

CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
February 17, 2009

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

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; Ken Hurford, Director of Planning; Linda Widdifield, Director of Finance; Jim Millar, Director of Parks & Recreation; Harry Tackaberry, Fire Chief and Helen Bryant, Administrative Assistant

1 CALL TO ORDER @ 6:30 p.m.

2 APPROVAL OF AGENDA -

RESOLUTION NO. 09-067

Moved by Emily Rowley, seconded by Mike Vandertoorn -That the Municipality of Brighton Council approves the Agenda for the February 17, 2009 Council Meeting.

Carried

3 DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF

None Noted

4. PUBLIC MEETING – 2009 BUDGET Presented by Director of Finance – L Widdifield

Mr. Pierre La Berge from Codrington was concerned with skateboarding being done on Highway 30 and would like something useful put in Codrington where the baseball diamonds are as they do not get much use. He would like things such as: tennis court, skateboarding area, outdoor ice rink, basket ball court.

Mr. Peter Alker asked if there was money in the budget for additional staff?

CAO Frost said there was for an additional staff member as Public Works will be reorganized in the area of water/sewer and construction contracts as well as enhancements in other departments will be considered.

Mr. Alker also asked how much has been spent on consultants.

Mr. Dave Smith asked with a recession on what impact would it have if a number of residents had their assessments changed?

CAO Frost said than an allocation is included in the budget anticipating assessment appeals this year. .

RESOLUTION NO. 09-068

Moved by Craig Kerr, seconded by Emily Rowley -That the Municipality of Brighton Council approves the 2009 budget and directs staff to prepare the 2009 tax rate by-law.

Carried

5. APPROVAL OF COUNCIL MINUTES –

1. Council Minutes of February 2nd, 2009

RESOLUTION NO. 09-069

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council approves minutes of the Council Meeting of February 2, 2009

Carried

6. PLANNING ISSUES

1. By-Law 009-2009 – To Remove Holding – Brighton By the Bay Phase 111

RESOLUTION NO. 09-070

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council gives By-law No. 009-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO AMEND BY-LAW NO. 140-2002 TO REMOVE THE HOLDING PROVISIONS FROM CERTAIN LANDS LOCATED IN PART OF LOT 2, BROKEN FRONT CONCESSION.

Carried

7. DELEGATIONS

1. Liana Palmer & Cathy & Howard McCann re: Earth Hour

Liana Palmer said the Codrington Community Centre were participating in Earth Hour Saturday, March 28th from 8:30 – 9:30 and have planned a few events at the centre to raise awareness to the climate change. She is encouraging the Municipality to register on line to participation in Earth Hour.

2. David Smith re: Saving and Using the Old Brighton Township Hall

Mr. Smith is concerned with this building and would like to have as many users as possible that would look after the building and not have it vacant as it would deteriorate in a hurry.

RESOLUTION NO. 09-071

Moved by Emily Rowley, seconded by Mike Vandertoorn -That the Municipality of Brighton Council receives the information from delegates: 1. Liana Palmer & Cathy & Howard McCann re: Earth Hour and 2. David Smith re: Saving and Using the Old Brighton Township Hall

Carried

8. STAFF UPDATES

1. Linda Widdifield, Director of Finance & Administrative Services

a) 2008 Council & Committee Remuneration

RESOLUTION NO. 09-072

Moved by Craig Kerr, seconded by Emily Rowley -That the Municipality of Brighton Council receive the Council and Committee Remuneration Report as submitted by the Director of Finance

Carried

2. Jim Phillips, Director of Public Works

a) WPCP 2008 Annual Report

RESOLUTION NO. 09-073

Moved by Mike Vandertoorn, seconded by Chuck Ward -That the Municipality of Brighton Council accepts the 2008 Annual Report on the Wastewater Pollution Control Plant.

Carried

3. Gayle Frost, CAO

a) OPP Contract Policing Renewal & Civilian Data Entry Proposal

RESOLUTION NO. 09-074

Moved by Mike Vandertoorn, seconded by Emily Rowley -That the Municipality of Brighton Council direct the CAO to set up a meeting for members of Council, the Police Services Board and the OPP Contract Policing Branch to review in detail the OPP Contract Policing Renewal and the Civilian Data Entry proposal.

Carried

9. UNFINISHED BUSINESS

1. Hilton Community Hall – Brighton & Presqu'ile Railway Association
and

2. Report from Councillor Dave Cutler re: Hilton Hall

RESOLUTION NO. 09-075

Moved by Dave Cutler, seconded by Mike Vandertoorn - That the Municipality of Brighton Council confirms resolution 08-1935 passed on 21 July 2008 and directs staff to communicate to the Brighton- Presqu'ile Railway Association that Council declines their request for a “new, longer term lease”.

Further, should the Association request a further short term extension to the existing lease, Council authorizes the CAO to negotiate an extension that establishes a definite date to vacate premises that will not interfere with Municipal plans to carry out a full restoration assessment in a timely manner.

Carried

10. NEW BUSINESS - NONE

11. RESOLUTIONS & BY-LAWS –

1. Approval of Accounts

RESOLUTION NO. 09-076

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council approves the payment of the accounts listed on the cheque listing dated February 4, 2009 for \$566,154.23 as paid.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Committee of the Whole – Feb 9/09

RESOLUTION NO. 09-077

Moved by Emily Rowley, seconded by Craig Kerr -That the Municipality of Brighton Council approves the Committee of the Whole minutes of February 9th, 2009

Carried

2. Emergency Planning - Jan 29/09
3. Railway Committee – Jan 27/09

RESOLUTION NO. 09-078

Moved by Mike Vandertoorn, seconded by Emily Rowley -That the Municipality of Brighton Council approves the Emergency Planning Minutes of Jan 29/09 and the Railway Committee Minutes of Jan 27/09

Carried

Jim Phillips reminded Council that on March 27th @ 10 a.m. there is Emergency Training scheduled for Council

RESOLUTION NO. 09-079

Moved by Craig Kerr, seconded by Emily Rowley -That the Municipality of Brighton Council directs staff to initiate a complete railroad corridor safety assessment in conjunction with the railroad and Transport Canada staff and with the assistance as required from Northumberland County staff

And further that staff be directed to provide a report on identified safety issues and options for resolution to the Council meeting of September 14, 2009

Prior to voting on **Resolution No.09-079** the following amending resolution was put forward:

RESOLUTION NO. 09-080

Moved by Brian Ostrander, seconded by Craig Kerr -That the Municipality of Brighton Council amends the motion to remove the completion date of September 14th, 2009 and add and directs staff to bring back a report to the March Committee of the Whole with a timetable for completion.

Carried

A vote was taken on **Resolution NO. 09-079 as amended**

Moved by Craig Kerr, seconded by Emily Rowley -That the Municipality of Brighton Council directs staff to initiate a complete railroad corridor safety assessment in conjunction with the railroad and Transport Canada staff and with the assistance as required from Northumberland County staff

And direct staff to bring back a report to the March Committee of the Whole with a timetable for completion.

Carried

Direction was given to staffs to include a list prioritizing the work

RESOLUTION NO. 09-081

Moved by Craig Kerr, seconded by Emily Rowley

Whereas the Municipality of Brighton and the County of Northumberland have engaged McCormick Rankin Corporation over a period of several years to develop an Environmental Study Report and a Business Case to advance a proposal for a grade separation at Prince Edward Street

And whereas the project has involved additional meetings and reports beyond those originally contemplated,

And Whereas McCormick Rankin Corporation indicated some time ago that the funding allocated to this project may be exhausted already or near to,

An whereas additional meetings and work has taken place since that time,

And whereas the Railroad Committee at the Committee meeting of January 27th, 2009 has directed McCormick Rankin Corporation to finalize work on the ESR and to present it at the next meeting of the Railroad Committee

Therefore be it resolved that staff be directed to prepare a report, with information from Municipal records and County of Northumberland records, that indicates the total expenditures to date with McCormick Rankin Corporation relating to this project compared to approved tender amounts.

And further, the report is to include the manner in which any further expenditures if any, are to be approved and funded

And further that the report be presented at the Council meeting of March 16, 2009

Carried

RESOLUTION NO. 09-082

Moved by Craig Kerr, seconded by Brian Ostrander –

Whereas the Municipality of Brighton has been engaged in investigating a proposed grade separation at Prince Edward Street for many years

And whereas it has been determined that further extensive environmental assessment work must be completed prior to the Environmental Study Report (ESR) being completed

And whereas the responsibility for funding such work is unclear and in any event is not provided in the current Municipal budget proposals

And whereas the budget for this project already may have been reached or exceeded

And whereas the underlying safety issues at this crossing and throughout the Railroad Corridor will not be understood or evaluated until a formal Safety Assessment is completed

And whereas there has been continuing and strong public opposition to proceeding with the grade separation at Prince Edward Street

And whereas there is a strong likelihood of encountering a lengthy and expensive appeal process should the ESR filing move forward

Therefore be it resolved that the Council of the Municipality of Brighton give no further consideration to the proposed grade separation at Prince Edward Street during the balance of this Council term

And further that staff be directed to cease all work on the grade separation proposal at Prince Edward Street

And further that McCormick Rankin Corporation be advised that the ESR file is closed forthwith.

Prior to voting on **Resolution No.09-082** the following deferral resolution was put forward:

RESOLUTION NO. 09-083

Moved by Craig Kerr, seconded by Brian Ostrander – That Resolution No. 09-082 be deferred until the March 16th, 2009 Council meeting.

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. Quinte Health Care – Dec 17/08

RESOLUTION NO. 09-084

Moved by Emily Rowley, seconded by Craig Kerr -That the Municipality of Brighton Council receive the reports from Statutory Committees, Boards and External Agencies: 1) Quinte Health Care

Carried

14. CORRESPONDENCE

1. Archer's Poultry Farm – re: Fire - Reconsideration of Building Fees

RESOLUTION NO. 09-085

Moved by Craig Kerr, seconded by Emily Rowley -That the Municipality of Brighton Council receives the Correspondence from Mr. Archer requesting reconsideration of the building fees re: Archer's Poultry Farm fire of Nov 5/08

Carried

2. AMO – Municipal Support of Earth Hour & Energy Conservation Week

RESOLUTION NO. 09-086

Moved by Mike Vandertoorn, seconded by Dave Cutler -That the Municipality of Brighton Council supports the Correspondence from the Association of Municipalities of Ontario re: Municipal Support of Earth Hour March 28th and Energy Conservation Week May 17-23, 2009.

Carried

3. Heart & Stroke Big Bike – Brighton Big Bike Ride Sunday April 26/09

RESOLUTION NO. 09-087

Moved by Chuck Ward, seconded by Mike Vandertoorn -That the Municipality of Brighton Council supports the Correspondence from the Heart & Stroke Big Bike Ride Sunday April 26/09

Carried

15. FYI CORRESPONDENCE

1. Ontario Parks re: Public Notice – Resource Management Implementation Planning
2. ENSS Track & Field Project Meeting – Jan 27/09
3. Ministry of Citizenship – Nominations for the Newcomer Champion Awards

RESOLUTION NO. 09-088

Moved by Craig Kerr, seconded by Mike Vandertoorn -That the Municipality of Brighton Council receives the FYI Correspondence from 1. Ontario Parks re: Public Notice – Resource Management Implementation Planning 2. ENSS Track & Field Project Meeting – Jan 27/09 3. Ministry of Citizenship & Immigration – Newcomer Champion Awards

Carried

16. MEMBER REPORTS

1. Councillor Brian Ostrander re: Committee Structure

RESOLUTION NO. 09-089

Moved by Brian Ostrander, seconded by Craig Kerr

Whereas the Municipality of Brighton Council governs in the Committee of the Whole system;

And whereas strategic policy initiatives have been identified by Council in the municipal strategic plan;

Therefore be it resolved that the municipality of Brighton Council directs that all strategic policy decision shall be managed through the Committee of the Whole;

And further that the Economic Development Committee, the Heritage Advisory Committee, the Railway Committee, the Rural Advisory Committee and the Waterfront Development Committee be dissolved and that all business pertaining to these advisory committees be reported on at Committee of the Whole;

And further that citizen members appointed to these committees be sent formal notice and appreciation for their service;

And further that staff be directed to prepare a report for Council's consideration on how to manage the Committee of the Whole system

Defeated

2. Councillor Dave Cutler re: Growth Management

RESOLUTION NO. 09-090

Moved by Dave Cutler, seconded by Mike Vandertoorn - That the Municipality of Brighton Council directs the Growth Management Advisory Committee to:

- Review the provincial *Growth Plan for the Greater Golden Horseshoe* and the *Phase 1 Final Report of the County of Northumberland and its Member Municipalities Growth Management Strategy*, as available on the County website.
- Review the staff report *Brighton Growth Management Strategy* tabled by the Director of Planning & Development at the February 9 Committee of the Whole meeting.
- Develop a plan to achieve the Committee's objectives, as defined in the Terms of Reference, within the timeline established in the Municipal Strategic Plan.

Carried

3. Councillor Brian Ostrander re: Request to reschedule March 16th Council meeting

RESOLUTION NO. 09-091

Moved by Brian Ostrander, seconded by Craig Kerr -That the Municipality of Brighton Council re-schedules the meeting of March 16th, 2009 to March 23, 2009; and further directs staff to advertise the change in meeting date.

Defeated

3. Councillor Brian Ostrander re: Bulk Waste Voucher Program

RESOLUTION NO. 09-092

Moved by Brian Ostrander, seconded by Chuck Ward

Whereas waste management policies are governed at the county level;

And whereas the proposed two-voucher system is cumbersome to administer across upper and lower tier governments;

And whereas the accounting for the proposed two-voucher system may lead to an undue burden on one lower tier municipality;

And whereas removing a bulky waste voucher from the existing program may lead to environmental damage across Northumberland County;

Therefore be it resolved that the Municipality of Brighton Council refers the matter of the Northumberland Bulk Waste Voucher Program to Northumberland County Council for reconsideration;

And further requested the Northumberland County Council institute a two-voucher bulky waste program.

And further directs staff to circulate this motion to Northumberland County and its lower tier Municipalities.

And further that regardless of the County's final decision regarding waste vouchers, the Municipality of Brighton does not wish to participate in funding additional vouchers for residents.

Carried

17. QUESTION PERIOD- Residents & Press

RESOLUTION NO. 09-093

Moved by Brian Ostrander, seconded by Chuck Ward – That the Municipality of Brighton Council extends the meeting to its natural conclusion.

Carried

18. IN CAMERA SESSION re: Personal Matters about an Identifiable Individual

RESOLUTION NO. 09-094

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council meets in Closed Session re: Personal Matters about an Identifiable Individual.

Carried

RESOLUTION NO. 09-095 was passed in closed session being a motion to move into Open Session

RESOLUTION NO. 09-096

Moved by Chuck Ward, seconded by Dave Cutler – That the Municipality of Brighton Council approves the Closed Session Council minutes of February 2, 2009

Carried

RESOLUTION NO. 09-097

Moved by Mike Vandertoorn, seconded by Emily Rowley -That the Municipality of Brighton Council approves the waiving of the requirements contained in Policy BE-08 Leave of Absence to allow the request from Firefighter Troy Durocher, stationed at the Codrington Fire Hall, for an extended leave of absence until April 15, 2010

Carried

19. CONFIRMATORY BY-LAW NO. 010 – 2009

RESOLUTION NO. 09-098

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council gives By-Law No. 010-2009 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 FEBRUARY 17TH, 2009

Carried

20. ADJOURNMENT

RESOLUTION NO. 09-099

Moved by Mike Vandertoorn, seconded by Emily Rowley - That the meeting be adjourned at 10:00 p.m., Council to meet again on March 2nd 2009 or at the call of the Mayor

Carried