



# Municipality of West Elgin

## Minutes

### Council Meeting

March 9, 2023, 9:30 a.m.

West Elgin Community Complex - Hybrid Meeting

160 Main St

West Lorne

Electronic Hybrid Meeting

**Present:** Deputy Mayor R. Leatham  
Councillor T. Tellier  
Councillor Navackas  
Councillor Denning

**Regrets:** Mayor D. McPhail

**Staff Present:** M. Badura, CAO/ Treasurer  
J. Nethercott, Clerk  
L. Gosnell, Manager of Operations & Community Services  
Robert Brown, Planner

**Also Present:** Brenda Slater, MPAC  
Sam Smith, OCWA  
Robin Trepanie, OCWA

**This Meeting was held in Hybrid format and the recording available at  
[www.westelgn.net](http://www.westelgn.net)**

#### 1. Call to Order

Deputy Mayor Richard Leatham called the meeting to order at 9:30 a.m.

**2. Adoption of Agenda**

**Resolution No. 2023- 85**

**Moved: Councillor Tellier**

**Seconded: Councillor Denning**

That West Elgin Council hereby adopts the Agenda as presented.

**Carried**

**3. Disclosure of Pecuniary Interest**

**Resolution No. 2023- 86**

**Moved: Councillor Denning**

**Seconded: Councillor Navackas**

That Councillor Taraesa Tellier be appointed as the Chair of the Meeting for Item # 5.

**Carried**

**3.1 Deputy Mayor Leatham - J. Nethercott, Clerk - Close a Portion of O'Malley Road**

Owner of adjacent Property to road closure request.

**4. Delegations**

**4.1 Brenda Slater, MPAC**

Brenda Slater, MPAC, provided a PowerPoint presentation on 2023 Property Assessments.

**5. Public Meeting**

**Resolution No. 2023- 87**

**Moved: Councillor Denning**

**Seconded: Councillor Navackas**

That Council proceed into a Public Meeting at 9:43 a.m. pursuant to By-Law 2002-40 to consider the stopping up and permanently closing of a portion of O'Malley Road.

**Carried**

## 5.1 J. Nethercott, Clerk - Close a Portion of O'Malley Road

Deputy Mayor Leatham declared a conflict on this item. (Owner of adjacent property to requested road closure)

### **Resolution No. 2023- 88**

**Moved: Councillor Navackas**

**Seconded: Councillor Denning**

That West Elgin Council hereby receives the report from Re: Close a Portion of O'Malley Road; and

That West Elgin Council hereby Stop Up and permanently Close the unopened portion of O'Malley Road Allowance from Gibb Line east to the easternly limit of property at 23855 Gibb Line (713.044 Meters in length), legally described as R.D.A.L BTN Lt. 16 & 17, Con 2 in Aldborough Township, PIN 351080202; and

That West Elgin Council hereby requests an appraisal be sought for the lands known as the unopened portion of O'Malley Road Allowance from Gibb Line east to the easternly limit of property at 23855 Gibb Line (713.044 Meters in length), legally described as R.D.A.L BTN Lt. 16 & 17, Con 2 in Aldborough Township, PIN 351080202, ;and

That West Elgin Council hereby authorizes staff to enter into negotiations for the sale of said lands to the adjacent property owner of roll number 343400011044000000; and

That West Elgin Council hereby direct staff to bring forward a by-law to permanently stop up and close the unopened portion of O'Malley Road at a future meeting of Council; and

That said by-law be registered on title at the Land Registry Office at the cost of the Requestor.

**Carried**

West Elgin Council adjourned the public meeting to Close a Portion of O'Malley Road at 9:47 am to reconvene in the Regular Meeting of Council and Deputy Mayor Richard Leatham returned as Chair.

**6. Adoption of Minutes**

**Resolution No. 2023- 89**

**Moved: Councillor Tellier**

**Seconded: Councillor Denning**

That the Minutes of the Council meeting on February 24, 2023 and the Committee of the Whole Meeting on March 2, 2023 be adopted as circulated and printed.

**Carried**

**7. Business Arising from Minutes**

None.

**8. Consent Agenda**

**Resolution No. 2023- 90**

**Moved: Councillor Tellier**

**Seconded: Councillor Denning**

That West Elgin Council hereby receives and files the Consent Agenda for March 09, 2023 as presented.

**Carried**

**8.1 Monthly Staff Reports**

**8.1.1 C. Pemberton, CBO - Building Department Summary Report – February 2023**

**8.1.2 J. McArthur, Fire Chief - Monthly Report – January, February 2023**

**8.1.3 M. Badura, CAO/Treasurer - 2022 Council Remuneration**

**8.2 Communications from Other Municipalities**

**8.2.1 Elgin County Council Highlights - Feb 28, 2023**

**8.2.2 Trent Lakes - Oath of Office Resolution**

**8.2.3 Niagara Region - Resolution respecting declarations of Emergency for homelessness, mental health and opioid addiction**

**8.2.4 Township of Moonbeam - Extension of Moratorium on pupil accommodations**

**8.2.5 Township of Ashfield-Colborne-Wawanosh - Future Accuracy of Permanent Register of Electors**

**8.3 Other Items**

**8.3.1 Notice of Decision - E86-22 & E87-22 (11061 Graham)**

**8.3.2 Notice of Deferral- E91-22 (22300 Talbot)**

**8.3.3 Notice of Decision - E103-22 (23092 Pioneer Line)**

**8.3.4 Hydro One - Longwood to Lakeshore Project Open House**

**8.3.5 Ministry of Natural Resources and Forestry - Amend O'Reg 161/17 (Floating Accommodations)**

**8.3.6 Ministry of Environment, Conservation and Parks - Amendments to Municipal Class Environmental Assessment**

**9. Staff Reports**

**9.1 Water**

**9.1.1 S. Smith, OCWA - Annual Reports for West Elgin Drinking Water Distribution System**

**Resolution No. 2023- 91**

**Moved: Councillor Navackas**

**Seconded: Councillor Denning**

That West Elgin Council hereby receives the report from Sam Smith, OCWA re: 2022 Schedule 22 Summary Report for the West Elgin Distribution System; and

That West Elgin Council hereby receives the 2022 Annual Report for the West Elgin Distribution System as required under Section 11 of O'Reg 170/03

**Carried**

## **9.2 Planning**

### **9.2.1 R. Brown, Planner - Severance Application E1-23 – Comment to Elgin County – Planning Report 2023-09**

**Resolution No. 2023- 92**

**Moved: Councillor Tellier**

**Seconded: Councillor Navackas**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E1-23 – Comments to Elgin County (Planning Report 2023-09);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E1-23, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal Comments to the County of Elgin.

**Carried**

### **9.2.2 R. Brown, Planner - Severance Application E6-23 – Comment to Elgin County – Planning Report 2023-10**

**Resolution No. 2023- 93**

**Moved: Councillor Denning**

**Seconded: Councillor Navackas**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E6-23 – Comments to Elgin County (Planning Report 2023-010);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E6-23, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs administration to provide this report as Municipal Comments to the County of Elgin.

**Carried**

### 9.3 Municipal Drains

#### 9.3.1 T. Mohan, Drainage Superintendent - Award Tender – DK Andrews Drain

**Resolution No. 2023- 94**

**Moved: Councillor Navackas**

**Seconded: Councillor Tellier**

That West Elgin Council hereby receives the report from Tom Mohan, Drainage Superintendent re:

Award DK Andrews Drain Tender; and

That West Elgin Council hereby awards the tender to the lowest bidder McNally Excavating Ltd. in the amount of \$112,900.00 plus applicable taxes.

**Carried**

#### 9.3.2 J. Nethercott, Clerk - Apportionment of Drainage Assessment due to Severance of Land, Pursuant to Section 65 (2) of the Drainage Act, R.S.O. 1990

**Resolution No. 2023- 95**

**Moved: Councillor Tellier**

**Seconded: Councillor Denning**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Apportionment of Drainage Assessment for drains due to Severance of Land, Pursuant to Section 65 (2) of the *Drainage Act, R.S.O. 1990*; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Garlick Municipal Drain, as part of severance E59/22 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Hampton Municipal Drain, as part of severance E67/21 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Head Municipal Drain, as part of severance E37/21 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Kruppe Municipal Drain, as part of severance E67/21 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Lusty & McKenzie Municipal Drain, as part of severance E75/22 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the McKenzie Municipal Drain, as part of severance E75/22 as presented; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Schweitzer Municipal Drain, as part of severance E67/21 as presented.

**Carried**

## **10. Committee and Board Report**

### **10.1 Councillor Reports from Committees**

Deputy Mayor Leatham reported that he has been elected to the Executive Board for the Lower Thames Valley Conservation Authority at their Annual General Meeting.

Deputy Mayor Leatham also reported that he attended a meeting at the Aldborough Public School regarding the new addition. Deputy Mayor Leatham reported the new childcare centre will be opening on Monday, March 13, 2023 with an official grand opening being held on May 24, 2023. More details will follow.

### **10.2 Tri-County Water Board Minutes - October 18, 2022**

### **10.3 West Elgin Community Centre Board of Management - January 11, 2023 Minutes**

## 11. Accounts

**Resolution No. 2023- 96**

**Moved: Councillor Denning**

**Seconded: Councillor Navackas**

THAT the Mayor and Treasurer are hereby authorized to sign Payment Voucher #3 amounting to \$881,100.96 in settlement of General, Road, Water and Arena Accounts including EFT#6396-6447, online Payments#1078-1085, cheque# 26130-26143 and Payroll PP04.

**Carried**

## 12. Consideration of Items Requiring Discussion

### 12.1 West Elgin Community Health Centre Waiver of Fees Request

**Resolution No. 2023- 97**

**Moved: Councillor Navackas**

**Seconded: Councillor Tellier**

That West Elgin Council hereby approve the Waiver of Fees request for the West Elgin Community Health Centre's Stroller Walk & Lunches in the Miller Park Pavilion in the amount of \$70 plus applicable taxes.

**Carried**

### 12.2 Rodney and District Horticultural Society Waiver Request

**Resolution No. 2023- 98**

**Moved: Councillor Denning**

**Seconded: Councillor Tellier**

That West Elgin Council hereby approve the Waiver of Fees request for the Rodney and District Horticultural Society's Annual Plant Sale in the Rodney Recreation Centre in the amount of \$224 plus applicable taxes.

**Carried**

### 12.3 Request for Year Round Accommodation at Seasonal Trailer Parks

Direction was provided to staff to respond to requestor explaining the reasons to maintain the By-Law.

### **13. Council Inquires/Announcements**

#### **13.1 Notice of Motion**

None.

#### **13.2 Statements/Inquires by Councillors**

None.

#### **13.3 Matters of Urgency**

L. Gosnell, Manager of Operations and Community Services, reported a memorial bench will be placed on private property on Graham Road to honour a woman who lost her life in a 2021 fire in the Municipality.

### **14. Up Coming Meetings**

- March 14, 2023 @ 8:30 a.m. - Four Counties Transit Committee
- March 16, 2023 @ 9:00 a.m. - Committee of the Whole - Budget #2
- March 16, 2023 @ 7:00 p.m. - Tri-County Water Board

### **15. By-Laws**

#### **15.1 2023-20 - Phase 4 Safe Restart Grant Transfer Payment Agreement**

**Resolution No. 2023- 99**

**Moved: Councillor Navackas**

**Seconded: Councillor Tellier**

That By-law 2023-20 being a By-law to Authorize the Execution of the Transfer Payment Agreement for the Safe Restart Agreement Phase 4 Municipal Transit Funding between His Majesty the King Right in Ontario represented by the Minister of Transportation and the Corporation of the Municipality of West Elgin,. be read a first, second and third and final time.

**Carried**

**16. Closed Session**

**Resolution No. 2023- 100**

**Moved: Councillor Tellier**

**Seconded: Councillor Navackas**

That West Elgin Council hereby proceeds into Closed Session at 10:16 a.m. under Section 239 2(b & c), consideration will be given to items pertaining to personal matters about identifiable individual(s) including municipal or local board employee(s) and a proposed or pending acquisition or disposition of land by the municipality.

**Carried**

**17. Report from Closed Session**

**Resolution No. 2023- 101**

**Moved: Councillor Denning**

**Seconded: Councillor Navackas**

That West Elgin Council provided staff direction regarding a proposed or pending acquisition or disposition of land by the Municipality.

**Carried**

**18. Confirming By-Law**

**Resolution No. 2023- 102**

**Moved: Councillor Navackas**

**Seconded: Councillor Denning**

That By-law 2023-21 being a By-law to confirm the proceeding of the Regular Meeting of Council held on March 9, 2023, be read a first, second and third and final time.

**Carried**

**19. Adjournment**

**Resolution No. 2023- 103**

**Moved: Councillor Tellier**

**Seconded: Councillor Navackas**

That the Council of the Municipality of West Elgin hereby adjourn at 10:26 to meet again at 9:00 a.m. on March 16, 2023 as Committee of the Whole and at 9:30 am on March 23, 2023 as Council or at the call of the Chair.

**Carried**

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Richard Leatham, Deputy Mayor

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Jana Nethercott, Clerk