



MINUTES

DATE: January 17, 2024

CLOSED MEETING: Directly following Section 6 Correspondence

COUNCIL MEETING: 5:00 P.M.

The January 17, 2024 Council Meeting was held on the above date and called to order at 5:00 p.m. via electronic participation and in-person at 7404 Wellington Rd 34, Puslinch.

1. CALL THE MEETING TO ORDER

2. ROLL CALL

ATTENDANCE:

Councillor Sara Bailey
Councillor Russel Hurst
Councillor Jessica Goyda – absent
Councillor John Sepulis
Mayor James Seeley

STAFF IN ATTENDANCE:

1. Glenn Schwendinger, CAO - absent
2. Mike Fowler, Director of Public Works, Parks and Facilities
3. Mary Hasan, Director of Finance/Treasurer
4. Courtenay Hoytfox, Interim CAO
5. Justine Brotherston, Interim Clerk

3. MOMENT OF REFLECTION

4. CONFIRMATION OF THE AGENDA

Resolution No. 2024-022:

Moved by Councillor Hurst and
Seconded by Councillor Bailey

That Council approves the December 21, 2022 Agenda as circulated; and

That Council approves the change to the order of business to move the closed meeting to directly following Disclosure of Pecuniary Interest.

CARRIED

5. DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:

None

6. CONSENT AGENDA

6.1 2023 Compliance Assessment Reports:

- 6.1.1 2023 Compliance Assessment Report - 5465 - Pit 1 - Capital Paving Inc.
- 6.1.2 2023 Compliance Assessment Report - 5482 - Glen Christie Company Ltd
- 6.1.3 2023 Compliance Assessment Report - 5483 - Aberfoyle Pit 1 6.1.2 November 30,
- 6.1.4 2023 Compliance Assessment Report - 5497 – McNally
- 6.1.5 2023 Compliance Assessment Report - 5514 - Lafarge Canada Inc.
- 6.1.6 2023 Compliance Assessment Report - 5520 - St. Mary's Cement Inc.
- 6.1.7 2023 Compliance Assessment Report - 5563 - Coburn Pit
- 6.1.8 2023 Compliance Assessment Report - 5609 - Aberfoyle Pit 2
- 6.1.9 2023 Compliance Assessment Report - 5610 - Phillips Pit
- 6.1.10 2023 Compliance Assessment Report - 5631 – Edgington

- 6.1.11 2023 Compliance Assessment Report - 5654 - Martini Pit
- 6.1.12 2023 Compliance Assessment Report - 5709 - Arkell Ridge Development Ltd
- 6.1.13 2023 Compliance Assessment Report - 5710 - Puslinch Pit
- 6.1.14 2023 Compliance Assessment Report - 5737 – McMillan
- 6.1.15 2023 Compliance Assessment Report - 5738 - Mill Creek Pit
- 6.1.16 2023 Compliance Assessment Report - 10671 – McMillan
- 6.1.17 2023 Compliance Assessment Report - 15338 - Arkell Ridge
- 6.1.18 2023 Compliance Assessment Report - 17600 – Mast
- 6.1.19 2023 Compliance Assessment Report - 20085 - Capital Paving Inc.
- 6.1.20 2023 Compliance Assessment Report - 20212 - Cox Construction
- 6.1.21 2023 Compliance Assessment Report - 129817 - Mast Snyder Pit
- 6.1.22 2023 Compliance Assessment Report - 624864 - McNally East
- 6.1.23 2023 Compliance Assessment Report - 624889 - Con Construction
- 6.1.24 2023 Compliance Assessment Report - 624952 - Lanci Pit
- 6.1.25 2023 Compliance Assessment Report - 625189 – Roszell
- 6.1.26 2023 Compliance Assessment Report - 625284 - Neubauer Pit
- 6.1.27 2023 Compliance Assessment Report - 625710 - Cox Construction

Resolution No. 2024-023:

Moved by Councillor Hurst and
Seconded by Councillor Sepulis

That Council receives correspondence item 6.1, 2023 Aggregate Compliance Assessment Reports; and

Whereas the Township of Puslinch continues to be a key stakeholder in the aggregate industry in Ontario as it is host to nearly 30 aggregate license which accounts for approximately 12% of its land mass being dedicated to aggregate extraction and processing aggregate materials; and

Whereas the Township does not have a municipal water supply and, accordingly, is concerned with the protection of its groundwater for well water; and

Whereas the majority of aggregate operations in the Township of Puslinch include below the water table extraction; and

Whereas municipalities have no authority or enforcement abilities within ARA licensed areas and rely on the MNRF to monitor and enforce ARA site licenses; and

Whereas the Province has consistently reduced municipality's and public involvement in the ARA approvals process by creating a framework for self-regulation by the pit operator with limited oversight by the MNRF; and

Whereas the recent Office of the Auditor General of Ontario Management Report - Aggregate Resources, accurately depicts the state of affairs of the aggregate industry, and certainly aligns with the Township's experience in respect to ongoing non-compliance and lack of enforcement by the MNRF. For example, the Township is aware of non-compliance occurring on a site for nearly a decade with no enforcement action taken by the MNRF. In fact, when the non-compliance was finally acknowledged by the MNRF, rather than enforcing the site license, the operator sought to rectify the non-compliance by amending the site license to align with the operators' current practices. As noted in Table 2 attached as Schedule "B", the Township has raised compliance concerns with all 27 Aggregate Compliance Assessment Reports received for 2023; and

Whereas the Township of Puslinch Council dedicates significant time and resources to advocating for responsible and consistent industry standards that represent good land use planning, respect the environment and protect source water, and provide the appropriate consideration to the host municipality, the public, and all other applicable regulatory agencies having jurisdiction;

Therefore, the Township of Puslinch Council submits its comments regarding the 2023 Aggregate Compliance Assessment Reports attached as Schedule "A" and "B" and respectfully requests that the MNRF provide a response to the Township outlining whether each operator is complying with the site



license, and if not, confirm how the non-compliance will be addressed by the MNFR including a reasonable timeline; and

Whereas Council is extremely concerned with the timeliness of a response by the MNRF, that Council direct staff to escalate the matter to MPP Arnott's office if an adequate response is not received by the MNRF within 30 days of receipt of this correspondence; and further

That the Township resolution be forwarded to MPP Ted Arnott, the County of Wellington, Minister of Natural Resources and Forestry, The Office of the Auditor General, and TAPMO or their information and support.

CARRIED

7. CLOSED SESSION:

Council was in closed session from 5:05 p.m. to 6:47 p.m.

The Clerk stopped the recording and removed all public attendees from the webinar. The webinar was then 'locked' so no new participants are able to join.

Resolution No. 2024-024:

Moved by Councillor Sepulis and
Seconded by Councillor Bailey

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

7.1 Confidential report regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – Ontario Land Tribunal

7.2 Confidential report regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Aggregate Resource Matter

CARRIED

Resolution No. 2024-025:

Moved by Councillor Sepulis and
Seconded by Councillor Bailey

THAT Council moves into open session at 6:47 pm

CARRIED

Council resumed into open session at 6:47 p.m.

Resolution No. 2024-026:

Moved by Councillor Hurst and
Seconded by Councillor Bailey

That Council receives the:

7.1 Confidential report regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – Ontario Land Tribunal

7.2 Confidential report regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Aggregate Resource Matter; and

That staff proceed as directed.

CARRIED

8. BUSINESS ARISING FROM CLOSED SESSION:

None

9. CONFIRMATORY BY-LAW:



(a) By-Law to confirm the proceedings of Council for the Corporation of the Township of Puslinch

Resolution No. 2024-027:

Moved by Councillor Bailey and
Seconded by Councillor Hurst

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

By-Law 2024-003 being a by-law to confirm the proceedings of Council for the Corporation of the Township of Puslinch at its meeting held on the 17 day of January 2024.

CARRIED

10. ADJOURNMENT:

Resolution No. 2024-028:

Moved by Councillor Sepulis and
Seconded by Councillor Hurst

That Council hereby adjourns at 6:52 p.m.

CARRIED

James Seeley, Mayor

Courtenay Hoytfox, Clerk