

CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
July 20th, 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; Vaughn Finch, Community Development Officer; Vicki Kimmett, Deputy Clerk and Helen Bryant, Administrative Assistant

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

2 APPROVAL OF AGENDA -

RESOLUTION NO. 09-325

Moved by Councillor Brian Ostrander, seconded by Councillor Emily Rowley - That the Municipality of Brighton Council approves the Agenda for the July 20, 2009 Council Meeting subject to the addition under 12.6 the Railway Committee Minutes of June 18th, 2009 and move item 15.8 to follow as 9.2 (0) on the Agenda.

Carried

3 DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF

Mayor Chris Herrington declared a conflict with the portion dealing with Item 11.1 as her spouse is the Livestock Valuator.

Mayor Chris Herrington declared a conflict with the portion dealing with Item 13.4 as she is an adjacent land owner.

Councillor Craig Kerr declared a conflict of interest with Item 6.2 citing professional responsibility.

Councillor Brian Ostrander declared that in Item 12.3, that he attended the meetings of the ENSS Joint Use Project as a private citizen, not as a member of Council.

Presentations were made to Brighton Firefighters Dan Lord, Mike Shorts, Raymond Caouette, Ronald Hatcher and Skylar Parks, for completion of the Eastern Ontario Fire Academy Recruit Course

4 STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT -NONE

5. APPROVAL OF COUNCIL MINUTES –

1. Council Minutes – June 15, 2009

RESOLUTION NO. 09-326

Moved by Councillor Chuck Ward, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council approves the minutes of the Council Meeting of June 15, 2009 as printed.

Carried

2. Closed Council Minutes – June 15, 2009

RESOLUTION NO. 09-327

Moved by Councillor Chuck Ward, seconded by Councillor Dave Cutler -That the Municipality of Brighton Council approves the minutes of the Closed Council Meeting of June 15, 2009 as printed.

Carried

6. PLANNING ISSUES

1. B05-2009 – Consent Application – Gary & Cynthia Hillaby Part of Lot 4, Conc 2 west side of Percy St

RESOLUTION NO. 09-328

Moved by Councillor Brian Ostrander, seconded by Councillor Mike Vandertoorn - That the Municipality of Brighton Council grants Consent Application B05-2009 subject to the following conditions:

1. That the severed parcel be added to the property (Roll No. 14 08 108 010 089-27) to the south and will merge in title;

2. That the lands must conform to Sections 50(3) and 50(5) of the *Planning Act, R.S.O., 1990*, as amended;
3. That the applicant dedicate to the Municipality a strip of land ensuring 33 feet from the centreline of Percy Street along the frontage of the severed and retained parcels for road widening purposes;
4. That the applicant dedicate a parcel of land, along a portion of the frontage of the retained parcel on the west side of the Percy Street to the Municipality, to provide the land area necessary for the future development of an appropriately sized turn around at the end of Percy Street;
5. That all taxes on the severed and retained parcels be in compliance with Municipal requirements prior to the deed being stamped; and
6. That three paper copies and a digital copy of a registerable survey and the appropriate deeds be prepared and deposited with the Municipal Clerk within one year of the granting of consent.

Carried

2. B02-2009 – Consent Application deferred at the March 16th meeting-Janet Wallace, 42 Elgin St.
Councillor Craig Kerr declared a conflict of interest with this item. He left the chamber and did not take part in discussion, nor vote on this matter.

RESOLUTION NO. 09-329

Moved by Councillor Brian Ostrander, seconded by Councillor Chuck Ward - That the Municipality of Brighton Council grants Consent Application B02-2009 subject to the following conditions:

1. That the applicant prepare a site plan prepared by an Ontario Land Surveyor or a qualified engineer, to the satisfaction of the Municipality of Brighton, illustrating the proposed grades, elevations and drainage of the proposed lot.;
2. That cash-in-lieu of parkland in the amount of \$500 be paid to the Municipality;
3. That all taxes on the severed and retained lots be in compliance with Municipal requirements prior to the deed being stamped; and
4. That three paper copies and a digital copy of a registerable survey and the appropriate deeds be prepared and deposited with the Municipal Clerk within one year of the granting of consent.

Carried

Councillor Craig Kerr returned to Council Chambers.

7. DELEGATIONS

1. Warren Baxter re: Northumberland Forest & Master Plan
Mr. Baxter was not in attendance
2. Daniel O'Brien & Associates – Presentation of Waterfront Master Plan

RESOLUTION NO. 09-330

Moved by Councillor Brian Ostrander, seconded by Councillor Craig Kerr - That the Municipality of Brighton Council receives the information presented from Daniel O'Brien and further, adopt the Waterfront Master Plan.

A recorded vote was requested by Councillor Brian Ostrander with the following results:

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

8. STAFF UPDATES

1. Linda Widdifield, Director of Finance
 - a) 2009 Capital Projects

RESOLUTION NO. 09-331

Moved by Councillor Brian Ostrander, seconded by Councillor Chuck Ward - That the Municipality of Brighton Council receive the report from the Director of Finance re: the 2009 Capital Projects Report

Carried

2. Ken Hurford, Director of Planning
 - a) Sound System for Council Chambers

RESOLUTION NO. 09-332

Moved by Councillor Chuck Ward, seconded by Councillor Brian Ostrander - That the Municipality of Brighton Council accepts the quotation from Anthony Lawson Audio for the installation of a wireless infrared conference system in the Brighton Council Chambers for the cost of \$21,663.67 plus PST (Total \$23,396.76) be expanded to include a Listen Technologies assistive listening system at a cost of \$1,168.50 plus PST.

Carried

- b) Extension of Deadline to June 16, 2010 for the Municipality's Official Plan conformity with Growth Plan GGH

RESOLUTION NO. 09-333

Moved by Councillor Brian Ostrander, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council authorize staff to respond to the Minister of Energy and Infrastructure's request for a brief work plan to describe how Brighton will achieve Official Plan conformity by the June 16, 2010 deadline.

Carried

3. Jim Phillips, Director of Public Works
 - a) Assumption of roads for Public Use – Algonquin Ave

RESOLUTION NO. 09-334

Moved by Councillor Brian Ostrander, seconded by Councillor Chuck Ward - That the Municipality of Brighton Council approves the report from the Director of Public Works recommending that Council pass By-law No. 036-2009, being a By-law to Assume for Public Use Certain Roads in the Roos Subdivision, and that all remaining securities deposited with the Municipality as a Maintenance Guarantee for this development be returned to Dick and Nellie Roos.

Carried

9. MEMBER REPORTS

1. Mayor Herrington
 - a) Warkworth Institution Task Force Committee Membership

RESOLUTION NO. 09-335

Moved by Councillor Mike Vandertoorn, seconded by Councillor Emily Rowley - That the Municipality of Brighton Council appoints Councillor Brian Ostrander to the Warkworth Institution Task Force replacing Mayor Chris Herrington

Carried

- b) QHC/Quinte West/Brighton Community Primary Care Integration Committee

RESOLUTION NO. 09-336

Moved by Councillor Brian Ostrander, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council appoints Mayor Herrington to sit on the QHC/Quinte West/Brighton Community Primary Care Integration Committee effective immediately

Carried

- 2.0 Warden Linda Thompson, County of Northumberland re: Brighton Grade Separation
Formerly in FYI Correspondence 15.8. See resolution No. 09-325.

RESOLUTION NO. 09- 337

Moved by Councillor Dave Cutler, seconded by Councillor Chuck Ward - That the Municipality of Brighton Council direct the Mayor to reply to Northumberland Warden Linda Thompson's letter of July 15 stating that recent newspaper articles and letter to the editor do not reflect the views of Brighton Council, confirming Brighton Council's continuing respect for County Council and its staff and assuring her of Brighton's continuing cooperation and support.

A recorded vote was requested by Councillor Craig Kerr with the following results:

Dave Cutler	Yea	Brian Ostrander	Nay
Mayor Chris Herrington	Yea	Emily Rowley	Nay
Craig Kerr	Nay	Mike Vandertoorn	Yea
		Chuck Ward	Yea

Yeas 4

Nays 3

Carried

c) Review of ESR Costing

RESOLUTION NO. 09-343

Moved by Councillor Craig Kerr, seconded by Councillor Emily Rowley - That the Municipality of Brighton Council request the County of Northumberland to provide a detailed accounting of all payments made to McCormick Rankin Corporation for services related to the Environmental Assessment Report and associated matters.

Withdrawn

10. UNFINISHED BUSINESS - NONE

11. RESOLUTIONS & BY-LAWS

1. Approval of Accounts

Mayor Chris Herrington declared a conflict of interest with this item. She did not take part in discussion, nor vote on this matter. Councillor Brian Ostrander assumed the chair for this resolution.

RESOLUTION NO. 09-344

Moved by Councillor Mike Vandertoorn, seconded by Councillor Chuck Ward - That the Municipality of Brighton Council approves the payment of the accounts listed on the cheque listings dated July 9, 2009 for \$ 3,273,928.97 as paid.

Carried

Mayor Chris Herrington reassumed the Chair.

2. By-Law 036-2009 – Assume for Public Use Certain Roads (Algonquin Ave)

RESOLUTION NO. 09-345

Moved by Councillor Emily Rowley, seconded by Councillor Mike Vandertoorn - That the Municipality of Brighton Council gives By-Law 036-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO ASSUME FOR PUBLIC USE CERTAIN ROADS IN THE ROOS SUBDIVISION, MUNICIPALITY OF BRIGHTON (Algonquin Ave)

Carried

3. By-Law 037-2009 – Execute an Agreement with Ontario Federation of Snowmobile Clubs

RESOLUTION NO. 09-346

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr - That the Municipality of Brighton Council gives By-Law No. 037-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE ONTRIO FEDERATION OF SNOWMOBILE CLUBS AND THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON

Carried

4. By-Law 038-209 – By-Law to Transfer Lands to Habitat for Humanity

RESOLUTION NO. 09-347

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr -That the Municipality of Brighton Council gives By-Law No. 038-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO DIRECT THE CLERK TO TRANSFER TITLE OF MUNICIPAL PROPERTY TO HABITAT FOR HUMANITY NORTHUMBERLAND

Carried

5. By-Law 039-2009 to Appoint Fire Chief

RESOLUTION NO. 09-348

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr -That the Municipality of Brighton Council gives By-Law No. 039-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO APPOINT A FIRE CHIEF FOR THE MUNICIPALITY OF BRIGHTON.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Accessibility Advisory Committee-June2/09

RESOLUTION NO. 09-349

Moved by Councillor Mike Vandertoorn, seconded by Councillor Brian Ostrander - That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Accessibility Advisory Committee-June2/09

Carried

2. Community Events – June 9/09

RESOLUTION NO. 09- 350

Moved by Councillor Mike Vandertoorn, seconded by Councillor Brian Ostrander - That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Community Events Committee – June 9/09.

Carried

3. Heritage Advisory Committee – June10/09

RESOLUTION NO. 09-351

Moved by Councillor Mike Vandertoorn, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Heritage Advisory Committee – June10/09

Carried

3. Committee of the Whole – July 13/09

Councillor Brian Ostrander declared that he attended the meetings of the ENSS Joint Use Project as a private citizen, not as a member of Council.

Resolution No. 09-352 was voted on as amended.

RESOLUTION NO. 09- 352

Moved by Councillor Mike Vandertoorn, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Committee of the Whole – July 13/09 with the exception of CW-09-100.

Carried

Prior to voting on Resolution No. 09-352, the following procedural motion was moved.

RESOLUTION NO. 09- 353

Moved by Councillor Brian Ostrander, seconded by Councillor Mike Vandertoorn - That CW-09-100 be removed for further discussion by Council.

Carried

Committee of the Whole CW-09-100 was considered separated.

RESOLUTION NO. 09-354

Moved by Councillor Craig Kerr, seconded by Councillor Brian Ostrander – That the Municipality of Brighton Council approves that no further negotiations on the joint agreement take place until the Recreation Master Plan has been completed.

Defeated

RESOLUTION NO. 09-355

Moved by Councillor Brian Ostrander, seconded by Councillor Craig Kerr – That the Municipality of Brighton Council authorizes staff to negotiate a joint use agreement for the ENSS Track & Field Project at no cost to the Municipality for annual operation and maintenance.

Carried

5. Committee of the Whole Closed Session – July 13/09

RESOLUTION NO. 09-356

Moved by Councillor Mike Vandertoorn, seconded by Councillor Dave Cutler - That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Committee of the Whole Closed Session – July 13/09

Carried

6. Railway Committee – June 18/09

RESOLUTION NO. 09-357

Moved by Councillor Brian Ostrander, seconded by Councillor Dave Cutler – That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Railway Committee – June 18, 2009.

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. Mt. Hope Cemetery – May 29/09
2. DBIA Board Meeting – June 2/09
3. Lower Trent Minutes & Source Protection Authority – June 11/09
4. Brighton Public Library – May 27/09
5. PRMPA – May 21/09
6. County Council – April 15th, April 28th & May 20th, 2009
7. Canada Post re: Rural Mailbox Safety – June 24/09

RESOLUTION NO. 09-358

Moved by Councillor Dave Cutler, seconded by Councillor Mike Vandertoorn -That the Municipality of Brighton Council receives the reports from: 1) Mt. Hope Cemetery-May 29/09 2) DBIA-June 2/09 3) Lower Trent Conservation Authority & Source Protection Authority-June 11/09 4) Brighton Public Library – May 27/09 5) PRMPA – May 21/09 6) County Council Apr 15th, Apr 28th & May 20th, 2009 7) Canada Post re: Rural Mailbox Safety June 24/09.

Carried

Mayor Chris Herrington declared a conflict of interest on the following matter. Councillor Brian Ostrander assumed the chair for this portion of the meeting. Mayor Herrington did not take part in the discussion nor vote on the matter.

RESOLUTION NO. 09-359

Moved by Councillor Chuck Ward, seconded by Councillor Dave Cutler – That the Municipality of Brighton Council receives the report of the Brighton Landfill Liaison Committee of May 20, 2009.

Carried

Mayor Chris Herrington reassumed the Chair.

14 CORRESPONDENCE

1. Town of Innisfil – Request Province exempt electricity sales from harmonized sales tax

RESOLUTION NO. 09-360

Moved by Councillor Mike Vandertoorn, seconded by Councillor Emily Rowley - That the Municipality of Brighton Council supports the Correspondence from the Town of Innisfil requesting the Province of Ontario to exempt electricity sales from the provincial portion of the single harmonized sales tax at least until the stranded debt of Ontario Hydro is fully retired.

Carried

3. City of Welland – Province to Improve Funding Model re: Medical & Health Services

RESOLUTION NO. 09-361

Moved by Councillor Mike Vandertoorn, seconded by Councillor Brian Ostrander -That the Municipality of Brighton Council receives the Correspondence from the City of Welland that an improved funding model be developed and implemented by the Provincial Government to ensure that every citizen has equal and reasonable access to all necessary medical and health services provided through the hospital system

Carried

3. Gordon Tobey Developments Ltd. – Maintenance of Covell Grove Cemetery

RESOLUTION NO. 09-362

Moved by Councillor Mike Vandertoorn, seconded by Councillor Brian Ostrander - That the Municipality of Brighton Council supports the request from Tobey Developments Ltd that maintenance of the Covell Grove Cemetery be the responsibility of the Municipality and directs staff to prepare a report recommending which department or committee will maintain the grounds.

Carried

4. Play Works – 2009 Application for Youth Friendly Community Recognition Program

RESOLUTION NO. 09-363

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr - That the Municipality of Brighton Council supports the correspondence from Play Works (The Ontario Partnership for Active Youth) that encourages Brighton to submit an application and offers assistance throughout the application process.

Carried

5. Pete Alker – Issues raised in reference to the St. Mary’s/CBM gravel pit at Codrington

RESOLUTION NO. 09-364

Moved by Councillor Craig Kerr, seconded by Councillor Emily Rowley - that the Municipality of Brighton Council receives the Correspondence from Pete Alker regarding St. Mary’s/CBM and the new gravel pit at Codrington.

Carried

15. FYI CORRESPONDENCE

1. Building Canada Fund –Brighton Lagoon & Treatment Wetlands Upgrade not approved
2. Brighton & District Chamber of Commerce letter to Minister of Transportation re: Brighton Licence Office
3. Brighton DBIA re: Letter to Minister of Transportation in support of Chambers Letter
4. Drinking Water Source Protection – Information Update
5. Play Works – 2009 Youth Friendly community Recognition Program
6. Codrington Community Association – Support for Chamber re: Brighton Vehicle Licensing Office
7. Loyalist College – Endowment Fund Status Report
8. Adrian Thompson – Nightmare in Codrington

RESOLUTION NO. 09-365

Moved by Councillor Emily Rowley, seconded by Councillor Mike Vandertoorn -That the Municipality of Brighton Council receives the FYI Correspondence

- 1) Building Canada Fund – Lagoon & Treatment Wetlands Project not approved
- 2) Brighton & District Chamber of Commerce Letter re: Brighton Vehicle Licensing Office Closure
- 3) Brighton DBIA Letter Supporting the Brighton & District Chamber of Commerce re: Brighton Vehicle Licensing Office
- 4) Drinking Water Source Protection Information Update
- 5) Play Works – 2009 Youth Friendly Community Recognition Program
- 6) Codrington Community Association re: Support for Brighton & District Chamber of Commerce to assume administration of the Brighton Vehicle Licensing Office
- 7) Loyalist College- Endowment Fund Status
- 8) Adrian Thompson – Nightmare in Codrington

Carried

16. QUESTION PERIOD – Residents & Press

17. CLOSED SESSION - NONE

18. CONFIRMATORY BY-LAW NO. 040– 2009

RESOLUTION NO. 09-366

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr -That the Municipality of Brighton Council gives By-Law 040-2009 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 JULY 20th, 2009

Carried

19. ADJOURNMENT

RESOLUTION NO. 09-367

Moved by Councillor Emily Rowley, seconded by Councillor Craig Kerr - That the Municipality of Brighton Council meeting be adjourned, Council to meet again on August 10th, 2009 or at the call of the Mayor.

Carried

Christine Herrington, Mayor

Gayle J. Frost, CAO/Clerk