

**CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
December 7, 2009 at 6:30 p.m.**

The Council of the Corporation of the Municipality of Brighton met on the above date at 6:30 p.m. in the Council Chambers, Brighton, Ontario.

Members Present: Mayor Chris Herrington, Councillors Dave Cutler, Craig Kerr, Brian Ostrander, Emily Rowley, Mike Vandertoorn and Chuck Ward

Staff Members: Gayle Frost, CAO; Jim Phillips, Director of Public Works & Environmental Services; Ken Hurford, Director of Planning & Development; Dale Wales, Fire Chief; and Vicki Kimmett, Deputy Clerk

a) **CALL TO ORDER**

b) **APPROVAL OF AGENDA**

Resolution No. 2009-581

Moved by: Councillor Chuck Ward

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council approves the Agenda for the December 7th, 2009 Council Meeting, adding a report from the Director of Public Works and Environmental Services regarding a tender and numbered 8.2(b) and a closed session item to receive advice from the municipal solicitor numbered 17.2. Also, the order of delegations was changed, allowing the YMCA Task Force to go first.

Carried

c) **DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF**

Councillor Brian Ostrander declared that he had been attending ENSS Track & Field meetings as a private citizen and not as a Council member.

Mayor Chris Herrington declared that she had attended two meetings of the ENSS Track & Field meetings.

Councillor Craig Kerr declared a conflict with point 12.1 on the Agenda since his spouse is Chair of the Community Events Committee.

4. STATUTORY PUBLIC MEETING PURSUANT TO SECTION 391 OF THE MUNICIPAL ACT, SECTION 69(1) OF THE PLANNING ACT AND SECTION 7 OF THE BUILDING CODE

a) Director of Finance & Administrative Services - 2010 Fees & Charges Amendment

Resolution No. 2009-582

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That Council accepts the amendment to the 2010 Fees and Charges and the Water and Sewer Rates Report, setting the recommended bulk water rates at \$7.50 per 1,000 gallons.

Carried

Mayor Chris Herrington called for public input on the 2010 Fees and Charges but there was no public comment.

b) 2010 Fees and Charges

Resolution No. 2009-583

Moved by: Councillor Chuck Ward

Seconded by: Councillor Brian Ostrander

That Council accepts the 2010 Fees and Charges as amended and directs staff to bring forward a 2010 Fees & Charges By-Law at the December 21, 2009 Council Meeting.

Carried

5. ADOPTION OF COUNCIL MINUTES

1. Council Minutes – November 16, 2009

Resolution No. 2009-584

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the minutes of the Council Meeting of November 16th, 2009 as amended with the addition of explanation of the motions coming from the closed session.

Carried

2. *Closed Session* Council Minutes – November 16, 2009

Resolution No. 2009-585

Moved by: Councillor Chuck Ward

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council approves the minutes of the *Closed Session* Council Meeting of November 16th, 2009 as presented.

Carried

6. **PLANNING ISSUES** - None

7. **DELEGATIONS**

(1) ***(Formerly 7.2)***

YMCA Task Force – Michael Calderwood

Resolution No. 2009-586

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Craig Kerr

That Council receives the information from Michael Calderwood from the YMCA Task Force.

Carried

(2) ***(Formerly 7.1)***

Allan Mann, County Fire Coordinator presenting Study Report from Northumberland County

Resolution No. 2009-587

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Craig Kerr

That Council waive the Procedural By-Law requirements in order to deal with the delegation request from the County Fire Coordinator.

Carried

Resolution No. 2009-588

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That Council supports the development of an RFP document to elicit submissions from the Land Mobile Radio Industry to design a three channel VHF simulcast infrastructure solution to improve paging and portable voice radio communications across Northumberland County. The RFP document will request detailed cost estimates for both equipment and installation so that firm costs of the project can be determined; and

Further, Council understands that there are no costs involved in this step and there is no commitment to purchase with this approval; and

Further, that any decision to proceed beyond determining these exact costs will not be made without consent of Northumberland County and its member councils.

Carried

(3) Scott Anderson – Presqu'ile Bay

Resolution No. 2009-589

Moved by: Councillor Craig Kerr

Seconded by: Councillor Mike Vandertoorn

That Council receives the information from Scott Anderson regarding Presqu'ile Bay.

Carried

(4) Mike Milligan – Property Zoning Issues

Resolution No. 2009-590

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Craig Kerr

That Council receives the information Mike Milligan regarding property zoning issues.

Carried

Resolution No. 2009-591

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Craig Kerr

That Council directs that the matter of the Milligan property zoning be placed on the December 14, 2009 Committee of the Whole Agenda for discussion.

Carried

(5) Tammy McGinness – Road name change for Kilbank Lodge Road

Resolution No. 2009-592

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Craig Kerr

That Council receives the information from Tammy McGinness regarding a road name change for Kilbank Lodge Road.

Carried

Resolution No. 2009-593

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Craig Kerr

That Council directs Staff to prepare a report on the road name change for Kilbank Lodge Road for the December 14, 2009 Committee of the Whole meeting.

Carried

Resolution No. 2009-594

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Craig Kerr

That Council refers the matter of the school house or lodge on Kilbank Lodge road to the Heritage Committee.

Carried

Resolution No. 2009-595

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Emily Rowley

That Council refers the matter of speeding on Kilbank Lodge Road to the Police Services Board.

Carried

8. STAFF UPDATES

1. CAO – Gayle Frost

a) Deputy Mayor Appointment Policy and Changes to Procedural Bylaw

Resolution No. 2009-596

Moved by: Councillor Emily Rowley

Seconded by: Councillor Craig Kerr

That Council approves the Policy for Appointment to Deputy Mayor as presented and directs staff to bring forward a revised procedural by-law with the amendments recommended to accommodate the position of Deputy Mayor for the first meeting of the newly elected Council.

Carried

2. Director of Public Works & Environmental Services – Jim Phillips
a) Request to close a portion of an Unopened Road Allowance between Lots 34 & 35, Concession 1

Resolution No. 2009-597

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Council approves the report from the Director of Public Works and Environmental Services recommending that Council pass a by-law to Stop Up, Close and Sell a portion of an unopened road allowance between Lots 34 and 35, Concession 1.

Carried

Resolution No. 2009-598

Moved by: Councillor Chuck Ward

Seconded by: Councillor Brian Ostrander

That Council agree to sell part of the original Road allowance between Lots 34 and 35, Concession 1, Municipality of Brighton for \$2.00 (two dollars) to Maxine Macklin.

Carried

- b) Tender 2009-16 Sale of Standing Timber
(added to the Agenda)

Resolution No. 2009-599

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Council accept the bid from Herrington Logging in the amount of \$2,425.00 for Tender 2009-16, the Sale of Standing Timber at the Brighton Well Supply.

Carried

Resolution No. 2009-600

Moved by: Councillor Chuck Ward

Seconded by: Councillor Craig Kerr

That Council directs that the proceeds from Tender 2009-16 be put into the Trails & Greenspace Fund for future tree planting.

Carried

9. MEMBER REPORTS

1. Councillor Dave Cutler

- a) Memorandum: Destination Development Leadership Committee

Resolution No. 2009-601

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That Council receives the memorandum from Councillor Dave Cutler regarding his appointment to the leadership committee of the *Premier Ranked Tourism Destination Project: The Destination Development Leadership Committee*.

Carried

- b) Safety at Prince Edward Street Crossing

Resolution No. 2009-602

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That Council resolves that a Grade Separation is the long term solution to safety problems at the Prince Edward Street Road/Railway crossing and the need for improved access over the CNR/CPR railway corridor through the urban area; and

Further Council resolves to partner with Northumberland County, the Road Authority for Prince Edward Street/County Road 64, to develop a

comprehensive plan for (a) the financing and eventual construction of the grade separation; and (b) the implementation of interim measures that will alleviate some of the safety concerns until it can be completed.

Councillor Brian Ostrander raised a Point of Order, stating that the ESR Study Report was not completed and should be done first.

Mayor Chris Herrington ruled in favour and the point was out of order. As a result there was no vote on the Resolution.

Resolution No. 2009-603

Moved by: Councillor Craig Kerr

Seconded by: Councillor Mike Vandertoorn

That the Council of the Municipality of Brighton receive the Environmental Assessment Report for the Brighton Grade Separation as information and further recommend to the Northumberland County Council that no further action be taken on a grade separation at Prince Edward Street at this time.

Mayor Chris Herrington ruled the motion out of order as it was not provided on the agenda as notice to the public. The Mayor's ruling was not sustained by Council and the motion was voted on. Councillor Brian Ostrander called for a recorded vote.

Resolution No. 2009-603

Moved by: Councillor Craig Kerr

Seconded by: Councillor Mike Vandertoorn

That the Council of the Municipality of Brighton receive the Environmental Assessment Report for the Brighton Grade Separation as information and further recommend to the Northumberland County Council that no further action be taken on a grade separation at Prince Edward Street at this time.

Dave Cutler	Yea	Brian Ostrander	Yea
Mayor Chris Herrington	Yea	Emily Rowley	Yea
Craig Kerr	Yea	Mike Vandertoorn	Yea
		Chuck Ward	Yea
	Yeas	7	
	Nays	0	

Carried

2. Councillor Craig Kerr
 - a) Brighton Bay Water Quality Analysis

Resolution No. 2009-604

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Brighton Council direct staff to enter discussions with Lower Trent Conservation staff, Ministry of the Environment staff and other organizations such as the Bay of Quinte Remedial Action Plan staff with a view to developing a shared project to analyze the water quality in Brighton Bay.

Carried

- b) Amendment to Fire Chief Report

Resolution No. 2009-605

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Brighton Council direct staff to include an item on the Fire Chief's monthly report that records all instances of delays for emergency fire vehicles or calls involving incidents at the grade crossings in Brighton.

Carried

- c) Prince Edward Street Grade Crossing Issues

Resolution No. 2009-606

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Brighton Council direct staff to request a report from the CN/CP Rail police authority and the OPP concerning enforcement activities (violations cited, warnings, observations and trespassing surveillance along the corridor) at the Prince Edward Street crossing for the six month period ending November 30, 2009.

Carried

3. Mayor Chris Herrington

- a) A report from Mayor Herrington regarding *Business Case/Funding Considerations for recommended grade separation* was withdrawn.
- b) Consultation with Northumberland County representatives regarding Prince Edward Street railway crossing Safety Assessment and prioritized counter measures.

Resolution No. 2009-607

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Emily Rowley

That Council invite County Council Transportation Department representatives and the Warden to attend the Railway Committee meeting when the Safety Assessment counter measures are discussed.

Carried

10. UNFINISHED BUSINESS - None

11. BY-LAWS

1. By-Law No. 059-2009 of the Municipality of Brighton *being a By-Law to expand the boundaries of the Business Improvement area*

Resolution No. 2009-608

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a by-law to expand the boundaries of the Business Improvement area.

Carried

2. By-Law No. 060-2009 of the Municipality of Brighton *being a By-Law to authorize the Mayor and the Clerk to execute an agreement between the Kawartha Pine Ridge District School Board and the Municipality of Brighton regarding joint usage of a track & field site located at East Northumberland Secondary School (ENSS).*

Resolution No. 2009-609

Moved by: Councillor Emily Rowley

Seconded by: Councillor Craig Kerr

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a by-law to authorize the Mayor and the Clerk to execute an agreement between the Kawartha Pine Ridge District School Board and the Municipality of Brighton regarding joint usage of a track & field site located at East Northumberland Secondary School (ENSS).

Carried

3. By-Law No. 061-2009 of the Municipality of Brighton *being a By-Law to stop up, close and sell a portion of an unopened road allowance between Lots 34 and 35, Concession 1, Municipality of Brighton*

Resolution No. 2009-610

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a by-law to stop up, close and sell a portion of an unopened road allowance between Lots 34 and 35, Concession 1, Municipality of Brighton.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Community Events Committee – Minutes, November 10, 2009

Resolution No. 2009-611

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the minutes of the Community Events Committee of November 10, 2009.

Carried

2. Railway Advisory Committee – Minutes, November 23, 2009

Resolution No. 2009-612

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the minutes of Railway Advisory Committee of November 23, 2009.

Carried

3. Physician Recruitment & Retention Committee – Minutes, November 25, 2009

Resolution No. 2009-613

Moved by: Councillor Chuck Ward

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council approves the minutes of the Physician Recruitment & Retention Committee of November 25, 2009.

Carried

4. Heritage Advisory Committee – Minutes, November 11, 2009

Resolution No. 2009-614

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the minutes of the Heritage Advisory Committee of November 11, 2009, subject to budget deliberations.

Carried

5. Accessibility Advisory Committee – Minutes, November 12, 2009

Resolution No. 2009-615

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the minutes of the Accessibility Advisory Committee of November 12, 2009, subject to budget deliberations.

Carried

6. Accessibility Advisory Committee – 2009 Year End Report

Resolution No. 2009-616

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That the Municipality of Brighton Council approves the 2009 Year End Report of the Accessibility Advisory Committee.

Carried

7. Heritage Advisory Committee – 2009 Year End Report

Resolution No. 2009-617

Moved by: Councillor Chuck Ward

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council approves the 2009 Year End Report of the Heritage Advisory Committee.

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. Brighton Public Library Board – Minutes, November 5, 2009
2. Lower Trent Conservation Authority – Minutes, November 12, 2009
3. Brighton & District Chamber of Commerce – Minutes, October 26, 2009
4. Northumberland County Council – Minutes, October 21, 2009
5. Mount Hope Cemetery Board – Minutes, October 23, 2009
6. Community Track & Field Meeting – Minutes, November 17, 2009
7. Municipality of Brighton Police Services Board – Minutes, October 28, 2009
8. Quinte Access Transportation – Minutes, October 22, 2009

Resolution No. 2009-618

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That Council receives the reports of Statutory Committees, Boards and External Agencies:

1. Brighton Public Library Board – Minutes, November 5, 2009
2. Lower Trent Conservation Authority – Minutes, November 12, 2009
3. Brighton & District Chamber of Commerce – Minutes, October 26, 2009
4. Northumberland County Council – Minutes, October 21, 2009
5. Mount Hope Cemetery Board – Minutes, October 23, 2009
6. Community Track & Field Meeting – Minutes, November 17, 2009
7. Municipality of Brighton Police Services Board – Minutes, October 28, 2009
8. Quinte Access Transportation – Minutes, October 22, 2009

Carried

14. CORRESPONDENCE

1. Ministry of Government Services regarding Brighton Licensing Office

Resolution No. 2009-619

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Emily Rowley

That Council receives the correspondence from the Ministry of Government Services regarding the Brighton Licensing Office.

Carried

2. The Royal Canadian Legion regarding Remembrance Day activities

Resolution No. 2009-620

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council receives the Correspondence from the Royal Canadian Legion regarding Remembrance Day activities.

Carried

3. Ministry of Citizenship and Immigration regarding volunteer recognition programs

Resolution No. 2009-621

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Brian Ostrander

That Council receives the Correspondence from the Ministry of Citizenship and Immigration regarding volunteer recognition programs.

Carried

4. Lou Rinaldi , M.P.P. – *Celebrate 2010 Community Sports Hero Award*

Resolution No. 2009-622

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That Council supports the Correspondence from Lou Rinaldi, MPP regarding *Celebrate 2010 Community Sports Hero Award*.

Carried

5. Tim Larry, ENSS Track & Field Project regarding Council representation

Resolution No. 2009-623

Moved by: Councillor Emily Rowley

Seconded by: Councillor Brian Ostrander

That Council supports the Correspondence from Tim Larry, ENSS Track & Field Project regarding Council representation and appoints Mayor Chris Herrington to sit as the Council representative on the fundraising committee.

Carried

Resolution No. 2009-624

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Council appoint Councillor Brian Ostrander as a Council representative to the ENSS Track & Field volunteer committee.

Carried

15. FYI CORRESPONDENCE

1. HKPR District Health Unit – Update to Health Unit H1N1 Clinics
2. MPAC (Municipal Property Assessment Corporation) update
3. Kawartha Pine Ridge District School Board – Pupil accommodation policy update

Resolution No. 2009-625

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That Council receives the following correspondence:

1. HKPR District Health Unit – Update to Health Unit H1N1 Clinics
2. MPAC (Municipal Property Assessment Corporation) update
3. Kawartha Pine Ridge District School Board – Pupil accommodation policy update;

And, that point 3 be referred to the December 14th, 2009 Committee of the Whole Meeting.

Carried

Resolution No. 2009-626

Moved by: Councillor Chuck Ward

Seconded by: Councillor Brian Ostrander

That Council waive the requirement of the Procedural By-Law to allow this meeting to extend beyond three hours to its natural conclusion.

Carried

16. QUESTION PERIOD – Residents & Press

- Pierre Laberge raised concerns about the speed limit and monitoring of speeding in Codrington and winter ploughing on Highway 30
- Ken Chambers asked about the Environmental Safety Report for Prince Edward Street
- Scott Anderson questioned pollution created by septic systems
- Peter Alker asked a question about the public attending Railway Committee meetings
- John Martinello asked if the County can force the issue of the Prince Edward Street Crossing

17. IN CAMERA SESSION

1. Proposed property acquisition pursuant to Section 239(2)(c) of the Municipal Act, 2001, as amended.
2. Quinte Health Care Advisory Applicants pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.
3. Committee applicants pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.
4. Public Works Staffing pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.

Resolution No. 2009-627

Moved by: Councillor Dave Cutler

Seconded by: Councillor Chuck Ward

That Council now move into Closed Session to consider :

1. Proposed property acquisition pursuant to Section 239(2)(c) of the Municipal Act, 2001, as amended.
2. Quinte Health Care Advisory Applicants pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.
3. Committee applicants pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.
4. Public Works Staffing pursuant to Section 239(2)(b) of the Municipal Act, 2001, as amended.

Carried

The following resolutions were passed in the closed session:

Resolution No. 2009-628 being a motion to return to open session.

The following resolutions come from the closed session discussions.

Resolution No. 2009-629

Moved by: Councillor Chuck Ward

Seconded by: Councillor Dave Cutler

That Council appoints Raymond K. Lobban as a Brighton Representative to the Quinte Health Care Community Advisory Council

Carried

Resolution No. 2009-630

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Chuck Ward

That Council appoints the following residents to the named Boards and Committees:

Police Services Board: Dorothy Fletcher

Library Board: Robert Peister

Heritage Advisory Committee: Parise Herbert

Community Events Committee: Ray Yurkowski

Carried

Councillor Emily Rowley left the room for discussion of the following motion because of a declared conflict.

Resolution No. 2009-631

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That Council accepts the recommendation from the Director of Public Works & Environmental Services to fill a long-term vacant Operator I position with a full-time permanent position and hire another Public Works Operator I on a three to six month contract to fill a temporary vacancy.

Carried

Councillor Emily Rowley returned after vote was taken.

18. CONFIRMATORY BY-LAW NO. 062-2009

Resolution No. 2009-632

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a by-law to confirm the proceedings of the Council of the Municipality of Brighton meeting held on December 7, 2009.

Carried

19. ADJOURNMENT

Resolution No. 2009-633

Moved by: Councillor Craig Kerr

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council meeting be adjourned at 11:00 p.m., Council to meet again on Monday, December 21, 2009 or at the call of the Mayor.

Carried

Christine Herrington, Mayor

Gayle J. Frost, CAO/Clerk