

**MINUTES  
MUNICIPAL COUNCIL**

**Monday, February 27, 2023  
6:30 PM  
South Edwardsburgh Community Centre  
24 Sutton Dr.  
Johnstown Ontario**

**PRESENT:** Mayor Tory Deschamps  
Deputy Mayor Stephen Dillabough  
Councillor Joe Martelle  
Councillor Waddy Smail  
Councillor Chris Ward

**STAFF:** Dave Grant, CAO  
Rebecca Williams, Clerk  
Sean Nicholson, Treasurer  
Gord Shaw, Director of Operations  
Mike Spencer, Manager of Parks, Recreation & Facilities  
Eric Wemerman, Chief Water/Sewer Operator  
Candise Newcombe, Deputy Clerk

**1. Call to Order**

Mayor Deschamps called the meeting to order at 6:32 p.m.

**2. Approval of Agenda**

**Decision:** 2023-37

**Moved by:** S. Dillabough

**Seconded by:** J. Martelle

That Municipal Council approves the agenda as presented.

Carried

**3. Disclosure of Pecuniary Interest & the General Nature Thereof**

None.

**4. Delegations & Presentations**

**a. Rideau St. Lawrence Distribution Inc. - CEO Simon Wu**

Mr. Wu provided a presentation which is held on file. Mr. Wu outlined the corporate structure, board members and past business performance of Rideau St. Lawrence Distribution Inc and the benefits of adopting a local utilities provider. He highlighted current and prospective business ventures of the company including expansion to EV charging stations, CIS system consulting and municipal street light servicing.

There was discussion regarding expansion opportunities, hydro pole installation costs, hot water tank rental services and the status of the EV charging station program.

Council thanked Mr. Wu for his presentation and noted the benefits the utility users recognize by the Township maintaining a local utility provider.

**b. Elimination of LCBO Mark-up and Wine Levy - Craig MacMillan**

Mr. MacMillan provided Council with a brief background on the issue with the LCBO mark-up and wine levy, MPP's that support the elimination and

identified his request for a Council resolution of support to eliminate the proposed fees.

There was discussion regarding the differences between VQA versus non-VQA wineries, the cost of a VQA membership and the sustainability of said membership for smaller wineries. Members noted their support of local business and highlighted the impending draft resolution later in the agenda.

**5. Minutes of the Previous Council Meetings**

- a. Special Council - January 30, 2023

**Decision:** 2023-38

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT Municipal Council receives and approves the minutes of the Special Council Meeting dated January 30, 2023.

Carried

- b. Regular Council - January 30, 2023

**Decision:** 2023-39

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT Municipal Council receives and approves the minutes of the Regular Council Meeting dated January 30, 2023.

Carried

**6. Business Arising from the Previous Council Meeting (if any)**

None.

**7. Committee Minutes**

- a. Port Management Committee - January 25, 2023

**Decision:** 2023-40

**Moved by:** J. Martelle

**Seconded by:** S. Dillabough

THAT Municipal Council receives the minutes of the Port Management Committee Meeting dated January 25, 2023.

Carried

- b. Committee of the Whole - Administration and Operations - Budget #2 - February 2, 2023

**Decision:** 2023-41

**Moved by:** S. Dillabough

**Seconded by:** J. Martelle

THAT Municipal Council receives and approves the minutes of the Committee of the Whole – Administration and Operations – Budget Meeting #2 dated February 2, 2023.

Carried

- c. Committee of the Whole - Community Development - February 6, 2023

**Decision:** 2023-42

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT Municipal Council receives and approves the minutes of the Committee of the Whole – Community Development Meeting dated February 6, 2023.

Carried

- d. Committee of the Whole - Administration and Operations - February 13, 2023

**Decision:** 2023-43

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT Municipal Council receives and approves the minutes of the Committee of the Whole – Administration and Operations Meeting dated February 13, 2023.

Carried

- e. Committee of the Whole - Administration and Operations - Budget #3 - February 21, 2023

**Decision:** 2023-44

**Moved by:** J. Martelle

**Seconded by:** S. Dillabough

THAT Municipal Council receives and approves the minutes of the Committee of the Whole – Administration and Operations – Budget Meeting #3 dated February 21, 2023.

Carried

## **8. Action and Information Items from Committees**

- a. 2023 Renewal of River Route Transit Service Partnership Agreement

Council members discussed the eligibility of the River Route Transit system for provincial grants.

**Decision:** 2023-45

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT Municipal Council:

1. Renews the River Route Transit Service Partnership Agreement for the upcoming period of April 1, 2023 to March 31, 2024; and
2. That the River Route Transit Service be funded by the Modernization Fund.

As recommended by the Committee of the Whole – Community Development.

Carried

- b. 2022 Annual Cardinal WPCP Summary Report

**Decision:** 2023-46

**Moved by:** S. Dillabough  
**Seconded by:** J. Martelle

THAT Municipal Council receives the 2022 annual report for the Cardinal Water Pollution Control Plant and direct staff to submit the report to the MECP prior to the March 31 deadline, as recommended by the Committee of the Whole – Administration and Operations.

Carried

- c. 2022 Cardinal & Industrial Park Drinking Water System Summary Report

**Decision:** 2023-47

**Moved by:** W. Smail  
**Seconded by:** C. Ward

THAT Municipal Council receives the 2022 Water Summary Reports for the Cardinal and Industrial Park Water Systems, as recommended by the Committee of the Whole – Administration and Operations.

Carried

- d. Ferguson Drain Maintenance Tender Award

**Decision:** 2023-48

**Moved by:** W. Smail  
**Seconded by:** C. Ward

THAT Municipal Council:

1. Award the Ferguson Municipal Drain Culvert Replacement Tender No. EC-PW-MunDr-23-01 to Willis Kerr Contracting Ltd. for the sum of \$25,713.00 plus non-rebated HST; and
2. Direct staff to bill the upstream beneficiaries of the maintenance for the work as stipulated in the Drainage Act.

As recommended by the Committee of the Whole – Administration & Operations.

Carried

- e. 2023 Water System Budgets

Council confirmed the \$1.00 capital levy increase imposed to the Cardinal water and the wastewater systems as the only system increase.

**Decision:** 2023-49

**Moved by:** J. Martelle  
**Seconded by:** S. Dillabough

THAT Municipal Council approves the 2023 budget as presented for all Water and Wastewater Systems, as recommended by the Committee of the Whole – Administration & Operations.

Carried

- f. Tandem Axle Truck Tender Award

Council discussed the estimated delivery date of the truck compared to alternate tender submissions, noting a negligible difference.

**Decision:** 2023-50

**Moved by:** W. Smail  
**Seconded by:** C. Ward

THAT Municipal Council award the 5 Tonne plow truck tender EC-PW-23-01 to Cornwall Freight Liner at a cost of \$322,370.00 plus non-rebated HST.

Carried

g. Port of Johnstown Year End Report & Pre-Audit Financial Statement

**Decision:** 2023-51

**Moved by:** J. Martelle

**Seconded by:** S. Dillabough

THAT Municipal Council:

1. Receives the Port of Johnstown 2022 Year End Report; and
2. Receives the financial statement, as per Bylaw 2017-02, and that the financial statements be submitted and interpreted to Council.

As recommended by the Port Management Committee.

Carried

h. Port of Johnstown Budget

Council requested that the discussion item regarding the allocated \$35,000.00 by the Port of Johnstown for donations be added to the next Port of Johnstown meeting. Members commended Port staff on a record year and for the aggressive 2023 capital budget of \$11 million.

**Decision:** 2023-52

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT Municipal Council:

1. Approves the Port of Johnstown's 2023 Budget Revenues and Expenses as presented; and
2. Approves the Port of Johnstown's 2023 Capital Budget in the amount of \$9,586,000.00 plus 2022 carryover amount of \$1,305,950.00 for a total of \$10,891,950.00 excluding HST.

As recommended by the Port Management Committee.

Carried

i. Draft Resolution - Elimination of LCBO Mark-up and Wine Levy on 100% Ontario Non-VQA Wine

Council noted their support of small businesses in rural Ontario.

**Decision:** 2023-53

**Moved by:** S. Dillabough

**Seconded by:** J. Martelle

WHEREAS the Non-Vintner Quality Alliance ("Non-VQA) wineries that sell 100% Ontario wine directly to a licensee (e.g. local restaurant) are subject to a Liquor Control Board of Ontario (LCBO) Mark-up and Wine Levy that are not imposed on a VQA direct delivery wine sale to a licensee; and

WHEREAS this results in significantly increased charges and reduced revenue for Non-VQA wineries and effectively bars the direct sale of 100% Ontario Non-VQA wine to local licensees; and

WHEREAS the resulting impact limits the development of local agri-tourism, rural economic diversification, and local partnerships; and

WHEREAS the LCBO, without requiring legislative amendments, has the discretion to remove the Mark-up and Wine Levy on the direct delivery of 100% Ontario Non-VQA wine to a licensee; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Edwardsburgh Cardinal supports the elimination of the LCBO Mark-up and Wine Levy imposed on the direct delivery of 100% Ontario Non-VQA wine to a licensee.

AND FURTHER BE IT RESOLVED THAT this resolution be forwarded to the Minister of Finance, the Minister of Municipal Affairs and Housing, the Minister of Agriculture, Food and Rural Affairs, the Minister of Economic Development, Job Creation and Trade, the Minister of Red Tape Reduction, and the Minister of Tourism, Culture and Sport.

Carried

9. Correspondence

Decision: 2023-54

Moved by: J. Martelle  
Seconded by: S. Dillabough

THAT Municipal Council receives the correspondence listings for the following dates as previously circulated:

- February 1, 2023
- February 8, 2023
- February 15, 2023
- February 22, 2023

Carried

10. Approval of Municipal Disbursements

Council clarified the repair amounts for the Public Works T5 truck.

Decision: 2023-55

Moved by: C. Ward  
Seconded by: W. Smail

THAT Municipal Council approves payment of municipal invoices circulated and dated as follows:

• Report dated January 30 (2023-022)	\$93,098.58
• Report dated January 31 (2023-024)	\$227,626.94
• Report dated February 15 (2023-036)	\$1,035,493.67
• Report dated February 15 (2023-037)	\$95,874.00
• Report dated February 22 (2023-039)	\$12,543.66
<b>TOTAL:</b>	<b>\$1,464,636.85</b>

Carried

11. By-laws

- a. Zoning Bylaw Amendment - 3609 County Rd 21 - Zanderplan Inc. o/b Malcomson - 3rd & Final Reading

Members expressed ongoing concern of setting a precedent for similar future situations.

**Decision:** 2023-56

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT a bylaw to amend Zoning Bylaw No. 2022-37 (ZanderPlan Inc. o/b David and Pamela Malcolmson Part of Lots 35 and 36, Concession 6, 3609 County Road 21), be now read a third time and finally passed, signed, sealed and numbered 2023-03.

Carried

b. Interim Tax Bylaw

**Decision:** 2023-57

**Moved by:** S. Dillabough

**Seconded by:** J. Martelle

THAT the mover be granted leave to introduce a bylaw to authorize an interim tax levy in advance of the adoption of the tax rates for 2023, and this shall constitute first and second reading thereof.

Carried

**Decision:** 2023-58

**Moved by:** S. Dillabough

**Seconded by:** C. Ward

THAT a bylaw to authorize an interim tax levy in advance of the adoption of the tax rates for 2023, be now read a third time and finally passed, signed, sealed and numbered 2023-09.

Carried

c. Procedural Bylaw - 1st and 2nd Reading

**Decision:** 2023-59

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT the mover be granted leave to introduce a bylaw to govern the proceedings of council and committees of council, and this shall constitute first and second reading thereof.

Carried

Members noted that the third and final reading of the bylaw would be brought to the March Council meeting.

d. Integrity Commissioner Appointment

**Decision:** 2023-60

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT the mover be granted leave to introduce a bylaw to appoint and establish the position and duties of the Integrity Commissioner of the Township of Edwardsburgh Cardinal, and this shall constitute first and second reading thereof.

Carried

**Decision:** 2023-61

**Moved by:** W. Smail  
**Seconded by:** C. Ward

THAT a bylaw to appoint and establish the position and duties of the Integrity Commissioner of the Township of Edwardsburgh Cardinal, be now read a third time and finally passed, signed, sealed and numbered 2023-10.

Carried

e. 2023 Cardinal Water & Wastewater System Estimates & Rates

**Decision:** 2023-62

**Moved by:** J. Martelle  
**Seconded by:** S. Dillabough

THAT the mover be granted leave to introduce a by-law to amend bylaw 2013-69 to impose water and wastewater rates for users of the Cardinal water and wastewater system, and this shall constitute first and second reading thereof.

Carried

**Decision:** 2023-63

**Moved by:** J. Martelle  
**Seconded by:** S. Dillabough

THAT a by-law to amend bylaw 2013-69 to impose water and wastewater rates for users of the Cardinal water and wastewater system, be now read a third time and finally passed, signed, sealed and numbered 2023-11.

Carried

f. 2023 Spencerville Sewer System Estimates & Rates

**Decision:** 2023-64

**Moved by:** C. Ward  
**Seconded by:** W. Smail

THAT the mover be granted leave to introduce a by-law to adopt the estimates and impose sewer rates for users of the Spencerville sewer system, and this shall constitute first and second reading thereof.

Carried

**Decision:** 2023-65

**Moved by:** C. Ward  
**Seconded by:** W. Smail

THAT a by-law to adopt the estimates and impose sewer rates for users of the Spencerville sewer system, be now read a third time and finally passed, signed, sealed and numbered 2023-12.

Carried

g. Amend Bylaw 2022-18 - New Wexford/Industrial Park Water Distribution System Estimates

**Decision:** 2023-66

**Moved by:** W. Smail  
**Seconded by:** C. Ward



THAT the mover be granted leave to introduce a by-law to amend bylaw 2022-18 to impose water rates for users of the water distribution system in New Wexford, County Rd 2 and the Johnstown Industrial Park, and this shall constitute first and second reading thereof.

Carried

**Decision:** 2023-67

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT a by-law to amend bylaw 2022-18 to impose water rates for users of the water distribution system in New Wexford, County Rd 2 and the Johnstown Industrial Park, be now read a third time and finally passed, signed, sealed and numbered 2023-13.

Carried

h. Port Terms of Reference & Committee Appointment

**Decision:** 2023-68

**Moved by:** S. Dillabough

**Seconded by:** C. Ward

THAT the mover be granted leave to introduce a by-law to establish terms of reference and appoint members to the Port of Johnstown management committee, and this shall constitute first and second reading thereof.

Carried

Council recognized the thorough discussion had at the Committee meeting and the favourable response to the request for recruitment of resident advisory members.

**Decision:** 2023-69

**Moved by:** S. Dillabough

**Seconded by:** C. Ward

THAT a by-law to establish terms of reference and appoint members to the Port of Johnstown management committee, be now read a third time and finally passed, signed, sealed and numbered 2023-14.

Carried

**12. CAO's Administrative Update**

Council reviewed the CAO's administrative update and discussed the following items:

- The Township's 2023 insurance rate increase of approximately 11.47%.
- Progress regarding the water damage in Council Chambers.

**Decision:** 2023-70

**Moved by:** J. Martelle

**Seconded by:** S. Dillabough

THAT Municipal Council receives the CAO's Administrative Report as presented.

Carried

**13. Councillor Inquiries or Notices of Motion**

None.

#### 14. Mayor's Report

Mayor Deschamps reported on the following:

- Provided an update on the proposed UCLG tax levy decrease following a subsequent committee meeting and commended county staff for the hard work to minimize the tax increase to 6.89%.
- Recognized the success of the Fire Fighter's Association pancake breakfast held on February 25th.
- Announced the upcoming Optimus Fundraiser on March 4th at the Drummond Building in Spencerville.

**Decision:** 2023-71

**Moved by:** S. Dillabough

**Seconded by:** C. Ward

THAT Municipal Council receives the Mayor's Report as presented.

Carried

#### 15. Question Period

None.

#### 16. Closed Session

**Decision:** 2023-72

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT Municipal Council proceeds into closed session at 8:37 p.m. in order to address a matter pertaining to:

1. Section 239(2)(b) Personal matters about an identifiable individual, including municipal or local board employees; Specifically: CAO Performance Appraisal and Minutes of Closed Session dated January 30, 2023 (Special & Regular Council)
2. Section 239(3.1) Educational or training sessions; Specifically: Council Training – Roles & Responsibilities.

Carried

- a. Section 239(2)(b) Personal matters about an identifiable individual, including municipal or local board employees; Specifically: CAO Performance Appraisal and Minutes of Closed Session dated January 30, 2023 (Special & Regular Council)

**Decision:** Verbal

**Moved by:** W. Smail

**Seconded by:** J. Martelle

THAT Municipal Council extend beyond the 10:00 p.m. curfew.

Carried

- b. Section 239(3.1) Educational or training sessions; Specifically: Council Training - Roles & Responsibilities

**Decision:** 2023-73

**Moved by:** C. Ward

**Seconded by:** W. Smail

THAT the closed meeting of Municipal Council does now adjourn and the open meeting does now resume at 10:27 p.m.

Carried

**17. Report Out of Closed Session**

Council received refresher training on organization roles and responsibilities in regard to rules of engagement.

Council directed the CAO to update agreed-upon key performance indicators and priorities for the upcoming review period.

Council reviewed the special and regular closed session minutes of January 30, 2023 for any errors or omissions.

**Decision:** 2023-74

**Moved by:** S. Dillabough

**Seconded by:** C. Ward

THAT Municipal Council receives and approves the special council and regular council closed session minutes dated January 30, 2023.

Carried

**18. Confirmation By-law**

**Decision:** 2023-75

**Moved by:** W. Smail

**Seconded by:** C. Ward

THAT a by-law to adopt, confirm and ratify matters dealt with by resolution be now passed, signed, sealed and numbered 2023-15.

**19. Adjournment**

**Decision:** 2023-76

**Moved by:** J. Martelle

**Seconded by:** S. Dillabough

That Municipal Council does now adjourn at 1:30 p.m.

Carried

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Mayor

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Clerk