Conservation Authority - **Councillor Penner**

Chesley and Area Joint Fire Board - **Councillor Hampton, Councillor Dudgeon, Mayor Hammell**

Saugeen Mobility and Regional Transit - **Deputy Mayor Shaw**

Bruce Area Solid Waste Recycling - **Councillor Nickason**

Multi-Municipal Wind Turbine Working Group - **Councillor Dudgeon, Citizen Member Mark Davis, Councillor Nickason**

Physician Recruitment and Retention Committee - **Councillor Hampton, Councillor Penner**

Paisley Firehall Subcommittee - **Councillor Penner, Councillor Dudgeon, Deputy Mayor Shaw**

Paisley Teeswater Bridge Project Working Group - **Councillor Penner, Deputy Mayor Shaw**

Carried

5.2 Chesley Kinsmen - Tabled Motion - See Item 13.1 CAO/Clerks

6. Minutes of Previous Meetings

6.1 November 28, 2022 Minutes - Regular Council Meeting

Subsequent to further discussion, Council passed the following resolution:

346-29-2022

Moved by: Councillor Hampton

Seconded by: Councillor Nickason

Be It Resolved that the Council of the Municipality of Arran-Elderslie adopt the minutes of the Regular Council Session held November 28, 2022.

Carried

7. Business Arising from the Minutes

None.

8. Minutes of Sub-Committee Meetings

None.

9. Public Meeting(s)

None.

10. Presentations

10.1 Intact Insurance

Tony Commisso, Ashley O'Leary and Matt Brown from Intact Insurance made a presentation to Council.

They discussed the Municipality's insurance policy with Council.

There was a discussion regarding Fire Service Billing. They noted that this is a fee for fire that needs to go to the homeowner. There will be a coverage in their home insurance for fire expenses which they will submit if they have coverage. Intact can review contracts and give advice on these. The Fees and Charges By-law clearly states that the expense should go to the homeowner.

Treasurer Tracey Neifer noted that there has been positive interaction between Intact and Arran-Elderslie. They have been great to respond to any inquiries and their webinars are very informative.

10.2 Fire Marque

Chris Carrier from Fire Marque made a presentation to Council.

He noted that homeowner's property insurance policies includes Fire Department Service Charges. He assured Council that what they are

doing is legal, as sometimes the public does not understand this and the Municipality's by-laws are enforceable.

Revenues stay within the budget in 3 Areas: Education, Personnel Training and Capital Purchases.

The Municipal Act is clear that it is reasonable for municipality to pass a by-law to charge user fees.

The FPPA is for the enforcement of regulations and orders and is not related to fire department recovery fees.

If property owners pay taxes, which include Fire Department Services, why should the Fire Department charge fees? The Indemnification Technology program is not a typical fee. It is a cost recovery mechanism to comply with insurance policy language. Just as property owners have paid taxes for fire services, they have also bought and paid for fire service expense coverage in their property insurance policies. By requesting insurance companies pay for those expenses, the insurance companies are being asked to honour the contractual agreement of the policy they issued.

Council thanked Mr. Carrier for his presentation.

10.3 Jennifer Stephens, CAO - Saugeen Valley Conservation Authority

Jennifer Stephens, General Manager for Saugeen Valley Conservation Authority (SVCA), gave her presentation to Council.

She noted that there are 36 Conservation Authorities throughout Ontario who complete up to 32,000 Planning and Permit Reviews Annually. They manage over \$3.8-Billion worth of flood control and prevention infrastructure as well as protecting lives and preventing more than \$150-million per year in flood damages and disruption. The Conservation Authorities work with landowners to plant over 1.3-M trees annually and offer 3,500 km worth of trail for people to enjoy, hosting almost 10-M visitors annually.

Flood and erosion control prevention is completed through non-structural approaches such as keeping people away from water, regulation of development in floodplains, flood forecasting and warning, water infrastructure maintenance and inspection and emergency planning.

Structural Approaches are also used such as: dams – to control flow of frazil ice and water, dykes – to restrict flows to the proper channel and channel works – to protect slopes from erosion.

They employ a flood warning program to relay routine information concerning watershed river conditions to selected agencies and municipal officials as well as to provide rapid, advance warning and technical

support to concerned officials and to citizens whose lives and properties may be endangered by floodwaters.

They also review planning act applications and are involved in municipal drain reviews.

SVCA takes surface water samples at 29 different stations in an effort to understand the watershed as well as sampling sediments for insect larvae. Different species have different pollution tolerances.

SVCA performs level and maintenance checks quarterly. Well pump and samples are taken every fall. There are 23 aquifers accessed at 14 sites.

The SVCA runs a tree planting program as well as marking and tendering program and maintenance and improvement projects related to Authority forested properties (8,000ha).

Bill 23 will create a negative impact on their programs.

Council thanked Ms. Stephens for her presentation.

10.4 Abundant Solar Energy Inc. - Mila Simon

Tracey Zheng and Harry Buyukkocabas, John Kozack, and Gus Kukkoros, made a presentation to Council regarding their battery storage project in Chesley.

They are proposing a battery energy storage project (BESS). Ontario is in an emerging electricity system needs, driven by increasing demand, the retirement of the Pickering nuclear plant, the refurbishment of other nuclear generating units, as well as expiring contracts for existing facilities.

Solar Flow-Through Funds (SFF), based in Vancouver and Toronto, is a solar energy investment and development limited partnership and is a leading supplier of renewable energy in Canada. SFF partners with municipalities, communities, and First Nations to the benefit of local economies while reducing green house gas emission.

Each BESS will be sized to 4.99 megawatts/20 megawatt hours in capacity and duration, and will occupy approximately 0.28 acres of land, including all required setbacks and spacing. Each BESS will be independently connected to the Ontario electricity grid. The BESS will charge at night when electricity demand is low, and discharge during the day when demand is high. BESS components include containerized units housing all necessary batteries, inverters, fire suppression and extinguishment, and HVAC systems.

They will hire local as much as possible to construct and maintain the BESS, but once completed there will be no full-time jobs available.

Council requested that there be another public information session held in Chesley. Council will review the proposed resolution at the January 9, 2023 Council meeting.

11. Delegations

11.1 Carrie Bertrand - Fire Billing

Carrie Bertrand made a delegation to Council along with her client Ray King.

She noted that no citizen will be ordered to pay their bill. Her client had a fire in March, 2022 and has received an invoice for fire services from Arran-Elderslie. Her client's insurance broker refused to pay the invoice.

She reviewed the Fire Prevention and Protection Act as well as the Fees and Services by-law. She feels this was an accidental fire and the owner should not be charged under the FPPA.

Municipal Solicitor Eric Davis of SV Law, a specialist in Municipal Law, gave his opinion to Council and indicated that Ms. Bertrand was incorrect in her interpretation of the Fire Prevention and Protection Act.

Council thanked Ms. Bertrand for her presentation.

11.2 Hawk's Nest - Laura DeMille, Coordinator

Laure DeMille was attending on behalf of the Hawk's Nest.

The Hawk's Nest is partially funded by two partners, but the balance of the costs must be raised in the community.

They are requesting that Arran-Elderslie become a partner level sponsor at \$2,000.

Council directed that this be brought forward to Budget discussions on January 9, 2023.

12. Correspondence

12.1 Requiring Action

12.1.1 Chesley Legion - Request for Tax Receipts

Treasurer Tracey Neifer noted that the Municipality can issue receipts as it is a qualified donee.

In regards to the Chesley Legion, she noted that the Legion is not a qualified donee, so the Municipality would be circumventing the system to issue receipts and the Municipality is not in a position to issue receipts on behalf of the Chesley Legion.

Council directed staff to work with the Chesley Legion and report back as soon as an answer is available.

12.1.2 Paisley Royal Canadian Legion - Stop Sign Request on Queen/Goldie Streets

CAO Sylvia Kirkwood noted she would speak to the County in this regard and will report back in January.

12.2 For Information

Subsequent to further discussion, Council passed the following resolution:

351-29-2022

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Nickason

Be It Resolved that the Council of the Municipality of Arran-Elderslie receives, notes, and files correspondence on the Council Agenda for information purposes.

Carried

12.2.1 Clean Energy Frontier

12.2.2 News Release - MPP Byers Announces Seniors Community Grants Funding

13. Staff Reports

13.1 CAO/Clerks

13.1.1 Chesley Kinsmen – Proposed Replacement of Playground Equipment Chesley Community Park

Councillor Hampton declared a conflict on this item. (Councillor Hampton is a member of the Kinsmen Club.)

Chesley Ward Councillor declared a conflict as he is a member of Kinsmen.

Subsequent to further discussion, Council passed the following resolution:

352-29-2022

Moved by: Councillor Dudgeon

Seconded by: Councillor Penner

Be It Resolved that Council hereby,

1. Support the Kinsmen Club of Chesley in their proposed fundraising project for Arran-Elderslie with the replacement of playground equipment located at the Chesley Community Park;
2. Approve an exemption from Section 4.7 of the Procurement Policy, such that the replacement of the playground equipment in the Chesley Community Park can be purchased and installed by ABC Recreation Ltd., in 2023 for an upset limit of \$91,979.70 inclusive of HST;
3. Request that staff develop a workplan with the Kinsmen Club of Chesley and ABC Recreation Ltd., to outline the necessary municipal work required for site preparation and existing play equipment removal work;
4. Request that staff prepare an interest free loan agreement with the Kinsmen Club of Chesley for the net expense of the total project cost; and
5. The loan agreement shall in be accordance with Section 7 of the Grant and Donation Policy which provides for community projects and consideration to an interest free loan with annual repayments over a 10-year term.

Carried

13.1.2 SRCLK.2022-23 – 2022 Municipal Election Accessibility Report

Clerk, Christine Fraser-McDonald presented her report to Council for information purposes.

13.2 Finance

13.2.1 SRFIN.22.26 Municipal Insurance 2023 - Intact Public Entities

Subsequent to further discussion, Council passed the following resolution:

353-29-2022

Moved by: Councillor Hampton

Seconded by: Councillor Penner

Be It Resolved that Council hereby,

1. Approve the annual renewal of the 2023 Municipal Insurance Policy with Intact Public Entities; and
2. That staff continue to work with Intact Public Entities to identify opportunities to reduce premiums and/or modify

deductible limits to reduce the overall 2023 insurance increase as part of the annual renewal.

Carried

13.3 Public Works

None.

13.4 Building/Bylaw

None.

13.5 Facilities, Parks and Recreation

None.

13.6 Emergency Services

13.6.1 SRFIRE.22.10 Fire & Emergency Service – Cost Recovery for Fire Response and Related Fees and Charges By-Law

Subsequent to further discussion, Council passed the following resolution:

351-29-2022

Moved by: Councillor Dudgeon

Seconded by: Councillor Nickason

Be It Resolved that Council hereby,

1. Support the recovery of appropriate fire and emergency fees subject to an upset limit of homeowners or tenants' insurance coverage for fire response;
2. Direct staff to enter into an agreement with Fire Marque Inc. to appoint them as Agent for the purposes of filing claims on behalf of the Municipality and to recover any insurance proceeds from the insurers of the affected parties; and
3. Staff bring forward an updated Fees & Charges By-Law that provides for the collection of fire recovery fees to be in accordance with available homeowner/tenant insurance as part of the 2023 Budget process.

Carried

13.6.2 SRFIRE.22.11 Self-Contained Breathing Apparatus Replacement Tara and Chesley Fire Stations, and Paisley Upgrades

Subsequent to further discussion, Council passed the following resolution:

354-29-2022

Moved by: Councillor Hampton

Seconded by: Deputy Mayor Shaw

Be It Resolved that Council hereby,

1. Provides pre-budget approval for 2023 to support the purchase of 20 complete sets of MSA G1 Self Contained Breathing Apparatus (SCBA) with additional conversion parts from AJ Stone at a cost of \$289,362.00 plus HST, allocated as follows:
 - \$140,322.50 for Tara Fire Station's share of SCBA's
 - \$135,629.50 for Chesley Fire Station's share of SCBA's
 - \$13,410.00 for Paisley Fire Station's SCBA upgrade kits; and
2. That the purchase is financed by the Fire Station's respective Reserve Accounts, 01-0000-2116 Paisley Fire, 01-0000-2117 Chesley Fire and 01-0000-2118 Tara Fire; and
3. That the report be shared with the Chesley Fire Board for proportionate cost recovery from the Township of Chatsworth.

Carried

13.7 Economic Development and Planning

13.7.1 SRECDEV.22.02 Review and Update of the Municipal Community Improvement Plan

Christina Tennyson, Regional Economic Development Coordinator for Bruce County presented her report to Council for information purposes.

14. Notice of Motion

None.

15. Members Updates

Shaw:

Deputy Mayor Shaw wished everyone a Merry Christmas and was invited by the OPP regarding their food drive this Saturday in Chesley. She also had joined in the staff year-end curling event.

Hampton:

Councillor Hampton wished everyone a Merry Christmas. He attended a Horticultural Christmas Dinner and thanked them for looking after the flower beds and gardens around town.

Dudgeon:

Councillor Dudgeon wished everyone a Merry Christmas and had nothing to report.

Steinacker:

Councillor Steinacker wished everyone a Merry Christmas and had nothing to report.

Penner:

Councillor Penner wished everyone a Merry Christmas and had nothing to report.

Nickason:

Councillor Nickason wished everyone a Merry Christmas and had nothing to report.

Hammell:

Mayor Hammell wished everyone a Merry Christmas and noted that he had joined in the staff year-end curling event. He also thanked Council for attending the Santa Claus parades.

16. New Business

None.

17. By-laws

17.1 By-law 60-2022 - Rundle Zoning By-law Amendment

Subsequent to further discussion, Council passed the following resolution:

355-20-2022

Moved by: Councillor Hampton

Seconded by: Deputy Mayor Shaw

Be It Resolved that By-law No. 60-2022 be introduced and read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

By-law 60-2022 being a By-law to amend the Comprehensive Zoning By-law for the Municipality of Arran-Elderslie by changing from Agriculture 'A1' zone to Agriculture Special A1-60-2022 and Agriculture Special with holding provision A1-60-2022-H zone on the lands described as Part Lot 32, Concession 12, geographic Township of Arran, Roll # 4103-490-004-04200.

Carried

18. Closed Session (If Required)

The Mayor advised that Council go into Closed Session at 1:02 p.m. for the purpose of matters identified in the motion below.

347-29-2022

Moved by: Councillor Hampton

Seconded by: Councillor Penner

Be It Resolved That Council of the Municipality of Arran-Elderslie does now go into closed session to discuss an item(s) which relates to:

- () the security of the property of the municipality or local board;
- (X) personal matters about an identifiable individual, including municipal or local board employees;
- () a proposed or pending acquisition or disposition of land by the municipality or local board;
- () labour relations or employee negotiations;
- () litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (X) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- () a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- () information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- () a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

() a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or

() a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Staff authorized to Remain:

CAO Sylvia Kirkwood, Clerk Christine Fraser-McDonald, Fire Chief Steve Tiernan, Municipal Solicitor Eric Davis, SV Law, and Treasurer Tracey Neifer

Carried

19. Resolution to Reconvene in Open Session

Mayor Hammell confirmed that Council discussed only those matters identified in the above motion.

He reported that staff has been directed to contact the Municipal Solicitor to prepare correspondence to CMR Insurance regarding unresolved invoices.

Council passed the following resolution:

348-29-2022

Moved by: Councillor Nickason

Seconded by: Councillor Dudgeon

Be It Resolved That Council of the Municipality of Arran-Elderslie does now return to the Open Session at 2:10 p.m.

Carried

20. Adoption of Recommendations Arising from Closed Session (If Any)

350-29-2022

Moved by: Councillor Penner

Seconded by: Councillor Hampton

Be it Resolved that Council directs staff to work with Municipal Solicitor SV Law to prepare correspondence to the agents representing fire recovery claims outlining its legal requirements and to seek reimbursement of fire costs as per their respective insurance policies.

Carried

21. Confirming By-law

21.1 By-law 65-2022

Subsequent to further discussion, Council passed the following resolution:

356-29-2022

Moved by: Deputy Mayor Shaw

Seconded by: Councillor Hampton

Be It Resolved that By-law No. 65-2022 be introduced and read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation, and engrossed in the By-law Book.

By-law 65-2022 being a By-law to confirm the proceedings of the Regular Council meeting of the Municipality of Arran-Elderslie held Monday, December 12, 2022.

Carried

22. Adjournment

Subsequent to further discussion, Council passed the following resolution:

357-29-2022

Moved by: Councillor Nickason

Seconded by: Councillor Dudgeon

Be It Resolved that the meeting be adjourned to the call of the Mayor at 3:54 p.m.

Carried

23. List of Upcoming Council meetings

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk