

Highlights of the December 2020 Regular Council Meeting

- A presentation was made by Mr. Kozlowski on the fill imported into the Township at his neighbours' property, and the concerns he had with grading and new elevations created by this fill. He also requested that the Township get strict on illegal fill and impose fines to deter such incidents. Council, at the end of the meeting, asked staff to come with a report on imposing fines for the By-Law Officer to attend the property after the first warning for non-compliance. These fines for the By-Law Officer to attend the property beyond the first warning for non-compliance will be over and above the fines for violation of the bylaws and legal costs all billed to the offending property owner.
- Council received (as information) a deputation from Ms. Janet Budgell on the changes made to the conservation authority by the provincial government.

Public Meeting

- A public meeting was held on implementing the new water rates. The public meeting section of the meeting provides an opportunity for public input prior to Council adopting a By-Law, in this case the proposed amendment to the Water Rate By-Law 18-48.

Any person could attend the public meeting and/or make a written or verbal representation either in support of, or in opposition to, the proposed fee increases. Please note that all names and addresses will become part of the public record and will be included within the minutes of Council.

There were no comments, in support or opposition, and were no final questions or comments by Council.

A public meeting was also held for the Proposed 2021 Capital and Operating Budget. Residents were given an opportunity to provide comments.

There were no comments, in support or opposition, and were no final questions or comments by Council.

The following public comments were received on agenda items:

Public Comment:

- Comment was received from Mr. Robert Gregoris of 4629 County Road 50 (mailing address: 72 John Kline Lane, Kleinburg, ON L0J 1C0) in support of CDS Report 2020-29 Lynch Drainage Works Repair section 10.6 of the agenda.
- Comment was received from Mr. Mitch Ronan of 4507 County Road 50 (mailing address: PO BOX 1134, Tottenham, ON L0G 1W0) in support of CDS Report 2020-29 Lynch Drainage Works Repair section 10.6 of the agenda.

Mr. Ronan inquired why local contractors were not given an opportunity to bid on the work. Staff responded that the affected property owners requested the original contractor be awarded the work. Council did agree that the Township will seek a list of pre-qualified contractors for future projects and local contractors can enrol in that list.

- A motion was carried to hire a By-Law Officer. As the number of By-Law infractions are rising, Council is also looking into implementing fines on residents who refuse to abide

by the bylaws after being given an opportunity to come into compliance. The bylaw officer will also enforce dog tags.

- The O.P.P agreement was renewed for three years with Essa, New Tecumseth and Adjala-Tosorontio.
- A resolution was moved for the purchase of a dedicated vehicle for the building /By-Law dept. The original motion was defeated but then reconsidered and carried, as it was part of the budget.
- Based on an application by the residents affected by the Lynch municipal drain, a resolution to clean the drain was moved. The drain has not been cleaned for years and is affecting the flow of water. The affected residents and the Township will each pay their fair share of the cost as assessed under the Drainage Act. A request was made by a resident that local contractors be offered a chance to bid on the job. Council advised staff to look into obtaining a list of certified contractors, including local contractors, that could bid on jobs in the Township in the future.

Water Rates

- A resolution was moved to implement water rates until June 30, 2021. These will be adjusted when Council receives the new water rates study from Watson and associates early this year.

Resolution:

Whereas, the current prevailing Water Rate By-Law (#05-63), consolidated as amended) ceases to have a volumetric charge after December 31st, 2020, requiring the consideration of a Water Rate By-Law that provides the authority for volumetric billing in 2021, and,

Whereas, it is necessary to establish and implement a long term Water Rate plan that provides for the continued proper operation of the Township's Water Systems in a manner that does not require deficit funding and ultimately replenishes the funds used to maintain proper operations to date, and,

Whereas, such a plan is currently in progress of being formulated to reflect current conditions and updated growth forecasts, but will not be available for review and adoption until sometime in early 2021, and,

Whereas, it is desirable to implement an approved Water Rate plan as soon as practicable to ensure rate confidence and stability, recognizing the need for sustainability and affordability,

Be it resolved that, proposed By-Law 20-79 be amended as follows:

That paragraph 2.a) be amended by removing the table "Metered Billing Rates" and replacing it with the following:

Metered Billing Rates

Effective Dates Water Service

Size Diameter Rate/cubic metre

January 1, 2021 - June 30, 2021 < or = 19 mm \$4.54 (less than or equal to 19mm) January 1,

2021 - June 30, 2021 > 19 mm \$7.72 (greater than 19mm)

And further that the current base rate be assessed at \$80.00 per year quarterly instalments of \$20.00 unless changes are recommended by Watson and Associates reports.

CARRIED

Budget 2021

The following Budget By-Law was defeated by Council in a recorded vote. This budget would have added \$1.7 Million in debt in addition to a tax increase of 6.11%. Although much of the Township infrastructure is in bad condition, we as a small Township cannot afford to fix the entire Township infrastructure in one term. Large costly projects have to be paid for through provincial and federal grants. Not 100% through debt on the residents. The Township budget has projected 2021 debt taken from working funds (general taxes) for municipal sewer to be \$805,699.97 and for municipal water to be \$3,084,322.98 Million.

This debt to the Township by water and wastewater is in addition to over \$2 Million in unpaid property taxes has to be paid back to the Township through a proper repayment plan in place. Before we as council consider taking on further debt, and the accompanying interest, we need a responsible plan of how to pay back any new debt. This existing outstanding debt once collected could be used towards fixing our Township infrastructure. Staff were advised to rework the budget for future discussion.

Resolution:

THAT Report Number 2020-FIN-24, "2021 Municipal Operating and Capital Budget including the 2021 estimates for the Water and Sewer Operations", be received; and further, THAT the 2021 Capital Budget be adopted in the total amount of \$4,104,150.00 with identified funding of \$228,000.00 allocated from the general tax levy, \$62,500.00 from Grants, \$449,988 (or maximum allowable) from the Development Charges, \$1,711,212.00 from Debt, \$880,450.00 from Reserves, \$464,700 from Gas Tax, \$277,700 from Water Users, and \$29,600 from Wastewater Users; and

THAT the 2021 Proposed Municipal Operating Budget with an average increase of 6.11% in budgeted revenue be adopted; and

THAT the 2021 Water and Sewer Operations Budgets be adopted; and

THAT the 2021 Tax Rate By-Law be presented to Council for adoption at a Regular Council Meeting in the Second Quarter of 2021.

RESULT: DEFEATED.

AYES: Councillor Anderson, Councillor O'Leary, and Councillor Pita

NAYS: Mayor Pinto, Deputy Mayor Meadows, Councillor Bays, and Councillor Hall- Chancey

I have received many complaints from residents regarding fill imported into the Township without proper permits or procedures followed. Therefore, I brought forward a motion for a staff report regarding 5 specific fill locations. I informed Council that we need to enforce our By-Laws and bring these properties into compliance and make them pay the required fees as per our bylaws for importation of the fill.

I advised Council of the concerns at each property. I clarified that these problems were not created by our existing junior staff, but by senior staff no longer with the Township. I outlined the concern with each property below. In a recorded vote the motion was passed. I thank the Council who supported enforcing the By-Laws put in place to protect the Township and its residents.

- A) Patton chicken farm – Sideroad 15, Tosorontio – No NVCA permit was obtained from the NVCA to place fill in the NVCA regulated area. The property owner also requires a Township permit as per the Memorandum Of Understanding between the Township and the NVCA. As per the report presented to Council Page 2 para 4. Bullet 1 of the report is not accurate as the municipality has undertaken issuance of permits as per the MOU

with the NVCA, the Township did not defer permits to NVCA but worked with NVCA so both issued permits through the MOU. Bullet 2 of the report – is not an exemption as the work was not carried out by the NVCA.

- B) 4382 Concession 7 – Lynch farm: Exemption does not apply as importation of fill was not an imposed condition of the development permit. Further the property owner was an innocent victim of possibly 20 truck loads of contaminated fill that was being imported to his property from Mono Township. He was not aware the soil was contaminated. I was informed by Mono Township residents that the contaminated soil being removed by an order from Mono Township Council was being placed at 4382 Concession 7 in Adjala. Burnside engineers confirmed the soil had to be buried 5 feet deep and not used as topsoil. I informed Mono Township, that our Township has not issued any permits for this soil and we will take necessary action to protect the resident and his property. Mono Township then ordered the material be sent to SEEF Environmental for clean up and proper disposal. This is a clear example of why we have to get strict on fill importation as the contractors importing the fill do not care, and innocent residents are left with this nightmare.
- C) 1313 Concession 8, Adjala: This property is also not exempt under section 4(b) as importation of fill was not an imposed condition of the development permit. The report provided to Council also states that after the home was completed the soils were spread to facilitate a lawn. This is not the case as the berms are still present as of today. The pictures presented at the council meeting show the berms. I was surprised to hear that the Building department / bylaw was unaware, since building and bylaw staff attended the site on complaints from residents, and even from a complain from myself when I was a Councillor for ward 1.
- D) 1268 Concession 7: This property owner did not apply for a permit. The property owner was informed to stop the illegal activity and continued showing disrespect for our bylaws.
- E) 2568 County road 50: This property owner did not apply for a permit and imported fill against the bylaws. The property owner has agreed to work with the Township and pay all fees and costs for the fill imported.

That Building Report 2020-09 dated December 9, 2020, entitled "Fill Permit Report" be received as information, and further;

- A) That the owners of Patton Chicken farm on 15th Sideroad Tosorontio be informed to immediately contact the NVCA To bring their property into compliance. Once the NVCA issues a permit the Township be informed and that Township will issue a permit and, further;
THAT the property owners will pay the permit fees and the fee per meter cube of fill imported. A copy of this resolution be sent to the NVCA and the NVCA inform the Township of the progress of getting the property in compliance, and further;
THAT the property owners provide soil analysis to the Township of fill imported to prove the fill was not contaminated. No building permits shall be issued to their property until such time as the property is brought into compliance.
- B) THAT the owners of 4382 Concession 7, Lynch farms pay the fill permit application fees and the fees per cubic meters of fill imported and provide copies of soil analysis to the Township to prove the fill is not contaminated.

- C) THAT the owners of 1313 Concession 8, Lewis be exempt from the permit fees as the fill was imported in 2017 and beyond the statute of limitations, and further;
THAT the Township send a letter to the new owners that the fill imported on their lands was done without proper permits and the Township is not liable for the quality of soil on the lands.
- D) THAT the owners of 1268 Concession 7, Yash Dhaliwal pay the fees for the fill permit and the per cubic meter of soil imported and provide a soil analysis report to the Township to prove the fill is not contaminated, and further;
THAT the owners provide an engineers report that the change in grading does not cause adverse effects to the neighbouring properties.
- E) THAT the owners of 2568 County Road 50, Jagjit Sandhu pay the fees for the fill permit and the per cubic meter of soil imported and provide a soil analysis report to the Township to prove the fill is not contaminated, and further;
THAT the Township shall not be responsible for any drainage and contamination to neighbouring properties.

RESULT: CARRIED.

AYES: Mayor Pinto, Councillor Bays, Deputy Mayor Meadows, and Councillor Hall- Chancey

NAYS: Councillor Anderson, Councillor Pita, and Councillor O'Leary

- The following motion was passed to support Wasaga beach and other Municipalities dealing with the high costs of FOI (Freedom of Information) requests made by residents or general public, some of which are frivolous or vexatious and a drain on tax dollars and staff time. Other Townships have also supported Wasaga Beach in this motion and was presented to Simcoe County Council. We will also be forwarding our support to Simcoe County. Simcoe Council at its meeting on January 12, 2021 unanimously supported the motion asking the province to address shortfalls in the MFIPPA Act and cost recovery.

Wasaga Beach - Freedom of Information (FOI) Presentation and Report

Deputy Mayor Meadows returned the Chair to Mayor Pinto

Recommendation:

That that the following motions be passed in support of a request to review and reform of the Municipal Freedom of Information and Protection of Privacy Act:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Township of Adjala-Tosorontio, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition