



COUNCIL MEETING AGENDA

Tuesday, March 21st, 2023
Following the Public Meeting – Zoning By-Law Amendment at 5:30 p.m.
Municipal Office – Council Chambers – 217 Harper Road

5:30 p.m. *Public Meeting – Zoning By-Law Amendment*
Following *Council Meeting*

Chair, Reeve Rob Rainer

1. **CALL TO ORDER**
2. **AMENDMENTS/APPROVAL OF AGENDA**
3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
4. **APPROVAL OF MINUTES**

- i) **Council Meeting – February 28th, 2023 – *attached, page 9.***

Suggested Motion by Councillor Wayne Baker:

“THAT, the minutes of the Council Meeting held on February 28th, 2023, be approved as circulated.”

- ii) **Committee of the Whole Meeting – March 7th, 2023 – *attached, page 21.***

Suggested Motion by Councillor Andrew Kendrick:

“THAT, the minutes of the Committee of the Whole Meeting held on March 7th, 2023, be approved as circulated.”

- iii) **Committee of the Whole Meeting (Closed Session – Identifiable Individual – Unreasonable Customer Behaviour) – March 7th, 2023 – to be distributed at the meeting.**

Suggested Motion by Councillor Greg Hallam:

“THAT, the minutes of the Committee of the Whole Meeting (Closed Session – Identifiable Individual – Unreasonable Customer Behaviour) held on March 7th, 2023, be approved as circulated.”

- iv) **“Special” Council Meeting – March 11th, 2023 – attached, page 30.**

Suggested Motion by Councillor Korrine Jordan:

“THAT, the minutes of the “Special” Council Meeting held on March 11th, 2023, be approved as circulated.”

5. DELEGATIONS & PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

- i) **Report #PW-2023-07 – 2022 Waste Disposal Site Annual Reports.**

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, Report #PW-2023-07 – 2022 Waste Disposal Site Annual Report be received as information;

***AND THAT,** staff be directed to submit the 2022 Annual Reports for the Glen Tay, Maberly and Stanleyville sites to the Ministry of the Environment, Conservation and Parks before the March 31st, 2023 deadline, to be in conformity with the Certificates of Approval for each site.”*

- ii) **Report #CBO-2023-03 – Building Department Report – January – February 2023.**

Suggested Motion by Councillor Marilyn Thomas:

“THAT, Report #CBO-2023-03 – Building Department Report – January - February 2023 be received as information.”

iii) **Report #PW-2023-04 – Tandem Plow Truck – RFP Award.**

Suggested Motion by Councillor Angela Pierman:

“THAT, Request for Proposal #2023-PW-002 – One (1) Tandem Plow Truck be awarded to Francis Canada Truck Centre Inc.;

***AND THAT,** The Reeve and Clerk be authorized to sign the necessary documentation.”*

iv) **Report #PW-2023-05 – Rehabilitation of Harper and Keays Road – Tender Award.**

Suggested Motion by Councillor Wayne Baker:

“THAT, Tender #2023-PW-001 for the Rehabilitation of Harper and Keays Roads be awarded to Arnott Brothers Construction in the amount of \$1,366,722.96 plus H.S.T.;

***AND THAT,** the Reeve and Clerk be authorized to sign the necessary documentation.”*

v) **Report #PW-2023-06 – Micro-Surfacing Powers Road – Tender Award.**

Suggested Motion by Councillor Andrew Kendrick:

“THAT, Schedule ‘O’, Powers Road, of Lanark County Tender #PW-C-09-2023-23-E0 – Micro-surfacing be awarded to Miller Paving Limited;

***AND THAT,** the Reeve and Clerk be authorized to sign the necessary documentation.”*

vi) **Report #FIN-2023-02 – 2022 Development Charges Statement.**

Suggested Motion by Councillor Greg Hallam:

“THAT, Report #FIN-2023-02 - 2022 Development Charges Statement be received as information.”

vii) **Report #FIN-2023-03 – 2022 Planning Act Financial Report for Parkland.**

Suggested Motion by Councillor Korrine Jordan:

“THAT, Report #FIN-2023-03 - 2022 Planning Act Financial Reporting for Parkland be received as information.”

viii) **Report #FIN-2023-04 – 2022 Statement of Remuneration and Expenses.**

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, Report #FIN-2023-04 - 2022 Statement of Remuneration and Expenses be received as information.”

ix) **Report #FIN-2023-05 – 2022 Investment Report.**

Suggested Motion by Councillor Marilyn Thomas:

“THAT, Report #FIN-2023-05 - 2022 Investment Report be received as information.”

x) **Report #FIN-2023-06 – 2023 Budget – PSAB Restatement.**

Suggested Motion by Councillor Angela Pierman:

“THAT, Report #FIN-2023-06 - 2023 Budget – PSAB Restatement, be received as information.”

xi) **Report #CAO-2023-04 – Naming of Forest Trail Park.**

Suggested Motion by Councillor Wayne Baker:

“THAT, the newly developed Forest Trail be named Nin Kitisim Park as outlined in Report #CAO-2023-04 – Naming of Forest Trail Park.”

xii) **Report #CAO-2023-05 – Forest Trail Project Update.**

Suggested Motion by Councillor Andrew Kendrick:

“THAT, Report #CAO-2023-05 – Forest Trail Project Update, be received for information.”

xiii) **Report #CAO-2023-06 – Strategic Planning Consultant.**

Suggested Motion by Councillor Greg Hallam:

“THAT, Section 7.4 of the Procurement Policy be waived to single source a Strategic Planning Consultant through Town Hall Consulting (Rob Adams).”

xiv) **Report #CAO-2023-07 – Extension of Integrity Commissioner Contract.**

Suggested Motion by Councillor Korrine Jordan:

“THAT, the current contract with Cunningham, Swan, Carty, Little & Bonhom, the Township’s appointed Integrity Commissioner be extended until March 31, 2028;

***AND THAT,** the Reeve and Clerk be authorized to execute the necessary extension agreement.”*

xv) **23-03-01 – Council Communication Package.**

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, the 23-03-01 Council Communication Package be received for information.”

xvi) **Rideau Valley Conservation Authority – New Flood Mapping Project.**

Suggested Motion by Councillor Marilyn Thomas:

*“**THAT**, the letter from Rideau Valley Conservation Authority dated February 3, 2023 regarding New Flood Mapping Project be received for information.”*

xvii) **A Call to End Homelessness in Ontario.**

Suggested Motion by Councillor Angela Pierman:

*“**WHEREAS**, the homeless crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario;*

***WHEREAS**, the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments;*

***WHEREAS**, homelessness requires a range of housing, social service and health solutions from government;*

***WHEREAS**, homelessness is felt most at the level of local government and the residents that they serve;*

***WHEREAS**, municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity or tools to address this complex challenge;*

***AND WHEREAS**, leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario;*

***NOW THEREFORE BE IT RESOLVED THAT**, the Township of Tay Valley Township calls on the Provincial Government to urgently:*

- a. Acknowledge that homelessness in Ontario is a social, economic and health crisis;*
- b. Commit to ending homelessness in Ontario;*
- c. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal;*

***AND FURTHER THAT**, a copy of this motion be sent to the Minister of Municipal Affairs and Housing, the Minister of Children, Community and Social Services, the Minister of Health and to the Association of Municipalities of Ontario.”*

8. BY-LAWS

None.

9. NEW/OTHER BUSINESS

- i) **Report #PD-2023-07 – Septic Re-Inspection Program Expansion – attached, page 36.**
Noelle Reeve, Planner.

*Suggested Motion by Councillor Wayne Baker:
 “THAT, staff be directed to include other lakes and rivers in the Septic Re-Inspection Program to assist in protecting lake water quality following the removal by Bill 23 of Site Plan Control Agreements for residential development under 10 units;*

AND THAT, the necessary by-law be brought forward”.

- ii) **Notice of Intention to Reconsider.**
Councillor Andrew Kendrick.

10. CALENDARING

Meeting	Date	Time	Location
Heritage Property Selection Committee Meeting	March 17 th	11:00 a.m.	Municipal Office
Green Energy and Climate Change Working Group Meeting	March 17 th	2:30 p.m.	Municipal Office
Public Meeting – Zoning By-Law Amendment	March 21 st	5:30 p.m.	Municipal Office
Council Meeting	March 21 st	Following	Municipal Office
Police Services Board Meeting	March 23 rd	1:30 p.m.	Municipal Office
Rideau Valley Conservation Authority Board Meeting	March 23 rd	6:30 p.m.	Manotick
Committee of Adjustment Hearing	March 27	5:00 p.m.	Municipal Office
“Special” Council Meeting	March 28 th	5:30 p.m.	Municipal Office
Emergency Control Group Meeting	March 31 st	9:30 a.m.	Municipal Office
“Special” Council Meeting	April 1 st	9:00 a.m.	Municipal Office

11. CLOSED SESSIONS

i) **CONFIDENTIAL: Litigation – 196 Little Silver Lake Road.**

Suggested Motion by Councillor Andrew Kendrick:

“THAT, Council move “in camera” at ___ p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding 196 Little Silver Lake Road;

AND THAT, the Chief Administrative Officer/Clerk, Planner, Deputy Clerk and Tony Fleming, Solicitor remain in the room.”

Suggested Motion by Councillor Andrew Kendrick:

“THAT, Council return to open session at _____p.m.”

· *Chair’s Rise and Report.*

12. CONFIRMATION BY-LAW

i) **By-Law No. 2023-016 - Confirmation By-Law – March 11th and 21st, 2023 – attached, page 33.**

Suggested Motion by Councillor Greg Hallam:

“THAT, By-Law No. 2023-016, being a by-law to confirm the proceedings of the Council meetings held on March 11th and 21st, 2023, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

13. ADJOURNMENT

MINUTES

COUNCIL MEETING MINUTES

Tuesday, February 28th, 2023

6:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Sean Ervin, Public Works Manager
Noelle Reeve, Planner
Ashley Liznick, Treasurer

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

Councillor Kendrick called a Point of Privilege as he had provided information to staff and requested that it be circulated to Council and that was not done. He was told the information should not go to Council prior to and was to be presented as an uninformative motion with no ability to explain what the motion will accomplish. Does not feel that Council can make a decision on the motion to make the addition to the agenda without the explanation, feels that the Procedural By-Law is too restrictive and there should be an opportunity to be able to give the information, feels that it removes the opportunity to add an item to the agenda and asked the Reeve to be removed as Chair until the Point of Privilege is dealt with.

The CAO/Clerk reviewed with Council the sections of the Procedural By-Law and how to make an addition to the agenda.

The Reeve explained that he understood what Councillor Kendrick was trying to accomplish with the Notice of Intent but that a Member seeking an addition to the agenda can not get into the substance of the addition before asking for it.

Councillor Kendrick feels the Reeve is missing the Point of Privilege if he uses the wording he was provided to make the addition it makes no sense to Council and it makes it hard to obtain a 3/4 vote when no one knows what it is about.

The Reeve disagreed and reiterated that Council can not get into the substance of the discussion.

Councillor Kendrick call a Point of Privilege as the Reeve is trying to dictate his actions and asked for him to step down as Chair until the Point of Privilege is dealt with.

The CAO/Clerk read from the Procedural By-Law regarding Point of Privilege:

Point of Privilege

A Member may raise a point of privilege directing attention to a matter that affects the rights of the Member or Members.

A point of privilege shall take precedence over any other matter except during verification of a vote.

A Member shall state the point of privilege to the Chair at the time of occurrence.

A Member shall not be permitted to enter into any argument or introduce any Motion not related to the point of privilege.

The Chair shall decide upon the point of privilege and advise the Members of the decision.

Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.

When the matter has been determined to be a point of privilege, the Member shall be afforded an opportunity to propose a Motion in relation to that point of privilege.

The Chair decided against the Point of Privilege.

Councillor Kendrick appealed that decision and the Chair asked Council "Shall the ruling of the Chair be upheld"? Council voted to uphold the decision of the Chair.

The Chair asked if Councillor Kendrick was prepared to make an addition to the agenda.

Councillor Kendrick requested an addition under New/Other Business: Notice of Intention to Reconsider Council Resolution #2023-02-03 at the March 21st Council meeting.

The request was defeated.

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) **Council Meeting – January 31st, 2023.**

RESOLUTION #C-2023-02-06

MOVED BY: Angela Pierman
SECONDED BY: Marilyn Thomas

“**THAT**, the minutes of the Council Meeting held on January 31st, 2023, be approved as circulated.”

ADOPTED

ii) **Committee of the Whole Meeting – February 7th, 2023.**

RESOLUTION #C-2023-02-07

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, the minutes of the Committee of the Whole Meeting held on February 7th, 2023, be approved as circulated.”

ADOPTED

iii) **“Special” Council Meeting – February 16th, 2023.**

RESOLUTION #C-2023-02-08

MOVED BY: Andrew Kendrick
SECONDED BY: Korrine Jordan

“**THAT**, the minutes of the “Special” Council Meeting held on February 16th, 2023, be approved as circulated.”

ADOPTED

- iv) **“Special” Council Meeting (Closed Session – Solicitor/Client Privilege – Private Unassumed Roads) – February 16th, 2023.**

RESOLUTION #C-2023-02-09

MOVED BY: Greg Hallam

SECONDED BY: Andrew Kendrick

“THAT, the minutes of the “Special” Council Meeting (Closed Session – Solicitor/Client Privilege – Private Unassumed Roads) held on February 16th, 2023, be approved as circulated.”

ADOPTED

- v) **“Special” Council Meeting (Closed Session – Litigation – 196 Little Silver Lake Road) – February 16th, 2023.**

RESOLUTION #C-2023-02-10

MOVED BY: Korrine Jordan

SECONDED BY: Andrew Kenrick

“THAT, the minutes of the “Special” Council Meeting (Closed Session – Litigation – 196 Little Silver Lake Road) held on February 16th, 2023, be approved as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

- i) **Presentation and Orientation: Lanark County Situation Table and the Community Plan for Safety and Well Being 2021 Progress Report.**
Stephanie Gray, Coordinator.

S. Gray gave the PowerPoint Presentation that was attached to the agenda.

Council discussed the demographics of the referrals to The Situation Table pre-pandemic and during the pandemic.

RESOLUTION #C-2023-02-11

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

“THAT, the Community Plan for Safety and Well-Being 2021 Progress Report be received for information.”

ADOPTED

- ii) **Presentation: Lanark County Community Justice Program.**
Joellen McHard, Executive Director and Marilyn Bird, Director.

J. McHard and M. Bird gave the PowerPoint Presentation that was attached to the agenda.

RESOLUTION #C-2023-02-12

MOVED BY: Korrine Jordan

SECONDED BY: Andrew Kendrick

“**THAT**, the Lanark County Community Justice Program Presentation to Tay Valley Township Council on February 28th, 2023 be received for information.”

ADOPTED

- iii) **Presentation: Comprehensive Road Needs Study.**
Mohamed Maslati, B.Eng., EIT and Kevin Worley, P.Eng WSP Golder.

M. Maslati and K. Worley gave the PowerPoint presentation that was attached to the agenda.

A Member asked how often these studies were done. The Public Works Manager explained that the Township tries to do one every term of Council or every four years and then internally it is reviewed every year. The matrix's quantitated information is a working document, the information is used in the 10-Year Capital Plan and the Asset Management Plan which are living documents.

The CAO/Clerk explained that this study was asked to include gravel roads so the information is available if one day the Township wanted to upgrade a gravel road to surface treatment and that tonight Council is being asked to adopt the study to formulate the 10-Year Capital Plan based on its information.

A Member asked if the matrix would be used on all of the roads and if the intention was for the Public Works Manager to use it to populate them for the road network and asked about the budgeted amounts changing year to year. The Public Works Manager will have to apply the qualitative information to the gravel roads network the budgeted amounts fluctuate based on what roads would be done that year to set the same amount every year would mean potentially only part of a road would be completed if the money ran out, the difference takes into account the different length of roads, etc.

A Member asked if having this study would be helpful in getting grants. The CAO/Clerk explained that having studies is often a question in a grant application and this would allow the Township to answer that question.

A Member clarified that if an amount was budgeted for and if it was not all spent then that would be put away until needed in a future year.

RESOLUTION #C-2023-02-13

MOVED BY: Marilyn Thomas
SECONDED BY: Fred Dobbie

“**THAT**, 2022 Comprehensive Road Need Study be adopted.”

ADOPTED

Council recessed at 7:44 p.m.
Council reconvened at 7:50 p.m.

6. CORRESPONDENCE

None.

7. MOTIONS

- i) **Report #PD-2023-02 – Septic Re-Inspection Program Expansion.**

RESOLUTION #C-2023-02-14

MOVED BY: Angela Pierman
SECONDED BY: Wayne Baker

“**THAT**, the Maberly Pines subdivision lots be included in the mandatory Septic Re-Inspection Program.”

ADOPTED

Council feels more education is needed on the program; that it is only on systems that are over 10 years old and the benefits of having the inspections done (ex. resale value, economic development, etc.).

RESOLUTION #C-2023-02-15

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, prior to Council directing staff to include other lakes and rivers in the mandatory septic re-inspection program to assist in protecting lake water quality following the removal by Bill 23 of Site Plan Control Agreements for residential development under 10 units that feedback be solicited from lake and river property owners in time for the March Council meeting.”

ADOPTED

- ii) **Report #PD-2023-03 – Appointment to County Climate Action Implementation Working Group.**

RESOLUTION #C-2023-02-16

MOVED BY: Andrew Kendrick
SECONDED BY: Korrine Jordan

“**THAT**, Noelle Reeve, Planner be appointed to the Lanark County Climate Action Implementation Working Group.”

ADOPTED

- iii) **Report #PW-2023-02 – Maberly Community Hall Renovation – Tender Award.**

RESOLUTION #C-2023-02-17

MOVED BY: Greg Hallam

SECONDED BY: Andrew Kendrick

“**THAT**, the Maberly Community Hall Renovation, be awarded to JT Concrete Ltd. in the amount of \$54,000, plus applicable taxes;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- iv) **Report #CBO-2023-02 – Building Department Report – January 2023.**

RESOLUTION #C-2023-02-18

MOVED BY: Korrine Jordan

SECONDED BY: Andrew Kendrick

“**THAT**, Report #CBO-2023-02 – Building Department Report – January 2023 be received as information.”

ADOPTED

- v) **AMO Policy Update – A Call for Provincial Action on Property Assessments.**

RESOLUTION #C-2023-02-19

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

“**THAT**, the AMO Policy Update – A Call for Provincial Action on Property Assessments dated January 13, 2023, be received for information.”

ADOPTED

- vi) **23-02-02 – Council Communication Package.**

RESOLUTION #C-2023-02-20

MOVED BY: Marilyn Thomas

SECONDED BY: Fred Dobbie

“**THAT**, the 23-02-02 Council Communication Package be received for information.”

ADOPTED

vii) **Appointment of Re-Use Center Volunteers.**

RESOLUTION #C-2023-02-21

MOVED BY: Angela Pierman

SECONDED BY: Marilyn Thomas

“**THAT**, the Council of the Corporation of Tay Valley Township appoint the following volunteer for the Re-Use Center, subject to the Criminal Records Check Policy:

- Rita Redner.”

ADOPTED

8. BY-LAWS

i) **By-Law No. 2023-012: Road Closing – Hudson.**

RESOLUTION #C-2023-02-22

MOVED BY: Wayne Baker

SECONDED BY: Angela Pierman

“**THAT**, By-Law No. 2023-012, being a by-law to Stop Up, Close and Sell a portion of an Unopened Road Allowance between Part Lots 18 & 19, Concession 5, geographic Township of North Burgess (Hudson), be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

ii) **By-Law No. 2023-013: Road Closing – Pearson.**

RESOLUTION #C-2023-02-23

MOVED BY: Andrew Kendrick

SECONDED BY: Korrine Jordan

“**THAT**, By-Law No. 2023-013, being a by-law to Stop Up, Close and Sell a portion of an Unopened Road Allowance between Part Lots 18 & 19, Concession 5, geographic Township of North Burgess (Pearson), be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

- iii) **By-Law No. 2023-014: Repeal Appointment of Chief Building Officials and Building Inspectors By-Law Amendment.**

RESOLUTION #C-2023-02-24

MOVED BY: Greg Hallam

SECONDED BY: Andrew Kendrick

“**THAT**, By-Law No. 2023-014, being a by-law to Repeal By-Law No. 2022-019, being a by-law to amend By-Law 2018-020 Appointment of Chief Building Officials and Building Inspectors, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

9. NEW/OTHER BUSINESS

- i) **Report #PW-2023-03 – Electric Vehicle – Price Increase.**

Sean Ervin, Public Works Manager.

A Member expressed concern about the cost of the battery replacement.

A Member asked about the initial report and this report showing different figures. The Public Works Manager explained it is just because of the tax rebate the Township receives and how it is shown differently on the two reports. Several Council Members while supportive of reducing greenhouse gas emissions and of the Climate Action Plan, expressed concern over the price, even before the requested increase and factoring in the unknown long-term performance of a fully electric vehicle. A few Members felt that since the vehicle had low mileage put on each year that the benefit for reducing greenhouse gas emissions was not beneficial enough for the cost of the vehicle.

A Member asked since the previous Council approved the initial amount and if the price had not increased that is what would be paid for the vehicle, if staff could push back and see if A&B Ford would honour the quote from last year.

A Member asked why this is in front of Council given the small amount and does it meet the threshold to come to Council for approval. The CAO/Clerk explained the Procurement Policy and that it did exceed the amount staff could approve without Council approval.

After listening to the debate, the CAO/Clerk asked if Council was okay to purchase the vehicle if the price was the same as quoted last year, if not is Council wanting staff to look at a gas-powered vehicle?

A Member explained that as an owner of an electric vehicle, can attest that they do well in the cold temperatures and is not concerned with the performance of the vehicle. The Climate Action Plan was put in place to reduce the greenhouse gas emissions due to the Climate Crisis, it does not seem like one vehicle will do much but the more that is done the more it helps, the Green Energy and

Climate Change Working Group has put a lot of work into that Plan and backing away from this decision that was made in the last term of Council could be demoralizing to them.

A Member wondered if the money that was to be spent on the vehicle could be put towards another climate action that would be more of a benefit as the vehicle is not driving very much to yield a great reduction in greenhouse gas emissions? The CAO/Clerk explained that those funds are coming from the vehicle replacement reserve and to use them for something else would affect that reserve.

Members discussed a hybrid option as there may be more supply available rather than waiting for one to be built. The Public Works Manager explained that a hybrid was investigated but was not a good option. The Township was also trying to take advantage of two grants for electric vehicles.

Council discussed the options if they decided not to purchase the electric vehicle as some were okay to purchase if the price remained the same as quoted last year and some felt it was still too much to spend on a vehicle.

RESOLUTION #C-2023-02-25

MOVED BY: Wayne Baker

SECONDED BY: Greg Hallam

“THAT, Tay Valley Township proceed with the purchase of a Ford Mustang Mach-E from A&B Ford Sales, if the price remains firm at \$54,600;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

(SEE RECORDED VOTE)

Deputy Reeve Dobbie called a recorded vote on Resolution #C-2023-02-25:

For:	Reeve Rob Rainer	1
	Councillor Wayne Baker	1
	Councillor Greg Hallam	<u>1</u>
		3
Against:	Deputy Reeve Fred Dobbie	1
	Councillor Korrine Jordan	1
	Councillor Andrew Kendrick	1
	Councillor Angela Pierman	1
	Councillor Marilyn Thomas	<u>1</u>
		5
Absent:		0
Total:		8

DEFEATED

RESOLUTION #C-2023-02-26

MOVED BY: Marilyn Thomas
SECONDED BY: Fred Dobbie

“**THAT**, the order for a Ford Mustang Mach-E from A&B Ford Sales be cancelled;

AND THAT, the current vehicle be used until the end of its useful life.”

ADOPTED

10. CALENDARING

Meeting	Date	Time	Location
Committee of the Whole Meeting	March 7 th	6:00 p.m.	Municipal Office
“Special” Council Meeting	March 11 th	9:00 a.m.	Municipal Office
Mississippi Valley Conservation Authority Meeting	March 15 th	1:00 p.m.	MVCA Office
Committee of Adjustment Hearing	March 20 th	5:00 p.m.	Municipal Office
Public Meeting – Zoning By-Law Amendment	March 21 st	5:30 p.m.	Municipal Office
Council Meeting	March 21 st	Following	Municipal Office
“Special” Council Meeting	March 28 th	5:30 p.m.	Municipal Office

11. CLOSED SESSIONS

None.

12. CONFIRMATION BY-LAW

- i) **By-Law No. 2023-015 - Confirmation By-Law – February 16th and 28th, 2023.**

A Member had a question about the effect of the Confirmation By-Law. A resolution is a less permanent decision, but the Confirmation By-Law gives those resolutions the same force and effect as a By-Law.

The CAO/Clerk explained that the resolutions are in effect regardless of the Confirmation By-Law. Resolutions give direction to Staff but does not prescribe a permanent rule of government. The Confirmation By-Law is confirming the proceedings of the meeting and the motions and by-laws that were passed. Passing a Confirmation By-Law does not mean a motion cannot be reconsidered.

RESOLUTION #C-2023-02-27

MOVED BY: Fred Dobbie

SECONDED BY: Marilyn Thomas

“**THAT**, By-Law No. 2023-015, being a by-law to confirm the proceedings of the Council meetings held on February 16th and 28th, 2023, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

13. ADJOURNMENT

Council adjourned at 8:55 p.m.

COMMITTEE OF THE WHOLE MINUTES

Tuesday, March 7th, 2023

6:00 p.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Councillor Greg Hallam
Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas
Councillor Wayne Baker

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner
Sean Ervin, Public Works Manager (left at 6:22 p.m.)
Ashley Liznick, Treasurer (left at 7:46 p.m.)

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES OF PUBLIC MEETINGS

None.

5. DELEGATIONS & PRESENTATIONS

- i) **Presentation – Annual Waste Site Reports.**
Jordan Bowman, P.Geo., P. Biol
Manager, Geo-Environmental, McIntosh Perry.

J. Bowman gave a PowerPoint Presentation – *attached, page 12.*

- ii) **Report #PW-2023-07 – 2022 Waste Disposal Site Annual Reports**

Recommendation to Council:

“**THAT**, Report #PW-2023-07 – 2022 Waste Disposal Site Annual Report be received as information;

AND THAT, staff be directed to submit the 2022 Annual Reports for the Glen Tay, Maberly and Stanleyville sites to the Ministry of the Environment, Conservation and Parks before the March 31st, 2023 deadline, to be in conformity with the Certificates of Approval for each site.”

6. PRIORITY ISSUES

- i) **Report #PD-2023-06 – Severance Application – Lee.**

The Planner advised that the applicant has withdrawn his severance application since the agenda was completed.

- ii) **Report #CBO-2023-03 – Building Department Report – January – February 2023.**

Recommendation to Council:

“**THAT**, Report #CBO-2023-03 – Building Department Report – January - February 2023 be received as information.”

- ii) **Report #PW-2023-04 – Tandem Plow Truck – RFP Award.**

Recommendation to Council:

“**THAT**, Request for Proposal #2023-PW-002 – One (1) Tandem Plow Truck be awarded to Francis Canada Truck Centre Inc.;

AND THAT, The Reeve and Clerk be authorized to sign the necessary documentation.”

- iii) **Report #PW-2023-05 – Rehabilitation of Harper and Keays Road – Tender Award.**

A Member confirmed with staff that the paved shoulders would be bike friendly.

Recommendation to Council:

“**THAT**, Tender #2023-PW-001 for the Rehabilitation of Harper and Keays Roads be awarded to Arnott Brothers Construction in the amount of \$1,366,722.96 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

- iv) **Report #PW-2023-06 – Micro-surfacing Powers Road – Tender Award.**

Recommendation to Council:

“**THAT**, Schedule ‘O’, Powers Road, of Lanark County Tender #PW-C-09-2023-23-E0 – Micro-surfacing be awarded to Miller Paving Limited;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

The Public Works Manager left at 6:22 p.m.

- v) **Report #FIN-2023-02 – 2022 Development Charges Statement.**

Recommendation to Council:

“**THAT**, Report #FIN-2023-02 - 2022 Development Charges Statement be received as information.”

- vi) **Report #FIN-2023-03 – 2022 Planning Act Financial Report for Parkland.**

Recommendation to Council:

“**THAT**, Report #FIN-2023-03 - 2022 Planning Act Financial Reporting for Parkland be received as information.”

- vii) **Report #FIN-2023-04 – 2022 Statement of Remuneration and Expenses.**

Recommendation to Council:

“**THAT**, Report #FIN-2023-04 - 2022 Statement of Remuneration and Expenses be received as information.”

- viii) **Report #FIN-2023-05 – 2022 Investment Report.**

Recommendation to Council:

“**THAT**, Report #FIN-2023-05 - 2022 Investment Report be received as information.”

ix) **Report #FIN-2023-06 – 2023 Budget – PSAB Restatement.**

Recommendation to Council:

“**THAT**, Report #FIN-2023-06 - 2023 Budget – PSAB Restatement, be received as information.”

x) **Report #CAO-2023-04 – Naming of Forest Trail Park.**

The CAO/Clerk introduced Chief Lalande. Chief Lalande expressed that it was an honour and privilege to put forth these names for Council's consideration, he met with the elders to discuss possible names for the park and they felt it should be meaningful and relevant to the community.

A Member noted the report indicated that under suggestion No. 4 that the ancestors were buried on the land and asked if the unregistered graves were on the land where the park is. Chief Lalande explained that they have a pretty good idea where the graves are and should try to establish where they are located, there is an archeology report that the family did live there.

Chief Lalande was asked if there was one that rose to the top for him. Proposed name No. 3 Chief Shawinipinessi already has a plaque in Bolingbroke and while it is a sad story it is being celebrated. We all honour our ancestors and should recognize that, he envisions a board at the park with photos and a list of them on the other side, a fireplace and in the park area wildlife management. Proposed name No. 2 represents the people that live there now and that have been there for many generations, many had to leave and have not come back, it celebrates all ancestors. The indigenous community will be supportive of any of the names.

The Committee discussed the four proposed names and the majority were in favour of Nin Kitisim Park.

Recommendation to Council:

“**THAT**, the newly developed Forest Trail be named Nin Kitisim Park as outlined in Report #CAO-2023-04 – Naming of Forest Trail Park.”

xi) **Report #CAO-2023-05 – Forest Trail Project Update.**

Recommendation to Council:

“**THAT**, Report #CAO-2023-05 – Forest Trail Project Update, be received for information.”

xii) **Report #CAO-2023-06 – Strategic Planning Consultant.**

A Member discussed that the report indicated that Council informally agreed to engage the consultant but does not think they did and are now committed at this stage. Would prefer if in future, Council is properly informed. Council knew that a strategic planning session was being planned but should be informed when a contract is entered into, and staff should follow procedure.

A Member reminded the Committee that Members had agreed that the consultant is the best option as he had Council engaged during the training session in January. Some Members were okay with the process as it was time sensitive. The CAO/Clerk expressed that this should have been before Council before now, but felt Council was in favour of proceeding with the consultant after the feedback from the training session with him and it was just a matter of the timing of the report coming forward.

Recommendation to Council:

“**THAT**, Section 7.4 of the Procurement Policy be waived to single source a Strategic Planning Consultant through Town Hall Consulting (Rob Adams).”

xiii) **Report #CAO-2023-07 – Extension of Integrity Commissioner Contract.**

A Member expressed concern that the contract has been in place for five (5) years and now it is time sensitive to extend the contract as it ends on March 31st. Is concerned with the process and the product and asked why the contract is five (5) years when the term of Council is only four (4) years. The reports from the Integrity Commissioner (IC) are on the Township website, personally has no issue with Mr. Fleming as the IC or the Lawyer but does have concerns with him having both roles.

The CAO/Clerk explained that this contract is not the only one that is five (5) years, recreation, OPP, etc. are five (5) year contracts so that they do not renew with the term of Council leaving the old or new Council to deal with at either the end of the term or the beginning of the term. Council was informed that the Lanark County Clerks would be meeting to review the IC contract, and updating the Code of Conduct, which will be coming forward at another meeting. The agreement is with all municipalities, the contract is led by Lanark County. The CAO/Clerk explained that if Mr. Fleming has a conflict acting as IC and as Township solicitor, he has to declare that, there has been one in Tay Valley and the IC assigns another IC to conduct the investigation. The annual reports are not legislated but is required under the Code of Conduct, the report typically comes to Council in April.

A Member thanked the CAO/Clerk for directing them to the Annual Reports on the website, even though they are required by the By-Law providing Annual Reports should be in the IC contract otherwise there is no obligation to provide them. Feels contracts should begin mid Council term so that each Council has a chance to review them. The last Council did not get to review this contract and now this Council does not either. It should not just be a decision of the Lanark County Clerks. The CAO/Clerk explained that other joint contracts are done this way, a report always comes to each Council, the contract also has a clause that 30 days notice can be provided to review the agreement so Council is not stuck with the term of the contract.

The Reeve explained that Lanark County has this on their agenda tomorrow evening and feels there is nothing broken with the process and the agreement can be reviewed with 30 days notice. The IC can also attend Council to give his

Annual Report to be held accountable for the service they provide should Council wish. If the Reeve had any concerns with the IC or the services, they provide he would speak up about them.

The Deputy Reeve has been on Council for nine (9) years and there has been no issues with the IC or the process.

A Member asked if there was a financial benefit to having a joint agreement. The CAO/Clerk explained that the IC does not require a retainer fee so it is just a fee for services used, some other IC's require a retainer fee regardless if they provide any services or not.

A Member understands some of the concern with the process and asked if the contract could be looked at every two years. The CAO/Clerk can have the IC attend and present the Annual Report and Council can ask questions. Advised Council that if there are any concerns with any third-party contractor to let her know so it can be dealt with at that time, not just at contract renewal.

A Member expressed they have a degree of discomfort with one person holding both the role of IC and Township solicitor. What if they advise a Council Member and then there is an IC complaint against them. The CAO/Clerk explained it is the IC's role to give advice to a Member and if there was an IC complaint that advice is what the Councillor should be relying on.

The CAO/Clerk explained that in 2018 it was mandatory to have an IC, for efficiency purposes the County put out the RFP for all the municipalities within the County including the Town of Smiths Falls. There was not a lot that were qualified and those that were, were from larger cities and more expensive. Most smaller municipalities have the same IC and Solicitor, but the larger ones have an IC on staff and legal counsel on staff.

A Member agreed with the concerns about the process and would like to be notified earlier in the process, but all the Lanark County municipalities are agreeing so the process is not necessarily broken.

A Member feels that it is important to change contract providers once in a while or relationships become too familiar, personally does not have anything against the IC, just the process for the contract renewal.

Recommendation to Council:

"THAT, the current contract with Cunningham, Swan, Carty, Little & Bonhom, the Township's appointed Integrity Commissioner be extended until March 31, 2028;

AND THAT, the Reeve and Clerk be authorized to execute the necessary extension agreement."

7. CORRESPONDENCE

i) **23-03-01 – Council Communication Package.**

Recommendation to Council:

“**THAT**, the 23-03-01 Council Communication Package be received for information.”

ii) **Rideau Valley Conservation Authority – New Flood Mapping Project.**

Recommendation to Council:

“**THAT**, the letter from Rideau Valley Conservation Authority dated February 3, 2023 regarding New Flood Mapping Project be received for information.”

iii) **A Call to End Homelessness in Ontario.**

Recommendation to Council:

“**WHEREAS**, the homeless crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario;

WHEREAS, the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments;

WHEREAS, homelessness requires a range of housing, social service and health solutions from government;

WHEREAS, homelessness is felt most at the level of local government and the residents that they serve;

WHEREAS, municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity or tools to address this complex challenge;

AND WHEREAS, leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario;

NOW THEREFORE BE IT RESOLVED THAT, the Township of Tay Valley Township calls on the Provincial Government to urgently:

- a. Acknowledge that homelessness in Ontario is a social, economic and health crisis;
- b. Commit to ending homelessness in Ontario;
- c. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal;

AND FURTHER THAT, a copy of this motion be sent to the Minister of Municipal Affairs and Housing, the Minister of Children, Community and Social Services, the Minister of Health and to the Association of Municipalities of Ontario.”

8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES

i) **Bolingbroke Cemetery Board** – *deferred to the next meeting.*
Councillor Wayne Baker.

ii) **Committee of Adjustment.**

The Committee reviewed the minutes that were attached to the agenda.

iii) **Fire Board** – *deferred to the next meeting.*
Councillor Wayne Baker, Councillor Greg Hallam, Councillor Marilyn Thomas

iv) **Library Board** – *deferred to the next meeting.*
Councillor Andrew Kendrick.

v) **Pinehurst Cemetery Board** – *deferred to the next meeting.*
Councillor Fred Dobbie.

vi) **Police Services Board.**
Reeve Rob Rainer.

The Committee reviewed the minutes that were attached to the agenda.

vii) **Green Energy and Climate Change Working Group** – *deferred to the next meeting.*
Councillor Greg Hallam and Councillor Angela Pierman

viii) **Municipal Drug Strategy Committee** – *deferred to the next meeting.*
Councillor Korrine Jordan.

ix) **Mississippi Valley Conservation Authority Board** – *deferred to the next meeting.*
Councillor Andrew Kendrick.

x) **Rideau Valley Conservation Authority Board** – *deferred to the next meeting.*
Councillor Angela Pierman.

xi) **County of Lanark.**
Reeve Rob Rainer and Deputy Reeve Fred Dobbie.

- the 2023 budget was adopted at \$122 million the main reason for the increase is due to flow through money for child services
- planning services report was presented, it gave an assessment of the County's planning services

- the Andrewsville bridge in Merrickville is a historic bridge and is coming to end of life, County staff are recommending to close it to vehicular traffic and keep open to pedestrians, there were some concerns for the impact of that and there will be more discussion before a decision is made
- attended an event The Table Lanark Affordable Housing, was part of a panel with the Mayors and Reeves of Perth, Drummond/North Elmsley and Lanark Highlands to talk about housing, there were a lot of people there; there needs to be more discussions about this to look at regional issues as individual municipalities cannot deal with it on their own
- attending Lanark Lodge to talk about Tay Valley Township
- will be attending the FCM conference end of May in Toronto
- received an update on the K & P trail sale it to the County, issues as there are houses along the trail with no deeded access and there is a beaver problem on the havelock trail along with some trespassing issues

The Treasurer left at 7:46 p.m.

The Committee recessed at 7:46 p.m.

The Committee returned to session at 7:51 p.m.

9. CLOSED SESSION

i) **CONFIDENTIAL: Identifiable Individual – Unreasonable Customer Behaviour.**

The Committee moved “in camera” at 7:52 p.m. to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees, regarding unreasonable customer behaviour and the Chief Administrative Officer/Clerk, Deputy Clerk and Planner, remained in the room.

The Committee returned to open session at 8:26 p.m.

The Chair Rose and reported that Committee discussed the unreasonable behaviour of an identifiable individual.

10. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- ***See Township Action Plan – distributed separately to Council***

11. ADJOURNMENT

The Committee adjourned at 8:26 p.m.

“SPECIAL” COUNCIL MEETING MINUTES

Saturday, March 11th, 2023

9:00 a.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Sean Ervin, Public Works Manager
Noelle Reeve, Planner
Ashley Liznick, Treasurer

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

3. NEW/OTHER BUSINESS

- i) **Report #PW-2023-08 – Maberly Hall Renovation – Emergency Repair – *attached, page 4.***
Sean Ervin, Public Works Manager.

RESOLUTION #C-2023-03-01

MOVED BY: Wayne Baker
SECONDED BY: Fred Dobbie

“**THAT**, the quote, dated March 8, 2023 to complete the emergency repairs to the Maberly Hall be authorized.”

ADOPTED

4. DELEGATIONS & PRESENTATIONS

- i) **Strategic Planning Session.**

The consultant took Council and Senior Staff through the Strategic Planning Process. Council and Senior Staff developed Vision and Mission Statements and determined strategic priorities for the term of Council. The consultant will work with Staff to determine the operational and timeline parts of the plan and will bring the Strategic Plan back to Council for review and adoption.

5. ADJOURNMENT

Council adjourned at 4:00 p.m.

BY-LAWS

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-016

A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF TAY VALLEY TOWNSHIP AT ITS MEETINGS HELD ON MARCH 11th AND 21st, 2023

WHEREAS, Section 5 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS, Section 9 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, it is deemed expedient that the proceedings of the Council of the Corporation of Tay Valley Township at its meeting be confirmed and adopted by By-Law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 **THAT**, the actions of the Council of the Corporation of Tay Valley Township at its meetings held on the 11th and 21st day of March, 2023 in respect of each motion and resolution passed and other action taken by the Council of the Corporation of Tay Valley Township at its meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 **THAT**, the Reeve and Proper Signing Official of the Corporation of Tay Valley Township are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of Tay Valley Township referred to in the preceding section hereof.
- 1.3 **THAT**, the Reeve and/or Deputy Reeve and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of Tay Valley Township.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-016**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 21st day of March 2023.

Rob Rainer, Reeve

Amanda Mabo, Clerk

NEW/OTHER BUSINESS



REPORT

COUNCIL MEETING
March 21st, 2023

Report #PD-2023-07
Noelle Reeve, Planner

SEPTIC RE-INSPECTION PROGRAM EXPANSION

STAFF RECOMMENDATION(S)

It is recommended:

“THAT, staff be directed to include other lakes and rivers in the Septic Re-Inspection Program to assist in protecting lake water quality following the removal by Bill 23 of Site Plan Control Agreements for residential development under 10 units;

AND THAT, the necessary by-law be brought forward”.

BACKGROUND

On February 7, 2023, Council supported moving staff’s recommendation to expand the Septic Re-Inspection program to include properties along all the lakes and rivers in the Township forward to the Council meeting on March 21, 2023.

Council recognized the value of mandatory septic re-inspections compared to a voluntary program. Data comparing the number of septic systems needing repair or replacement under the current mandatory septic re-inspection program versus the current voluntary re-inspection program clearly show that more failing/failed systems are identified under the mandatory program.

Council cares about protecting the health of its residents’ drinking water, whether from wells or lakes. Council realizes ensuring the proper operation of septic systems is key to maintain potable drinking water.

Council also recognized that the water quality of Township lakes is declining due to the effects of climate disruption increasing the temperature of lakes, thus accelerating the effects of nutrients on lakes (from leaking septic systems or other sources).

Council directed staff to mail all property owners that could be affected by the expansion in order to gather feedback on the proposed expansion.

DISCUSSION

With the passage of Bill 23 on November 28, 2022, Site Plan Control Agreement requirements were eliminated for developments with less than ten (10) residential units. This change removed a tool Council could use to protect water quality.

The Township is, therefore, proposing to include all its lakes and rivers in the Mandatory Septic Re-Inspection program to add a tool to protect water quality.

The Planner received ten (10) positive responses to the mail out to property owners who would be affected by the expansion. Lake Associations have also commented in favour of the program. Two of these responses suggested setting a threshold for a setback from a waterbody beyond which re-inspection may not be required. While a setback may seem reasonable if the septic system is far from the lake, inspection can still benefit the other goal of protecting potable water. The Township overlays fractured bedrock and a leaking septic could affect a nearby well.

One letter wondered if re-inspection applied to holding tanks? The re-inspection program currently does apply to holding tanks.

Two emails suggested delaying the expansion until cottagers could be consulted. Cottagers are not the only property owners affected and they as well as permanent residents received direct mail on the topic.

One email was simply rude to staff.

FINANCIAL CONSIDERATIONS

There are no financial impacts to owners with regards to an inspection. The owners do not pay for the re-inspection. The Township budget already includes \$20,000 per year for re-inspections. The additional septic systems will be added to the current rotation of systems that get inspected once every then (10) years.

OPTIONS CONSIDERED

Option #1 – (**Recommended**) – Amend the Septic Re-Inspection By-Law to include all lakes and rivers in Tay Valley Township.

Option #2 – Do not expand the program until the water quality of lakes and rivers degrades further.

CLIMATE CONSIDERATIONS

As temperatures rise lakes have less capacity to absorb nutrients and, therefore, the impact of nutrients from leaking septic systems will increase algal blooms and have a negative effect on human health. Ensuring septic systems are maintained will provide some protection against worsening water quality due to other climate disruptions such as extreme weather events, etc.

STRATEGIC PLAN LINK

Infrastructure: Our infrastructure systems are efficient and well-maintained.

CONCLUSIONS

Tay Valley Township has the ability to ensure additional protection for the water quality of its lakes and rivers and the health of its residents by expanding its Mandatory Septic Re-Inspection program. This added layer of protection is being proposed at this time in response to the Province of Ontario removing existing water quality protection through Bill 23, which no longer allows Site Plan Control Agreements for single residential development.

ATTACHMENTS

- 1) Sewage System Maintenance Inspection Programs By-Law No. 2012-009.
- 2) By-Law No. 2016-028 Sewage System Maintenance Inspection Programs By-Law Amendment

Prepared and Submitted By:

Approved for Submission By:

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2012-009

SEWAGE SYSTEM MAINTENANCE INSPECTION PROGRAMS

WHEREAS, malfunctioning on-site sewage systems can have significant negative impacts on both human health and the environment;

AND WHEREAS, in 2000, the Corporation of Tay Valley Township (the “Township”), implemented a septic tank re-inspection program for waterfront properties based on voluntary participation by property owners;

AND WHEREAS, Section 7(1)(b.1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the “Act”), authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10 of the *Building Code Act, 1992 - Ontario Regulation 350/06*, as amended (the “Building Code”);

AND WHEREAS, the Township Council considers it desirable for the protection of the health, safety and well-being of persons and the environmental well-being of the municipality to exercise its authority to implement a mandatory sewage system maintenance inspection program which will apply to all waterfront properties located in the areas described in Schedule “A” to this By-Law ;

AND WHEREAS, the Township Council considers it desirable for the protection of the health, safety and well-being of persons and the environmental well-being of the municipality to continue to offer a voluntary sewage system maintenance program to owners of waterfront properties located in the areas described in Schedule “B” to this By-Law;

AND WHEREAS, the above referenced mandatory and voluntary sewage system maintenance inspection programs (collectively the “Sewage System Maintenance Inspection Programs”) are described in the Septic System Re-Inspection Program document attached as Schedule “C” to this By-Law;

AND WHEREAS, the Township has entered into an agreement with the Mississippi Valley Conservation Authority in accordance with Section 6.2 of the Act to provide for the enforcement of the provisions of the Act and the Building Code relating to sewage systems and to allow the Mississippi Valley Conservation Authority, through its Mississippi Rideau Septic System Office (the “MRSSO”) to deliver the Sewage System Maintenance Inspection Programs on behalf of the Township;

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-009**

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, the mandatory sewage system maintenance inspection program will apply to all waterfront properties located in the areas described in Schedule "A" to this By-Law.
- 1.2 THAT**, the voluntary sewage system maintenance inspection program will apply to all waterfront properties located in the areas described in Schedule "B" to this By-Law.
- 1.3 THAT**, the Septic System Re-Inspection Program, attached hereto as Schedule "C", be adopted.

2. BY-LAWS TO BE REPEALED

- 2.1** All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

3. ULTRA VIRES

- 3.1** Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

4. EFFECTIVE DATE

- 4.1** ENACTED AND PASSED this 13th day of March, 2012.

Keith Kerr, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-009**

SCHEDULE "A"

MANDATORY

The mandatory re-inspection program will apply to all properties located on the following water bodies:

Lakes

Adam Lake
Farren Lake
Pike Lake

Bennett Lake
Long Lake

Bob's Lake
Otty Lake

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-009**

**SCHEDULE "B"
VOLUNTARY**

The voluntary re-inspection program will apply to all properties located on the following water bodies:

Creeks

Bolton Creek	Grant's Creek	Scotts Snye	Silver Lake Creek
--------------	---------------	-------------	-------------------

Lakes

Andrew Lake	Big Rideau Lake	Black Lake
Christie Lake	Clear Lake	Davern Lake
Deer Lake	Fagan Lake	Loon Lake
McLaren Lake	McGowan Lake	Mills Lake
Little Mud Lake	Lower Mud Lake	Upper Mud Lake
O'Brien Lake	Rainbow Lake	Rock Lake
Round Lake	Little Silver Lake	Silver Lake

Rivers

Fall River	Mississippi River	Tay River
------------	-------------------	-----------

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-009

SCHEDULE "C"



Septic System Re-Inspection Program

Table of Contents

Background	3
Executive Summary	4
Introduction	4
Program Administration	
Voluntary versus Mandatory	5
Initial Communication with the Public	5
Documentation	6
Scope of Inspections	8
Inspection Activities	8
Deficiencies for Sewage System Classes	9
Property Selection	10
Inspection Schedule	10
Inspection Rotation	11
Inspection Agency	12
Enforcement	12
Financial Assistance	12
Public Education	12

Background

In 1998, the responsibility for on-site sewage systems with a total daily design flow of less than 10,000 litres per day was transferred from the Ministry of Health to the Ministry of Municipal Affairs and Housing. In doing so, the Province of Ontario shifted responsibility for these systems from provincial jurisdiction to municipal jurisdiction with Part 8 of the Building Code requiring owner maintenance of on-site sewage systems. The transfer in jurisdiction made enforcement the municipality's obligation and responsibility.

Many of the lakes and other water courses in Tay Valley Township were developed years ago. The original cottages were usually serviced with a privy, had no running water and were used for only a few weekends each year. Over the years these original cottages have been improved and are inhabited for longer durations over the year, with many now converted to permanent residences.

Tay Valley Township began conducting visual re-inspections of septic systems on waterfront properties in 2000, when a pilot program began on Christie Lake. Since 2000, the Township expanded its program to include all waterfront properties, on all water bodies, and in 2004 added a septic tank component, which consisted of an internal inspection of the tank. Since the program's inception, and up until the end of 2011, property owner participation has been voluntary.

Tay Valley Township has led the way locally for the sewage system re-inspection program as well as other initiatives that work towards protecting the quality of surface and ground water. Since the sewage system re-inspection pilot program, the Township has now inspected approximately 1,500 waterfront properties. The program combines the education of the homeowner regarding the maintenance of their sewage system with an inspection component. A follow-up component is also essential to ensure that the program effectively manages identified sewage system problems.

Executive Summary

In January 2011, through Ontario Regulation 315/10, the Ontario Ministry of Municipal Affairs and Housing amended the Ontario Building Code to establish mandatory on-site sewage system maintenance inspection programs for the Lake Simcoe area and for “vulnerable” areas” to be established in Source Water Protection Plans. These amendments “also govern discretionary on-site sewage system maintenance inspection programs established by local enforcement bodies”. This amendment has allowed Tay Valley Township the ability to make a portion of its current voluntary septic inspection program, a discretionary program. A discretionary program allows the Township to undertake mandatory maintenance inspections.

Introduction

A working sewage system is an integral part of any functioning home or cottage not serviced by the municipal sewer. As such, proper maintenance and operation of the sewage system is integral to the continued life of the system. A Septic System Re-Inspection Program provides:

1. Participants with information and advice regarding the proper operation and maintenance of their septic system;
2. A proactive approach to identifying risks to human health or the natural environment;
3. A database of inspected existing septic systems that can be used as a planning tool for municipalities.

Malfunctioning on-site sewage systems can have both human health and environmental impacts beyond the property on which it is located. Nutrient and bacteria-rich effluent can travel through soil and rock fractures to surface water bodies, and ground water sources. Contamination of surface water can cause excessive aquatic plant growth, depletion of oxygen in lakes, and impact the natural habitat for aquatic species. Ground water contamination can cause illness and even death. This makes it crucial that property owners be aware of the location and operation of their septic system. Under the Ontario Building Code it is the property owner’s responsibility to ensure that their sewage system is working properly, not only for their health, but also that of the surrounding community and environment.

PROGRAM ADMINISTRATION

VOLUNTARY VERSUS MANDATORY

In 2012, the decision was made to modify the current voluntary septic system re-inspection program to include a discretionary program with mandatory inspections. The mandatory component will apply to the following seven lakes: Adam, Bennett, Bob's, Farren, Long, Otty and Pike as outlined in Schedule "A" to By-Law No. 2012-009.

The steps taken for the septic re-inspection program are exactly the same for the voluntary and mandatory programs. The only difference is that property owners under the mandatory component will be required to participate in the program when their property has been identified, whereas property owners under the voluntary component can choose whether or not to participate.

INITIAL COMMUNICATION WITH THE PUBLIC

Letter

When an area for re-inspection has been determined, a letter will be sent to affected property owners informing them of the potential value of the program.

Program Description

An overview of what will be undertaken during a re-inspection will be included with the letter.

Questionnaire & Site Sketch

Property Owners will also be requested to complete and return a questionnaire and site sketch regarding their septic and well. While the Township may have some information about the septic or well, this information requires updating and old septic or well records are excellent resources for the more technical components of an inspection, as well as knowing the current locations of and distances between any septic components (tank, bed, privy, greywater pit), structures (house, shed, garage), water bodies (lakes, rivers, creeks, wetlands), farming activities, or wells. If required, additional documents will be requested (ex. Septic Use Permit).

DOCUMENTATION

Pre-Inspection

A review of the information provided by the property owner on the questionnaire and sketch will be reviewed, including any additional requested documentation. If records are not available due to the age of the septic system then a more thorough investigation will be undertaken by the Inspector.

Contact with the property is made to either confirm the date for the inspection that the property owner has suggested, or to let the property owner know when the inspector will be on site. If a third party inspector is used, who meets the requirements under Section 1.10.1.3 of Ontario Regulation 315/10, to conduct the inspection, the property owner will inform the Principal Authority of the name and company of the third party and the date of the inspection. The property owner will then forward a copy of the completed, Ministry approved, certificate to the Principal Authority within 5 business days of the inspection. The third party shall use the form provided by the Principal Authority, which satisfies the inspection requirements as outlined under "Scope of Inspections" in this document.

Post-Inspection

Once an inspection has been completed, it will be filed in the property file at the Municipal Office and entered into the geographic information system (GIS) database. This information is a valuable tool for generating statistics and follow-up correspondence.

Inspection Reports

An inspection report will be completed by the Inspector after every inspection with a copy of the report to be provided to the property owner and a copy to the municipality. The report is provided to the property owner as a record as to when the inspection was complete and the results.

At a minimum, the inspection report shall contain the following information:

Item	Information
Personal Information	name, address, property legal description
Existing Facilities	class of sewage system, leaching bed type
Observations	visual indications of components of an unsafe sewage system
Diagram	to identify septic tank components
Requirements	provide details on the remedial work required

Report to Property Owner

The property owner will be informed that their system is in need of remedial action or that there is no indication from the inspection of an unsafe system. If the system is in need of remedial action, the report will describe the deficiencies observed by the Inspector and who the property owner should contact for further information regarding their intentions to remedy the deficiencies. The record will indicate the link between the deficiencies and the specific provisions in the Ontario Building Code. The property owner will also be informed that if they do not respond within a specific time frame, they may be issued an Order to Remedy an Unsafe Building.

Records

Information pertaining to this program will be filed under the appropriate property file at the Municipal Office.

SCOPE OF INSPECTIONS

The inspection begins with a walk around the property looking for water sources and sewage system components. Measurements are taken between the sewage system components, structures and water bodies, as well as to drinking water sources. A GPS reading is taken of all sewage system components, and wells.

The operation or failure of the bed is assessed by looking for conditions of lush vegetation, wet areas, surface discharge, tree or root growth, side slopes and erosion control.

A visual inspection of the septic tank condition is made, and a measurement of the tank contents is taken using a Sludge Judge or similar device. The tank volume is also estimated. This information is used to determine if a pump out is required.

A visual inspection of the baffles is done, as well as a check that the partition wall is in working order and any signs of concrete corrosion should be recorded. If the solids in the second chamber are as high as the first chamber it can be an indication that the partition wall has suffered some damage. A check for roots in the tank and for the presence of effluent filters is conducted before replacing the lids and covering the tank.

INSPECTION ACTIVITIES

The following are items that may be undertaken during an inspection:

- Surface inspection of bed and tank
- Estimate tank volume
- Estimate sludge depth/volume
- Inspect interior plumbing
- Probe leaching bed area
- Excavate bed area
- Soil sampling/testing
- Well testing/water quality analysis
- Surface drainage assessment
- Property owner interview
- Estimate distribution pipe length
- Estimate setback distances
- Estimate daily design flow
- Inspect mechanical equipment
- Determine type of building, type of tank, type of system
- Evidence of sewage effluent visible and/or odour
- Evidence of erosion of septic bed side slopes
- If the sewage system/septic tank is properly located on the property
- Whether the sewage system bed had trees/vegetation growth
- Whether the system meets setbacks
- Whether the sewage system serves more than one building
- If the system uses a pump chamber

Deficiencies For Sewage System Classes

The following are examples of observable deficiencies during a visual re-inspection:

Class 1 (Privy)

- Absence of fill around the base of the privy
- Inadequate soil depth

Class 2 (Greywater)

- No evidence of a grey-water pit; pipe on surface of the ground
- Absence of fill around the base of an existing pit
- Inadequate cover

Class 3 (Cesspool)

- Inadequate soil mounding
- Inadequate construction

Class 4 (Septic System)

- No existing system; pipes on surface of the ground, or slightly buried
- Old tanks in need of replacement
- No indication of leaching bed; outlet pipe from ground extending into/onto ground
- Leaching bed completely overgrown, in need of replacement
- System completely buried; requires information

Class 5 (Holding Tank)

- Corroded access cover
- Holes in holding tank
- Access openings not properly sealed

General

- Extra plant growth over the leaching bed area
- Foul odours outside
- Effluent breaking out to the ground surface

PROPERTY SELECTION

Participants in the program are chosen based on the following criteria:

- 1) Properties that either have a septic permit that is 10 years or greater or does not have permit information, has not been re-inspected in the past, and is not undeveloped.
- 2) Are due for a re-inspection after 10 years.

A septic system with registered complaints against it will have already been dealt with outside the re-inspection program.

An administrative procedure will be developed to describe the step by step process for property selection.

INSPECTION SCHEDULE

The program will focus on conducting inspections from May to September given the Township's high seasonal population; however inspections will be conducted between April and November each year, with weather permitting.

The program will strive to complete 200 inspections per year, with a 10-year re-inspection timeframe. The focus will be to complete inspections on the seven mandatory lakes within the first four years of the program. This figure does not take into account the number of properties that will undergo inspections unrelated to this program but does include enforcement and follow-up.

INSPECTION ROTATION

Mandatory Re-Inspection

The Inspection Rotation for mandatory water bodies will be re-evaluated each year to accommodate any unforeseen circumstances that may require adjustment to the rotation schedule and/or to include additional water bodies to the mandatory component, as approved by Council. The addition of water bodies to the mandatory program will require an amendment to the program; however other annual adjustments to the rotation schedule will be included in the annual report.

Year 1 (2012)		Year 2 (2013)		Year 3 (2014)		Year 4 (2015)	
Lake	# of Properties	Lake	# of Properties	Lake	# of Properties	Lake	# of Properties
Adams	12	Adams	<i>completed</i>	Adams	<i>completed</i>	Adams	<i>completed</i>
Bennett	10	Bennett	10	Bennett	44	Bennett	23
Bob's	10	Bob's	10	Bob's	19	Bob's	<i>completed</i>
Farren	20	Farren	25	Farren	<i>completed</i>	Farren	<i>completed</i>
Long	14	Long	<i>completed</i>	Long	<i>completed</i>	Long	<i>completed</i>
Otty	10	Otty	28	Otty	<i>completed</i>	Otty	<i>completed</i>
Pike	10	Pike	10	Pike	10	Pike	63
Total = 86		Total = 83		Total = 83		Total = 86	

* property information based on CGIS data in 2011 (best available data)

* undeveloped properties removed

* the number of properties shown represents those that have never been inspected under the program

* the original program began in 2002, therefore the 10 year re-inspection requirement will begin to apply to the mandatory water bodies in 2012,

resulting in additional properties on the mandatory water bodies being re-inspected from 2012 forward

* inspections each year will occur first on the properties under the mandatory program, then on properties that are up for re-inspection under the 10-year

timeframe, then inspections will occur on properties under the voluntary program to bring the total properties inspected to 200 per year

Voluntary Re-Inspection

Voluntary re-inspections will be scheduled based on responses to the letter of invitation to conduct a re-inspection.

INSPECTION AGENCY

The Mississippi Rideau Septic System Office (MRSSO) through the Mississippi Valley Conservation Authority, has been delegated the responsibility with respect to sewage systems (with a capacity of less than 10,000 litres per day) and will administer the Septic System Re-Inspection Program on behalf of the municipality. An annual progress report will be provided to Council on the septic system re-inspection program.

If a third party inspector is used to conduct the inspection, the contractual arrangement is between the property owner and the third party.

ENFORCEMENT

The authority to deliver and enforce this program resides with the *Building Code Act, 1992*.

FINANCIAL ASSISTANCE

Repairs and replacement of systems under this program are the responsibility of the property owner.

Funding may be available from other organizations such as:

- Lanark County
- Canadian Mortgage and Housing Corporation
- Rideau Valley Clean Water Program

PUBLIC EDUCATION

Information related to this program will be posted on the Township website. In addition, the MRSSO and/or a Township Staff member will attend at least two separate Lake Association meetings each year in order to educate the public on septic systems and the purpose of the septic re-inspection program.

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2016-028

SEWAGE SYSTEMS MAINTENANCE INSPECTION PROGRAMS BY-LAW AMENDMENT

WHEREAS, Section 7(1)(b.1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the "Act"), authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10 of the *Building Code Act, 1992 - Ontario Regulation 350/06*, as amended (the "Building Code");

AND WHEREAS, the Council of the Corporation of Tay Valley Township enacted and passed By-Law No. 2012-009, to implement a mandatory sewage system maintenance inspection program and to continue to offer a voluntary sewage system maintenance program for waterfront properties located in the areas described in Schedule "A" and Schedule "B" of By-Law No. 2012-009;

AND WHEREAS, the Rainbow Lake and Little Silver Lake Association passed a resolution at their Annual General Meeting to request Tay Valley Township to include Rainbow Lake and Little Silver Lake in the mandatory sewage system maintenance program;

AND WHEREAS, Council deems it expedient to amend By-Law No. 2012-009 to remove Rainbow Lake and Little Silver Lake from Schedule "B", the voluntary sewage maintenance inspection program and to add Rainbow Lake and Little Silver Lake to Schedule "A", the mandatory sewage system maintenance inspection program;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 THAT, Schedule "A" be amended to include:

Lakes

Little Silver Lake
Rainbow Lake

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2016-028**

1.2 **THAT**, Schedule "B" be amended to remove:

Lakes

Little Silver Lake
Rainbow Lake

2. ULTRA VIRES

Should any sections of this by-law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. BY-LAW AMENDED

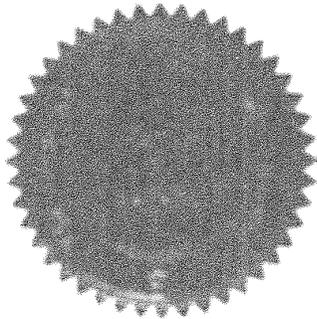
3.1 By-Law No. 2012-009 is hereby amended.

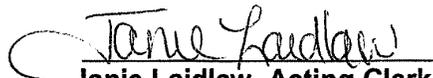
3.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

4. EFFECTIVE DATE

ENACTED AND PASSED this 27th day of September, 2016.


Keith Kerr, Reeve




Janie Laidlaw, Acting Clerk