



**TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

**#7 - Council Meeting, Tuesday, April 9, 2013**

**AGENDA**

**COUNCIL – CALL TO ORDER 7:00 P.M.**

*PLEASE NOTE: Meetings of Council and the Committee of the Whole are open to the public however they are not a public forum. Members of the public are welcome to attend and your interest is appreciated, however due to time constraints, we request that individuals or groups wishing to appear before Council or the Committee at a regular meeting shall advise the Clerk not later than 4:30 p.m. on the Thursday prior to the meeting as per By-law No. 2007-14*

**MEMBERS WISHING TO DISCLOSE A PECUNIARY INTEREST DO SO NOW.**

**1.0 MINUTES**

**1.1** Minutes of Regular Session of March 26, 2013, Page 3

**2.0 ADDITIONS & APPROVAL OF AGENDA**

**2.1**

**3.0 DELEGATIONS** (None)

**4.0 COMMITTEE & BOARD REPORTS** (None)

**5.0 BY-LAWS:**

**5.1** 2013-019 Polson Site Plan Control Agreement, Page 8

**5.2** 2013-020 Electronic Funds Transfer, Page 17

**6.0 RESOLUTIONS/NOTICE OF MOTIONS**

**6.1** Contraband Tobacco, Page 21

**7.0 CLOSED SESSION**

**8.0 BUDGET CONSIDERATIONS**

**9.0 COMMUNICATIONS/CORRESPONDENCE**

**9.1**

**10.0 NEW BUSINESS**

**10.1**

**11.0 UNFINISHED BUSINESS**

**12.0 CONFIRMATION OF COUNCIL PROCEEDINGS**

**13.0 ADJOURNMENT**

# **1.**

# **Minutes**



**TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

**#6 COUNCIL MEETING OF MARCH 26, 2013  
Township Council Chambers**

**MINUTES**

**CALL TO ORDER:** Reeve Churchill called the meeting to order at 7:00 p.m.

**PRESENT:**

Reeve	Aubrey Churchill
Deputy Reeve	Gail Code
Councillor	Ray Scissons
Councillor	Ken Fournier
Councillor	Peter Wagland

**STAFF:** Clerk Administrator Cindy Halcrow

**MEMBERS WISHING TO DISCLOSE A PECUNIARY INTEREST DO SO NOW.** No members disclosed a pecuniary interest.

**1.0 MINUTES**

**1.1 Regular Minutes of March 12, 2013**

**Moved By:** Gail Code  
**Seconded By:** Ray Scissons

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby approve the minutes of the Regular Meeting of March 12, 2013, as circulated.**

**Carried  
13-044**

**2.0 ADDITIONS & APPROVAL OF AGENDA**

**2.1 Approval of Agenda**

**Moved By:** Ray Scissons  
**Seconded By:** Gail Code

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby adopt the agenda for the meeting of March 12, 2013 as amended:**

Additions:

10.1 Proclamation for World Autism Awareness Day

10.2 Set a date for the open house for the Rideau Ferry Public Docks

**Carried  
13-045**

**3.0 DELEGATIONS – None**

**4.0 COMMITTEE & BOARD REPORTS**  
**4.1 Committee of the Whole Report to Council**  
• **March 19, 2013**

Deputy Reeve Gail Code presented and read Report #4 CoW- March 19, 2013 to Council on behalf of the Committee of the Whole.

**Moved By: Gail Code**  
**Seconded By: Ray Scissons**

**BE IT RESOLVED THAT** the Report #4 CoW-March 19, 2013 is hereby adopted this twelfth day of March 2013 as follows:

**“A” 1 Hoop House**

**“B” 1 THAT the Council of the Corporation of the Township of Drummond/North Elmsley** supports the construction of the proposed 2880 square foot hoop house, at 1807 Highway 511 and exempts that construction from the site plan process.

**“A” 2. Wilson Subdivision - Extension**

**“B” 2. THAT the Council of the Corporation of the Township of Drummond/North Elmsley** supports the request by Craig Wilson of Wilson Cartage Ltd., pursuant to subsection 51(33) of the Planning Act, to extend the draft approval period for Plan of Subdivision 09-T-09003 by a period of five (5) years; and

**FURTHER THAT** Council directs staff to forward this resolution to the Land Division Committee of the County of Lanark.

**“A” 3. 2013 Summer Students**

**“B” 3. THAT the Council of the Corporation of the Township of Drummond/North Elmsley** authorizes the hiring of the following summer students for 2013:

- Two (2) Building Department Assistants;
- One (1) Administrative Support Assistant to be shared between the Fire Department (2 days per week subject to budget constraints), Public Works Department (2 days per week) and the Planning Department (1 day per week).

**Carried**  
**13-046**

**5.0 BY-LAWS**

2013-017 – Heney Site Plan Control

**Moved By: Ray Scissons**  
**Seconded By: Gail Code**

**BE IT RESOLVED THAT By-law #2013-017**, being a By-law to authorize the execution of a Site Plan Control Agreement between Timothy Heney and the Corporation of the Township of Drummond/North Elmsley and entitled, “Timothy Heney Site Plan Agreement”, be read a first, second and third time and finally passed in open Council.

**Carried**

13-047

**6.0 RESOLUTIONS/NOTICE OF MOTIONS**

**6.1 Draft Resolution - 2012 Monitoring Report for Waste Disposal Site**

**Moved By: Gail Code**  
**Seconded By: Ray Scissons**

**BE IT RESOLVED THAT** the Council of the Corporation of the Township of Drummond/North Elmsley adopts the 2012 Monitoring Report for the Waste Disposal Site prepared by SNC Lavalin.

**Carried**  
**13-048**

**6.2 Proclamation - April as Daffodil Month, Page 31**

**Moved By: Peter Wagland**  
**Seconded By: Ken Fournier**

**BE IT RESOLVED THAT,** on behalf of the Council of the Corporation of the Township of Drummond/North Elmsley, I, Reeve Aubrey Churchill, do hereby proclaim the month of April as “Daffodil Month” and strongly encourage all residents of Drummond/North Elmsley to continue to recognize and support the Canadian Cancer Society and the fight against cancer.

**Carried**  
**13-049**

**7.0 CLOSED SESSION - None**

**8.0 BUDGET CONSIDERATIONS - None**

**9.0 COMMUNICATIONS/CORRESPONDENCE - None**

**10.0 NEW BUSINESS**

**10.1 World Autism Awareness Day Proclamation**

**Moved By: Ken Fournier**  
**Seconded By: Peter Wagland**

**BE IT RESOLVED THAT,** on behalf of the Council of the Corporation of the Township of Drummond/North Elmsley, I, Reeve Aubrey Churchill, do hereby proclaim April 2<sup>nd</sup> as “World Autism Awareness Day”.

**Carried**  
**13-050**

**10.2 Set a date for Open House for Rideau Ferry Public Docks**

The date of Tuesday, April 30, 2013 from 6:00 to 8:00 p.m. was chosen for the open house. Staff was directed to ensure advertizing was carried out through posters at Rideau Ferry, on Lake 88, in the newspaper and on the website.

**11.0 CONFIRMATION OF COUNCIL PROCEEDINGS**

**Moved By: Peter Wagland**  
**Seconded By: Ken Fournier**

**BE IT RESOLVED THAT By-law #2013-018** being a By-law to confirm the proceedings of Council at its meeting of March 26, 2013, be read a first, second and third time and finally passed in open Council.

**Carried**  
**13-051**

**12.0 ADJOURNMENT**

**Moved By: Ken Fournier**  
**Seconded By: Peter Wagland**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley** adjourn their regular meeting of Council.

Adjourned at 7:15 p.m.

**Carried**  
**13-052**

---

**REEVE**

---

**CLERK ADMINISTRATOR**

# **5. By-Laws**

**CORPORATION OF THE TOWNSHIP  
OF DRUMMOND/NORTH ELMSLEY**

**BY-LAW NO. 2013-019**

**POLSON/JONES SITE PLAN AGREEMENT**

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF A  
SITE PLAN CONTROL AGREEMENT**

**BETWEEN**

**Douglas David James Polson and Joanna Jones  
103 William Street East  
Smiths Falls, Ontario  
K7A 1E3**

Hereinafter called the "Owners"

**OF THE FIRST PART**

-and-

**CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY  
310 Port Elmsley Road, RR #5  
Perth, Ontario K7H 3C7**

Hereinafter called the "Corporation"

**OF THE SECOND PART**

**WHEREAS** pursuant to Section 41(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, a municipality may enter into a Site Plan Control Agreement with a property owner for the works described therein;

**AND WHEREAS** the Council of the Township of Drummond/North Elmsley has deemed it expedient to enter into a Site Plan Control Agreement with the Owners to control the orderly development of the Owners lands;

**NOW THEREFORE** the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

1. That the Council of the Corporation of the Township of Drummond/North Elmsley agrees to enter into a Site Plan Control Agreement with the Owners in substantially the same form as per the attached Schedule "A".
2. That the Reeve and the Clerk of the Township are hereby authorized and directed on behalf of the Township of Drummond/North Elmsley to execute all documents and take whatever steps as may be required to give effect to this by-law.

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY



3. That Schedule "A" attached hereto form part of this by-law.

Read a first, second and third time and passed this 9<sup>th</sup> day of April, 2013.

---

Aubrey Churchill, Reeve

---

Cindy Halcrow, Clerk Administrator

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY

# SITE PLAN CONTROL AGREEMENT

THIS AGREEMENT made this 9<sup>th</sup> day of April, 2013

**BETWEEN**

**Douglas David James Polson and Joanna Jones  
103 William Street East  
Smiths Falls, Ontario  
K7A 1E3**

Hereinafter called the Owner

**OF THE FIRST PART**

-and-

**CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

Hereinafter called the Corporation

**OF THE SECOND PART**

**WHEREAS** the Owner represents and warrants that it is the Owner of the lands described in Schedule A attached hereto (hereinafter called "**the said lands**") which are the lands affected by this Agreement.

**AND WHEREAS** the Owner represents and warrants that there are no encumbrances on or against the said lands except Charge #LC127892 in favour of Nancy Carroll and William Carroll.

**AND WHEREAS** the Owner wishes to undertake the development on the said lands in accordance with the Site Plan attached hereto as Schedule B hereinafter called the Site Plan.

**AND WHEREAS** the Corporation required the Owner to enter into this Site Plan Control Agreement to control the orderly development of the said lands.

**NOW THEREFORE** this Agreement witnesseth that in consideration of other valuable consideration and the sum of two (\$2.00) Dollars (the receipt whereof by the Owner is hereby acknowledged), the Owner hereby covenants and agrees with the Corporation as follows:

1. The lands affected by this Agreement are described in Schedule A attached hereto.
2. In this Agreement, the Owner shall include any owner of the said lands from time to time.

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY

## **USE OF LANDS**

3. The Owner shall construct the proposed development in conformity in all respects with this Agreement and with the Site Plan which forms part of this agreement as Schedule B. No buildings or works shall be erected on the lands other than those erected in conformity with the Site Plan, and no site disturbance or site alteration shall occur other than what is shown on the Site Plan.
4. Highway Commercial uses in accordance with the Corporation's Zoning By-law in effect at the time of development shall be permitted in the main structure identified on the Site Plan however no outdoor commercial use or commercial storage shall be permitted in the front yard or exterior side yard. Any storage of waste in the front yard or exterior side yard shall be adequately screened.
5. One residential dwelling unit shall be permitted on the said lands.

## **DEVELOPMENT OF LANDS**

6. The proposed fence parallel to Poonamalie Sideroad shall be constructed with a gate to allow access to emergency vehicles.
7. The drainage works identified on the Site Plan shall be undertaken with the general goal of directing run-off away from the said lands, neighbouring lands and travelled portions of adjacent public roads. Such drainage works shall be installed and maintained to the satisfaction of the Township's Chief Building Official.
8. The use of the 53.6 square metre garage indicated on the Site Plan shall be limited to accessory storage for the existing commercial and residential building on the said lands.
9. The proposed hedge identified on the Site Plan shall be planted in accordance with Section 3 of this Agreement and maintained by the Owner so that that a visual screen is provided and maintained between the commercial uses on the site and adjacent land uses.
10. The parking spaces identified on the Site Plan, including the accessible parking space, shall be clearly identified and built to the standards, including dimensions, as required by the Corporation's Zoning Policies.
11. The Owner shall be permitted to install commercial wall signage on the building provided that said signage is not backlit. External lighting of any signage, including gooseneck lighting, shall be permitted.
12. The Owner shall be permitted to install one (1) commercial pole sign on the said lands provided that prior approval is received in writing from the Lanark County Department of

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY

## Public Works.

13. If the Development construction has not commenced within twelve (12) months of the date of registration of this Agreement on title, the Corporation shall have the right to cancel this agreement on 10 days' notice to the Owner unless the period is extended by agreement.
14. Failure by the Owner to complete the development in accordance with this Agreement within twenty four (24) months of the registration of this Agreement on title shall constitute a default, in which case the Corporation may avail itself of the remedies hereinafter prescribed.

## PERMITS

15. The Owner shall obtain the required building permits and ensure conformity with the Ontario Building Code and the Corporation's Planning Policies.
16. Prior to the issuance of a occupancy permit, the applicant shall obtain final approval from the Health Unit with respect to the appropriateness of the existing septic system, or if necessary, the construction of a new one.
17. The Owner shall ensure that any permits required by the County of Lanark for certain works are received prior to the undertaking of same. Nothing in this Agreement shall be interpreted to exempt the Owner from any permits or permissions that may be required by Lanark County or any other applicable government agency.

## DEFAULT AND ENFORCEABILITY

18. This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said lands (each hereinafter in this paragraph called such person) any rights against the Corporation with respect to the failure of such person to perform or fully perform any obligation under this Agreement, or the failure of the Corporation to enforce its rights against any such person in the performance of the obligation.
19.
  - (a) All facilities and matters required by this Agreement shall be provided by the Owner to the satisfaction of, and at no expense to the Corporation, and shall be maintained to the satisfaction of the Corporation at the sole risk and expense of the Owner.
  - (b) If any matter or thing required to be done by this Agreement is not done in accordance with the provisions of this Agreement and such default continues, in addition to all other remedies available to it, the Corporation may arrange to complete such matters or things, and the Corporation may recover all expenses

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY

incurred in connection with this Agreement by civil action and/or by addition to the tax account and roll of the said property if entitled to do so. The Owner hereby authorizes the Corporation and its agents to enter upon the said lands in order to complete such matters or things.

20. (a) This Agreement shall be binding upon the Owner and his or her heirs, executors, administrators, successors and assigns and the Owner or Owners from time to time of the said lands.
- (b) This Agreement may only be amended at any time with the written consent of the Corporation and the registered Owner of the said lands at the time of such amendment.
- (c) Schedules A and B form part of this Agreement.
- (d) This Agreement shall be read with any change of gender or number required by the context.
- (e) The headings in this Agreement are for convenience only and do not constitute part of the terms of this Agreement.

## **REGISTRATION**

21. The Owner hereby authorizes the Corporation to register this Agreement against the lands described in Schedule A at the expenses of the Owner.

## **TRANSFERABILITY**

22. For greater certainty, it is specifically acknowledged and agreed that the burden of this Agreement shall run with the said lands and be binding upon the Owner and all future Owners of the said lands and all persons claiming any interest in the said lands.

**NOTICES**

23. Any notice to the parties given pursuant to any provision of this Agreement may be given by personal delivery or by prepaid registered post addressed to the parties at their respective addresses on page 1 of this Agreement. If notice is given by prepaid registered post, it shall be deemed given ten (10) days after the date of mailing.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement.

**SIGNED, SEALED & DELIVERED** )

In the presence of: )

\*)  
\_\_\_\_\_  
Witness (as to both signatures) )

\*)  
\_\_\_\_\_  
Douglas David James Polson

\*)  
\_\_\_\_\_  
Joanna Jones

**CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

Per:

\_\_\_\_\_  
Aubrey Churchill, Reeve

\_\_\_\_\_  
Cindy Halcrow, Clerk Administrator

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY

# **SCHEDULE A**

## **DESCRIPTION OF THE LANDS TO WHICH THIS AGREEMENT APPLIES**

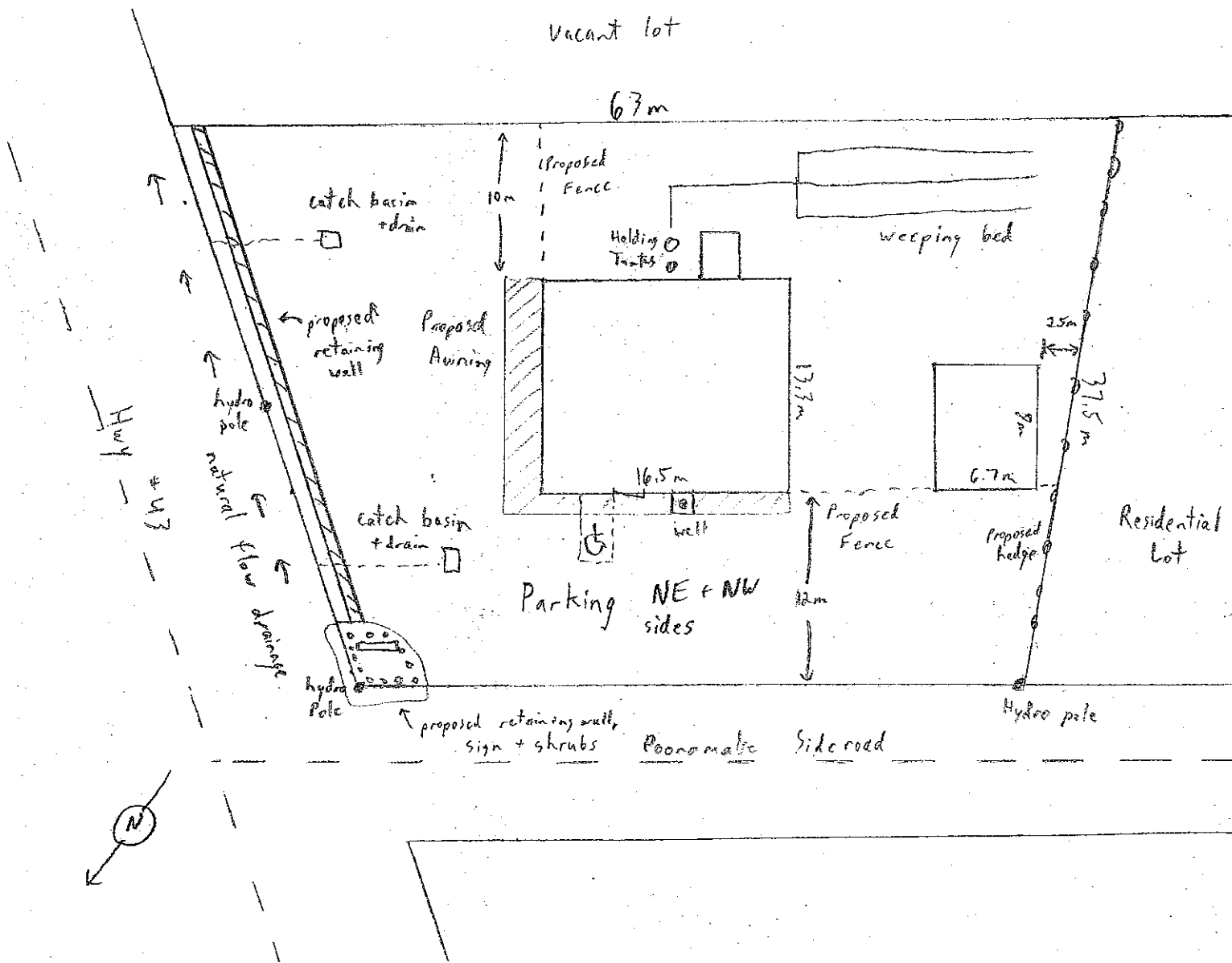
**Part of Lot 3, Concession 5,  
Geographic Township of North Elmsley,  
now Township of Drummond/North Elmsley, County of Lanark, as in  
RS134024 and Parts 1 and 2 on Plan 27R-1806  
[being all of PIN #05235-0233]**

**307 Poonamalie Sideroad  
Part of Lot 3, Concession 5  
Geographic Township of North Elmsley  
Township of Drummond/North Elmsley**

**SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POONAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELMSLEY**

# SCHEDULE B

## SITE PLAN



The original can be viewed at the Township of Drummond/North Elmsley municipal office at 310 Port Elmsley Road, R. R. #5, Perth, Ontario K7H 3C7.

SITE PLAN CONTROL AGREEMENT: POLSON AND JONES  
307 POORAMALIE SIDEROAD, PT LOT 3, CON 5, NORTH ELSLEY



**THE CORPORATION OF THE  
TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

**BY-LAW NO. 2013-020**

**SIGNING AUTHORITY ON CHEQUES AND  
APPROVAL ON ELECTRONIC FUNDS TRANSFERS**

**BEING A BY-LAW TO DESIGNATE SIGNING AUTHORITY ON CHEQUES,  
APPROVE ELECTRONIC FUNDS TRANSFER AND GENERAL BANK CONTROLS.**

**WHEREAS** The Corporation of the Township of Drummond/North Elmsley (the “Corporation”) makes use of several methods of paying all the debts of the municipality and other expenditures authorized by the municipality including paper cheques and electronic funds transfers; and

**WHEREAS** pursuant to Section 23 of the Municipal Act 2001 authorizes a municipality to delegate its powers and duties under the Municipal Act, 2001, subject to certain requirements; and

**WHEREAS** the Corporation of the Township of Drummond/North Elmsley requires that in addition to the Treasurer, certain other employees of the Corporation are designated to sign cheques and to authorize electronic funds transfers in order to ensure efficient processing of payments,

**NOW THEREFORE** the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

**CHEQUES**

1. All cheques of the Corporation shall be drawn in the name of the Corporation and be signed on its behalf by the Reeve or Deputy Reeve, and signed/countersigned by the Treasurer, Clerk Administrator or Deputy Clerk (two signatures, one from Council and one from Staff).

**ELECTRONIC FUNDS TRANSFER (Account Payable Electronic Vendor Payments)**

2. (1) The supporting documentation dated and timed for each Electronic Funds Transfer issued by the Corporation shall be authorized by one elected official and one staff person as listed in Schedule A.  
  
(2) Once an Electronic Funds Transfer has been authorized in accordance with Section 2.1, the electronic file shall be released and transmitted to the Bank by one staff person listed in Schedule A and by one staff person listed in Schedule B.

**ELECTRONIC FUNDS TRANSFER (Payroll Direct Deposit)**

3. (1) Notwithstanding the above, the direct deposit for payroll shall be exempt from the provisions of this by-law provided that:
  - (a) The payroll has been calculated in accordance with the approved wages and the current budget, and
  - (b) Each completed timesheet has been approved by the appropriate Department Head/Supervisor.
  
- (2) The direct deposit for payroll shall be calculated by the Payroll Clerk and authorized by the Treasurer, Clerk-Administrator or Deputy Clerk.
  
- (3) Once an Electronic Funds Transfer has been authorized in accordance with Section 3.1, the electronic file shall be released and transmitted to the bank by a staff person listed in Schedule B.

By-law read a first, second and third time and finally passed April 9, 2013.

---

Aubrey Churchill, Reeve

---

Cindy Halcrow, Clerk Administrator

## **SCHEDULE A TO BY-LAW 2013-020**

The following are authorized parties for the purposes of this by-law:

### **Elected Officials:**

Reeve

Deputy Reeve

### **Staff:**

Treasurer

Clerk-Administrator

Deputy Clerk

## **SCHEDULE B TO BY-LAW 2013-020**

The following are authorized parties for the purposes of this by-law:

### **Staff:**

Treasurer

Finance/Accounts Payable Clerk

Payroll Clerk/Administrative Assistant

**6.**  
**Resolutions/  
Notice of Motions**

**RESOLUTION OF COUNCIL**

**TOWNSHIP OF DRUMMOND\NORTH ELMSLEY**

April 9, 2013

Number: 13-\_\_\_\_\_

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Drummond/North Elmsley supports the Ontario Government's 2012 Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act. Particularly, in support of measures such as:

- increased fines for those convicted of offenses related to contraband tobacco;
- more authority for law enforcement officials with respect to: forfeiture of items seized, and impounding of vehicles;
- drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts;

**AND** that the provincial government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this fall to implement these measures.

**AND** that surrounding municipalities be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco.

---

CARRIED