



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH  
EIGHTEENTH REGULAR 2013 COUNCIL MEETING

**MINUTES**

**DATE:** Wednesday, September 18, 2013

**TIME:** 6:45 P.M.

The Eighteenth Regular 2013 Council Meeting was held on the above date and called to order at 6:45 p.m. in the Council Chambers, Aberfoyle.

Karen Landry, CAO/Clerk advised that after 45 years of employment with the Township of Puslinch, Fire Chief Robert Gordon has announced his retirement as Fire Chief effective December 17, 2013. Chief Gordon will remain with the Township Fire and Rescue Service Department until December 31, 2013.

**1. ATTENDANCE:**

Mayor Dennis Lever  
Councillor Susan Fielding  
Councillor Ken Roth  
Councillor Jerry Schmidt  
Councillor Wayne Stokley

**STAFF IN ATTENDANCE:**

1. Donna Tremblay, Deputy Clerk
2. Mary Hasan, Director of Finance/Treasurer
3. Don Creed, Director Public Works and Parks
4. Karen Landry, CAO/Clerk

**OTHERS IN ATTENDANCE**

1. Karen Lever
2. Edwina Bennett
3. Ken Bennett
4. Doris Bennett
5. Robert Bennett
6. Hugh Fielding
7. Sandra Solomon
8. Lise Burcher
9. Matthew Bulmer
10. Don McKay
11. Janice Marr
12. Kathy White

**2. DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:**

1. Councillor Roth disclosed a pecuniary interest with respect to item number 6.4(a), 7.1 and 8.3(b) as these matters relate to a request for his own personal business. Councillor Roth left the Council Table and did not partake in any discussion or voting on the matter.



3. **ADOPTION OF THE MINUTES:**

**Resolution No. 2013-204:** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

That the minutes of the following meetings be adopted as written and distributed:

- Council Meeting September 4, 2013
- Closed Council September 4, 2013

**CARRIED**

4. **BUSINESS ARISING OUT OF THE MINUTES:**

Mayor Lever advised that on September 13, 2013, he received confirmation from MPP Ted Arnott that the Community Safety Zone project had received final approval. The next steps are to have the Ministry of Transportation perform locates. Mayor Lever advised that he would provide additional details to Council when they become available.

5. **PUBLIC MEETINGS:**

None.

6. **COMMUNICATIONS:**

1. **Mill Creek Pit Licence #5738**

- (a) Correspondence from Dufferin Aggregates to the Ministry of Natural Resources regarding July 2013 monthly monitoring report dated August 14, 2013.

The Township's consultant advised through correspondence that he has no comments in this matter.

2. **Aberfoyle Pit #2**

- a) Correspondence from Harden Environmental Services to the Township of Puslinch Regarding 2012 Monitoring Report Review dated July 25, 2013 with attached report prepared by Conestoga Rovers and Associates prepared on behalf of Dufferin Aggregates.

3. **Noise By-Law Exemption for Construction**

- a) Correspondence from the Ministry of Transportation to the Township of Puslinch regarding Noise By-Law Exemption for Construction, Highway 6 Resurfacing from Highway 401 to Clair Rd. City of Guelph, Township of Puslinch, ON GWP 3112-10-00 dated September 4, 2013.

**Resolution No. 2013-205:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

That the correspondence from the Ministry of Transportation to the Township of Puslinch regarding Noise By-Law Exemption for Construction, Highway 6 Resurfacing from Highway 401 to Clair Rd. City of Guelph, Township of Puslinch, ON GWP 3112-10-00 dated September 4, 2013 be received; and

That Council has no objection to the Ministry of Transportation's request regarding the works consisting of milling the existing pavement followed by echelon paving from Highway 401 northerly to south of the Clair Rd. intersection currently scheduled to commence on June 23, 2014 and to be completed by August 22, 2014; and



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That the Ministry of Transportation be requested to notify the property owners that abut Highway 6 between the Highway 401 to Clair Road of the resurfacing schedule.

**CARRIED**

**4. Request To Township – Permission Regarding Food Vendor**

**\*refer to Item 2.1 regarding Disclosure of Pecuniary Interest – Councillor Roth.**

- a) Correspondence Ken Roth to the Township of Puslinch dated August 29, 2013- Requesting to set up a food trailer on the Community Center lands during ball, hockey and soccer tournaments or other outdoor events.

**Resolution No. 2013-206:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That the correspondence from Ken Roth to the Township of Puslinch dated August 29, 2013 requesting to set up a food trailer on the Community Center lands during ball, hockey and soccer tournaments or other outdoor events be received; and

That staff report back to Council on any requirements that would need to be met such as:

- Approval from Wellington-Dufferin-Guelph Public Health;
- General Liability coverage; and
- Fees.

**CARRIED**

**5. Rogers Communications Inc. – Site C4328 – Proposal to Install Telecommunications Antenna at 4555 Victoria Road South**

- a) Email from Sean Galbraith, Proliferate Consulting Group Inc. to Township of Puslinch dated September 11, 2013 with attachments.

**Resolution No. 2013-207:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

That the email from Sean Galbraith, Proliferate Consulting Group Inc. to Township of Puslinch dated September 11, 2013 with attachments be received; and

That the Township has no objection to the revised location for a telecommunications antenna at 4555 Victoria Road South.

**CARRIED**

**6. Intergovernmental Affairs**

- a) Various correspondences for review.

**Resolution No. 2013-208:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That the correspondence items listed on the Council agenda from the September 18, 2013 Council meeting be received.

**CARRIED**



## 7. DELEGATIONS

**\*refer to Item 2.1 regarding Disclosure of Pecuniary Interest – Councillor Roth.**

1. Ms. Lise Burcher and Mr. Matthew Bulmer, Aberfoyle Market – Regarding Township of Puslinch Food Truck By-Law.

Mr. Bulmer made a presentation to Council which included the achievements of both the Aberfoyle Market and the Aberfoyle Market Board. Mr. Bulmer introduced Ms. Burcher who made a presentation to Council with respect to the policy review that they will be conducting on the Township of Puslinch's proposed Mobile Food Truck By-law. Ms. Burcher advised Council of the challenges surrounding independent food delivery and the efforts the market was making to bring new vendors to the market. Ms. Burcher advised Council that they did not want the new by-law to interfere with the other interests at the market and the Farmer's Market be consulted should the Township receive a request by a food vendor to set-up while the market was taking place.

**Resolution No. 2013-209:** Moved by Councillor Fielding and  
Seconded by Councillor Stokley

That the delegation from Lise Burcher and Matthew Bulmer– regarding Township of Puslinch Food Truck By-Law be received.

**CARRIED**

## 8. REPORTS:

1. **Puslinch Fire and Rescue Services**

(a) Puslinch Fire and Rescue Services Response Report for August, 2013.

**Resolution No. 2013-210:** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

That Council receive the Puslinch Fire and Rescue Services Response report for August 2013.

**CARRIED**

2. **Finance Department**

- (a) Financial Report as of August 31, 2013.
- (b) Statement of Expenditures for the period ending August 31, 2013.
- (c) Budget Report by Department as of August 31, 2013.
- (d) Budget Report as of August 31, 2013.

**Resolution No. 2013-211:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

That Council hereby receives the following reports as information:

- (a) Financial Report as of August 31, 2013.
- (b) Statement of Expenditures for the period ending August 31, 2013.
- (c) Budget Report by Department as of August 31, 2013.
- (d) Budget Report as of August 31, 2013.

**CARRIED**





3. **Planning and Building Department**

(a) Chief Building Official Report – August 2013.

**Resolution No. 2013-212** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

That Council receive the Chief Building Official Report for August, 2013

**CARRIED**

(b) Report PD-2013-007- Mobile Food Service Vehicle Licensing.

**\*refer to Item 2.1 regarding Disclosure of Pecuniary Interest – Councillor Roth.**

**Resolution No. 2013-213** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That Report PD-2013-007 regarding the licensing of Mobile Food Service Vehicles be referred back to staff for additional information.

**CARRIED**

(c) Report COA-2013-001 – Agreement with Linda Hayden – Minor Variance A10/13 – 4399 Victoria Rd S – Part Lot 24, Concession 9.

**Resolution No. 2013-214** Moved by Councillor Fielding and  
Seconded by Councillor Stokley

That Report COA-2013-001 regarding the Agreement with Linda Hayden – Minor Variance A10/13 – 399 Victoria Rd. S – Part Lot 24, Concession 9 be received; and

That Council enact a by-law to authorize the entering into of an agreement with Linda Hayden and execution by the Mayor and Clerk

**CARRIED**

4. **Roads & Parks Department**

None.

5. **Administration Department**

(a) Report ADM-2013-009 – Game Day Insurance Inc. – Renewal of Facility User Group Insurance Program – one year term – October 1, 2013 to October 1, 2014. File No. L04/GAM.

**Resolution No. 2013-215:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That Report ADM-2013-009 regarding Game Day Insurance Inc. – Renewal of Facility user Group Insurance Program – one year term – October 1, 2013 to October 1, 2014 be received; and

That Council authorize staff to renew the Game Day Insurance Policy for an additional one year term from October 1, 2013 to October 1, 2014 at a cost of \$1,500.00; and



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That a Township Policy be to require all rental user group and individuals to carry \$2 million liability insurance when renting a Township facility through either purchase of Facility User Group Insurance through the Township's program or submission of a certificate of insurance naming the Township as an additional insured.

**CARRIED**

(b) Report HER-2013-002 – Regarding Black Bridge Area Cultural Heritage Study.

**Resolution No. 2013-216:** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

That Report HER-2013-002 regarding Black Bridge Area Cultural Heritage Study be received; and

That Council does not object to the lands identified within Puslinch Township as part of the Black Bridge Area Landscape Study prepared for the City of Cambridge by Heritage Resource Centre dated August 19, 2013, being considered as part of Environmental Assessment being completed by the City of Cambridge; and

That upon the City of Cambridge making a decision on its next steps, the Township obtain a report from the County of Wellington Planning and Development Department regarding planning implications for the Township.

**CARRIED**

9. **NOTICE OF MOTION:**

(a) Councillor Schmidt – Liability Insurance Reform.

**Resolution No. 2013-217:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

Whereas the cost of liability insurance has sky rocketed by 22.2% from 2007 to 2011 with some municipalities reporting increases of up to 50%; and

Whereas an AMO report predicts that unless change is made, insurance related costs will increase further to \$180 million by 2015, an additional 16%; and

Whereas municipalities are now paying up to \$37.56 per capita for insurance costs and this amount will continue to accelerate; and

Whereas Frank Cowan Company (representing 144 municipalities), the Region of Durham, County of Brant, the Regional Municipality of Waterloo, the Municipality of Chatham-Kent and the Ontario Municipal Insurance Exchange (representing 23 municipalities) and many others endorse a call to action; and

Whereas the current situation is not sustainable and a long-term solution is required that is beneficial to all parties; and

Whereas a long term solution can be achieved by a careful review and the adoption of one or more of the following solutions:

- Capping awards
- Developing a Provincial fund to assist with paying large claims
- Utilizing tribunals to streamline the Court system



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- Structured settlements that provide awards over time
- Immunities for municipalities; and

Whereas these remedies are already in place in other jurisdictions;

Now therefore the Township of Puslinch supports careful consideration of these options along with the goal of developing a stable, sustainable and equitable solution that will lead to a balanced approach that all stakeholders require; and

That a copy of this resolution be sent to AMO, Frank Cowan Company Limited and Ted Arnott, MPP.

**CARRIED**

(b) Mayor Lever – Industrial Lands

Mayor Lever advised Council that he will be bringing forth a Notice of Motion at the October 2, 2013 Council Meeting requesting that the County of Wellington Planning Department prepare a report on the short and long term proposed industrial lands in the Township of Puslinch.

**10. COMMITTEE MINUTES**

Committee of Adjustment - July 9, 2013

**Resolution No. 2013-218:** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

That Council hereby receives the following minutes as information:

- Committee of Adjustment- July 9, 2013

**CARRIED**

**11. MUNICIPAL ANNOUNCEMENTS**

**Waterloo-Wellington Community Futures**

Councillor Fielding advised Council that she attended the Annual General Meeting on September 11, 2013. She advised Council that the program has been in operation for 10 years and that during this period of time there have been 274 requests for assistance with over 12.5 million of assistance provided and 7.3 million of which has been repaid within the last 9 years. She advised Council that this has been a very successful program with many of the businesses that received assistance becoming extremely successful.

**Guelph Water Supply Master Plan Update**

Councillor Stokley advised that he attended a meeting at the City of Guelph on September 17, 2013, with respect to the updates to the City of Guelph's 2007 Water Supply Master Plan. Councillor Stokley advised Council that the goals of the group are to look at both sources and conservation of water.

**Fire and Rescue Services Committee Meeting**

Councillor Schmidt provided Council with a summary of the items discussed at the September 18, 2013 meeting. Councillor Schmidt advised Council that the committee is conducting a review of the current fees charged by the Department so it more accurately



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reflects costs. Councillor Schmidt also advised Council that the Fire Department is operating well below budgeted amounts and should be complimented on those efforts.

**12. CLOSED MEETING:**

Council was in Closed session from 6:48 pm to 7:20 pm

**Resolution 2013-219:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

That Council shall go into closed session under Section 239 of the Municipal Act for the purposes of:

- (a) Confidential Verbal Report from Stephen Garrod, Township Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board, litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Land Acquisition – Cook's Bridge abutting lands.
- (b) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Zoning By-Law Wassilyn, 4932 Concession 11 – Part Lot 24, Concession 11.
- (c) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation and potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Construction Lien.
- (d) Confidential Verbal Report from Karen Landry CAO/Clerk, regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Superior Court Application – Krayishnik – 6643 Concession 2.

**CARRIED**

**Resolution 2013-220:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That Council move into open session.

**CARRIED**

13. (a) Confidential Verbal Report from Stephen Garrod, Township Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board, litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Land Acquisition – Cook's Bridge abutting lands .

**Resolution 2013-221:** Moved by Councillor Schmidt and  
Seconded by Councillor Roth

That Council receive the Confidential Verbal Report from Stephen Garrod, Township Solicitor regarding a proposed or pending acquisition or disposition of land by the municipality or local board, litigation or potential litigation, including matters before





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administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Land Acquisition – Cook's Bridge abutting lands; and

WHEREAS The Township of Puslinch (the "Township") requires parts of the lands known municipally as 88 and 104 Cook's Mill Road for highway purposes to accommodate existing and planned road and bridge infrastructure and associated maintenance, signage and ancillary purposes in the vicinity of the Cook's Mill Road Bridge crossing over the Eramosa River;

AND WHEREAS the Township has been unable to achieve a voluntary purchase of the required lands;

AND WHEREAS, Section 6 of the Municipal Act, 2001, S.O. 2001, c.25, as amended ("Municipal Act, 2001") confers on the Township the power to expropriate land;

AND WHEREAS Section 11 of the Municipal Act, 2001 confers on the Township jurisdiction in respect of highways;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby resolves as follows:

1. That the CAO/Clerk be authorized to instruct the Township's legal counsel, surveyors, engineers, appraisers and staff, as necessary, to take all necessary steps to commence and conclude expropriation proceedings pursuant to the Expropriations Act to acquire the necessary parts of the lands known municipally as 88 and 104 Cook's Mill Road for highway purposes to accommodate existing and planned road and bridge infrastructure and associated maintenance, signage and ancillary purposes in the vicinity of the Cook's Mill Road Bridge crossing over the Eramosa River.

**CARRIED**

- (b) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Zoning By-Law Wassilyn, 4932 Concession 11 – Part Lot 24, Concession 11.

**Resolution 2013-222:** Moved by Councillor Roth and  
Seconded by Councillor Schmidt

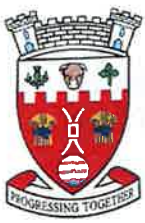
That Council receive the Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Zoning By-Law Wassilyn, 4932 Concession 11 – Part Lot 24, Concession 11.

**CARRIED**

- (c) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Construction Lien.

**Resolution 2013-223:** Moved by Councillor Fielding and  
Seconded by Councillor Stokley

That Council receive the Confidential Verbal Report from Karen Landry, CAO/Clerk, regarding litigation or potential litigation, including matters before administrative



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tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Construction Lien.

**CARRIED**

- (d) Confidential Verbal Report from Karen Landry CAO/Clerk, regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Superior Court Application – Krayishnik – 6643 Concession 2.

**Resolution 2013-224:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That Council receive the Confidential Verbal Report from Karen Landry CAO/Clerk, regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose – Superior Court Application – Krayishnik – 6643 Concession 2.

**CARRIED**

14. **UNFINISHED BUSINESS:**

None.

15. **BY-LAWS:**

**Resolution 2013-225:** Moved by Councillor Stokley and  
Seconded by Councillor Fielding

That the following By-law be taken as read three times and finally passed in open Council:

- By-Law **57/13** being a by-law to authorize the Mayor and Clerk to enter into an Agreement with Linda Hayden to fulfill the condition of a Minor Variance A10/13 – 4399 Victoria Rd. S. – Part Lot 24, Concession 9.
- By-Law **58/13** being a by-law to authorize the entering into of an Amending Site Plan Agreement with 2354048 Ontario Limited.
- By-Law **59/13** being a by-law to confirm the proceedings of Council for the Corporation of the Township of Puslinch at its meeting held on the 18<sup>th</sup> day of September, 2013.

**CARRIED**

16. **ADJOURNMENT:**

**Resolution No. 2013-226:** Moved by Councillor Fielding and  
Seconded by Councillor Stokley

That Council hereby adjourns at 8:28 p.m.

**CARRIED**

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Dennis Lever, Mayor

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Karen Landry, CAO/Clerk