

CRC/Hidden Quarry - The latest news from Guelph Eramosa Township and a donation from the Town of Halton Hills!

CRC

Wed 2019-04-17 6:36 PM

To: CRC Newsletter <CRC-Newsletter-No-Reply@crcrockwood.org>;



CRC counts down - 34 days until LPAT Hearing begins!



Full house at GET Council Meeting on Monday.

On Monday afternoon, April 15, GET Council passed a motion stating the Township's position of opposition to the Hidden Quarry proposal. This is good news. It echoes almost exactly the position GET took at the 2016 OMB Hearing. And, as in 2016, the disappointing, but not unexpected, news is that GET will not be bringing any witnesses to the Hearing to speak to their concerns. As you will read below, GET's lawyer will formally advise LPAT of this position and will bring Township's conditions to the attention of LPAT should the quarry be approved.

The full preamble to the motion is attached. It concludes: **WHEREAS the proposed quarry will not result in any demonstrated benefit to the Township in the form of employment, increased tax revenues or other community benefits...**

Here is the motion as it appears in Council's draft minutes which will not be final until approved at the next GET Council meeting:

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township direct the Township Solicitor to advise the LPAT that the Township opposes the Rezoning Application appeal and ARA License referral and requests that the Tribunal:
 - a. Refuse the appeal of the Rezoning Application; and
 - b. Refuse to issue the ARA License.

2. That the Township direct the Township Solicitor to request, should the LPAT ultimately decide to grant the Rezoning Application appeal and ARA License, that the Tribunal:
 - a. approve the amendment to the Township Zoning By-law only in a form satisfactory to the Township; and
 - b. approve the conditions of development prepared by the Township and direct that the Minister of Natural Resources, in issuing a licence pursuant to the Aggregate Resources Act, to incorporate these conditions in any license issued for the Lands; and
 - c. include in the site plan notes prepared by the Township a requirement that the haul route traffic associated with the quarry by-pass Rockwood.
 - d. withhold its final Order until:
 - i. a Road Agreement satisfactory to the Township has been entered into by the Township and JDCL and any costs required therein have been paid in full to the Township; and
 - ii. a permit from the Ministry of Transportation is received to permit access for truck traffic associated with the proposed quarry to Highway 7.
 - iii. an Audit Agreement securing the use of a third-party auditor at no cost to the Township to monitor and report on the conditions of any approved ARA license so as to ensure the conditions are fulfilled.
3. That the Township direct the Township Solicitor to attend at the commencement of the LPAT hearing and provide this resolution and the associated documents to the Tribunal for filing as an exhibit(s).

Council members discussed three amendments presented by Councillor Mark Bouwmeester, reflected in item d above and in more detail in the attached minutes. Two proposed amendments related to traffic and the third to the need for a third party audit of the company's adherence to conditions. The discussion made it clear that there are no safe options for gravel truck traffic going west, either through Rockwood, or on a southern bypass of the town along the Eramosa/Milton Townline and north on Wellington Road #44. The resulting motion item 2.d.i and ii reflects this serious concern. Because Highway 7 is a provincial highway, it is not clear that there is a remedy...a clear example of why the Hidden Quarry must not proceed.

Here's the report in this week's Wellington

Advertiser: <https://www.wellingtonadvertiser.com/comments/index.cfm?articleID=43949>

Good news from Halton Hills!



Halton Hills Council Unanimously

Approves Donation of \$5000 to CRC!

On Monday evening, April 15, Halton Hills Council met to build on their previous statements of support for CRC and on their ongoing concerns about the impacts of the proposed Hidden Quarry on Halton Hills traffic. Here is the full motion moved by Councillor Jon Hurst and seconded by Councillor Jane Fogal. Several representatives of CRC were in the Chamber to watch the unanimous vote, seen here in the photo as Councillors stand to vote.

WHEREAS the Concerned Residents Coalition (CRC) is a Guelph/Eramosa Township community group, which includes Halton Hills residents, and was formed to undertake a proper assessment of the proposed Rockwood

Hidden Quarry risks;

AND WHEREAS Halton Hills has serious concerns about the impact of increased truck traffic along the highway 7 corridor through downtown Acton, Georgetown and Norval;

AND WHEREAS the CRC has secured excellent legal council and witnesses who will be bringing pertinent and significant testimony to the upcoming LPAT hearing to support their opposition to this quarry, including issues related to environmental concerns, well water, fish habitat, protection of the Paris-Galt Moraine, underwater blasting and potential fly-rock;

AND WHEREAS approval of this quarry application presents the risk that there may be future requests for expansion or additional quarry sites in the area, leading to even further increased truck traffic through Halton Hills;

AND WHEREAS the CRC is trying very hard to meet the financial challenges to pay for the case they plan to present at the LPAT hearing, having recognized that the community has given more than \$700,000 over the past 6 years, including a previous Halton Hills grant of \$15,000, but there still remains a potential deficit of approximately \$150,000;

AND WHEREAS given the enormous community support illustrated by the success of the fundraising campaign, it is important that they find the financial means to present their entire case at the hearing;

THEREFORE BE IT RESOLVED THAT the Council for the Town of Halton Hills wishes to further contribute to the CRC's campaign goal through an additional donation of \$5,000;

AND FURTHER THAT the donation of \$5,000 be funded through the Town's Tax Rate Stabilization Reserve.

And that's the CRC news for today!

2018/19 CRC Fund-raising Goal: \$350,000

Your financial contribution is essential for retaining legal representation and expert witnesses to make a winning CRC case against the Hidden Quarry at the Local Planning Appeals Tribunal (LPAT, formerly OMB) in May

2019! www.hiddenquarry.ca



Corporation of the Township of Guelph/Eramosa

Regular Meeting of Council

MINUTES

Monday, April 15, 2019

1:30 p.m.

Council Chambers

Present: Mayor Chris White, Councillors Corey Woods, Mark Bouwmeester, Bruce Dickieson, and Louise Marshall.

Present from Staff: CAO Ian Roger, Director of Finance Linda Cheyne, Director of Parks and Recreation Robin Milne, Director of Public Works Harry Neimi, Clerk/Director of Legislative Services Meaghen Reid and Deputy Clerk Amanda Knight.

1. The Mayor called the meeting to order at 1:30 p.m.

2. Approval of Agenda

2019-04-15-2.1

Moved by:

Bruce Dickieson

Seconded by:

Mark Bouwmeester

Be it resolved that the agenda for the April 15, 2019 Regular Council Meeting be approved, as presented.

Carried Unanimously

3. Announcements/Presentations

3.1 Councillor Louise Marshall announced that the Eden Mills Art Festival will be taking place on May 23 and 24, 2019.

4. Declaration of Pecuniary Conflict of Interest

4.1 Councillor Corey Woods declared an indirect pecuniary conflict of interest with regard to Item 10.4

5. Minutes

5.1 Monday, April 1, 2019 (Special Meeting)

5.2 Monday, April 1, 2019 (Special Closed Meeting)

5.3 Monday, April 1, 2019 (Regular Meeting)

5.4 Monday, April 1, 2019 (Public Meeting)

5.5 Monday, April 1, 2019 (Regular Closed Meeting)

2019-04-15 5.1-5 Moved by: Louise Marshall
Seconded by: Corey Woods

Be it resolved that the Minutes of the Special Meeting, Special Closed Meeting, Regular Meeting, Public Meeting and Regular Closed Meeting of Council held on April 1, 2019 be approved as presented.

Carried Unanimously

6. Public Meetings

None.

12. Closed Session

2019-04-15 12.0a) Moved by: Corey Woods
Seconded by: Louise Marshall

Be it resolved that the Council for the Township of Guelph/Eramosa rise and sit in closed session under Section 239 of the Municipal Act of the purpose of:

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (OMB Appeal).

Carried Unanimously

The Closed Session meeting was moved to the Committee Room adjacent to Council Chambers, with unanimous consent.

2019-04-15 12.0b) Moved by: Corey Woods
Seconded by: Louise Marshall

Be it resolved that the Council for the Township of Guelph/Eramosa rise and sit in open session of Council.

Carried Unanimously

The Regular Meeting of Council resumed in Council Chambers.

12.1 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (OMB Appeal).

2019-04-15-12.1 Moved by: Louise Marshall
 Seconded by: Corey Woods

WHEREAS the applicant, James Dick Construction Limited (“JDCL”), made an application on December 9, 2016 pursuant to section 34 of the Planning Act, to amend the Township’s Comprehensive Zoning By-law 40/2016, being application ZBA 06/16 (the “Rezoning Application”) to permit a Category 2 (below the water table) quarry for the extraction of aggregate material and associated ancillary uses such as crushing, washing and screening, on lands located in the northeast quadrant of Highway 7 and 6th Line (the “Lands”); and

WHEREAS the Rezoning Application was an update to the application originally filed in December 2012 and subsequently appealed to the (then) Ontario Municipal Board in June 2015 along with the associated license application made pursuant to the Aggregate Resources Act and submitted to the Minister of Natural Resources on October 2, 2012 (the “ARA License”), which applications were appealed and were the subject of Township Resolution passed by Council of the Township on October 7, 2015; and

WHEREAS JDCL appealed the Rezoning Application to the Local Planning Appeal Tribunal (“LPAT” or “Tribunal”) on April 20, 2017 pursuant to subsection 34(11) of the Planning Act prior to the Council of the Township reaching a decision on the Rezoning Application; and

WHEREAS the Township had previously developed detailed conditions of development and a draft zoning by-law with the input of its solicitors and peer review consultants; and

WHEREAS, should the LPAT ultimately approve the proposal, the conditions previously developed by the Township remain applicable and are intended to be enforceable, effective and implemented at no cost to the Township or community; and

WHEREAS the proposed quarry will not result in any demonstrated benefit to the Township in the form of employment, increased tax revenues or other community benefits;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township direct the Township Solicitor to advise the LPAT that the Township opposes the Rezoning Application appeal and ARA License referral and requests that the Tribunal:

- a. Refuse the appeal of the Rezoning Application; and
 - b. Refuse to issue the ARA License.
2. That the Township direct the Township Solicitor to request, should the LPAT ultimately decide to grant the Rezoning Application appeal and ARA License, that the Tribunal:
- a. approve the amendment to the Township Zoning By-law only in a form satisfactory to the Township; and
 - b. approve the conditions of development prepared by the Township and direct that the Minister of Natural Resources, in issuing a licence pursuant to the Aggregate Resources Act, to incorporate these conditions in any license issued for the Lands; and
 - c. withhold its final Order until:
 - i. a Road Agreement satisfactory to the Township has been entered into by the Township and JDCL and any costs required therein have been paid in full to the Township; and
 - ii. a permit from the Ministry of Transportation is received to permit access for truck traffic associated with the proposed quarry to Highway 7.
3. That the Township direct the Township Solicitor to attend at the commencement of the LPAT hearing and provide this resolution and the associated documents to the Tribunal for filing as an exhibit(s).

AMENDMENT

Moved by:

Mark Bouwmeester

Seconded by:

Corey Woods

That the motion be amended by:

1. adding a new paragraph 2(c) to the resolution which states:

“Include in the site plan notes prepared by the Township a requirement that the haul route traffic associated with the quarry bypass Rockwood Village by utilizing Wellington Road 44 and Eramosa-Milton Townline as a primary route, and that any costs related to resulting road improvement and maintenance along this route be borne by JDCL”;
2. Renumbering paragraph 2(c) to paragraph 2(d) as a result of the amendment above; and
3. adding a new subparagraph 2(d)(iii) to the resolution which states:

“an Audit Agreement securing the use of a third-party auditor at no cost to the Township to monitor and report on the conditions of any approved ARA so as to ensure the conditions are fulfilled.”

4. adding the following before the last recital in the draft resolution:

WHEREAS the Township support efforts to secure access to Fellows Road as an alternative for the primary access route to the proposed quarry.

Councillor Woods requested that the amendment be divided. The Mayor confirmed unanimous consent to have the amendment divided.

PART 4 OF AMENDMENT

That the motion be amended by adding the following:

4. adding the following before the last recital in the draft resolution:

WHEREAS the Township support efforts to secure access to Fellows Road as an alternative for the primary access route to the proposed quarry.

At the request of Councillor Bouwmeester a recorded vote on Part 4 of the amendment was taken.

	Yea	Nay
BOUWMEESTER, M.	X	
DICKIESON, B.		X
MARSHALL, L.	X	
WOODS, C.	X	
WHITE, C.	X	
TOTAL	4	1

Carried Unanimously

PART 1 OF AMENDMENT

At the request of Councillor Bouwmeester, and with unanimous consent, Part 1 of the Amendment was amended, as follows:

That the motion be amended by adding the following:

1. adding a new paragraph 2(c) to the resolution which states:

“Include in the site plan notes prepared by the Township a requirement that the haul route traffic associated with the quarry bypass Rockwood.”

At the request of Councillor Bouwmeester, a recorded vote on Part 1 of the amendment was taken.

	Yea	Nay
BOUWMEESTER, M.	X	
DICKIESON, B.	X	
MARSHALL, L.	X	
WOODS, C.	X	
WHITE, C.	X	
TOTAL	5	0

Carried Unanimously

PART 3 OF AMENDMENT

That the motion be amended by adding the following:

3. adding a new subparagraph 2(d)(iii) to the resolution which states:

“an Audit Agreement securing the use of a third-party auditor at no cost to the Township to monitor and report on the conditions of any approved ARA license so as to ensure the conditions are fulfilled.”

At the request of Councillor Bouwmeester, a recorded vote on Part 3 of the amendment was taken.

	Yea	Nay
BOUWMEESTER, M.	X	
DICKIESON, B.	X	
MARSHALL, L.		X
WOODS, C.	X	
WHITE, C.	X	
TOTAL	5	1

Carried

The Mayor restated the structure of the main motion, as amended:

WHEREAS the applicant, James Dick Construction Limited (“JDCL”), made an application on December 9, 2016 pursuant to section 34 of the Planning Act, to amend the Township’s Comprehensive Zoning By-law 40/2016, being application ZBA 06/16 (the “Rezoning Application”) to permit a Category 2 (below the water table) quarry for the extraction of aggregate material and associated ancillary uses such as crushing,

washing and screening, on lands located in the northeast quadrant of Highway 7 and 6th Line (the “Lands”); and

WHEREAS the Rezoning Application was an update to the application originally filed in December 2012 and subsequently appealed to the (then) Ontario Municipal Board in June 2015 along with the associated license application made pursuant to the Aggregate Resources Act and submitted to the Minister of Natural Resources on October 2, 2012 (the “ARA License”), which applications were appealed and were the subject of Township Resolution passed by Council of the Township on October 7, 2015; and

WHEREAS JDCL appealed the Rezoning Application to the Local Planning Appeal Tribunal (“LPAT” or “Tribunal”) on April 20, 2017 pursuant to subsection 34(11) of the Planning Act prior to the Council of the Township reaching a decision on the Rezoning Application; and

WHEREAS the Township had previously developed detailed conditions of development and a draft zoning by-law with the input of its solicitors and peer review consultants; and

WHEREAS, should the LPAT ultimately approve the proposal, the conditions previously developed by the Township remain applicable and are intended to be enforceable, effective and implemented at no cost to the Township or community; and

WHEREAS the proposed quarry will not result in any demonstrated benefit to the Township in the form of employment, increased tax revenues or other community benefits;

WHEREAS the Township supports efforts to secure access to Fellows Road as an alternative for the primary access route to the proposed quarry;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township direct the Township Solicitor to advise the LPAT that the Township opposes the Rezoning Application appeal and ARA License referral and requests that the Tribunal:
 - a. Refuse the appeal of the Rezoning Application; and
 - b. Refuse to issue the ARA License.
2. That the Township direct the Township Solicitor to request, should the LPAT ultimately decide to grant the Rezoning Application appeal and ARA License, that the Tribunal:

- a. approve the amendment to the Township Zoning By-law only in a form satisfactory to the Township; and
 - b. approve the conditions of development prepared by the Township and direct that the Minister of Natural Resources, in issuing a licence pursuant to the Aggregate Resources Act, to incorporate these conditions in any license issued for the Lands; and
 - c. include in the site plan notes prepared by the Township a requirement that the haul route traffic associated with the quarry by-pass Rockwood.
 - d. withhold its final Order until:
 - i. a Road Agreement satisfactory to the Township has been entered into by the Township and JDCL and any costs required therein have been paid in full to the Township; and
 - ii. a permit from the Ministry of Transportation is received to permit access for truck traffic associated with the proposed quarry to Highway 7.
 - iii. an Audit Agreement securing the use of a third-party auditor at no cost to the Township to monitor and report on the conditions of any approved ARA license so as to ensure the conditions are fulfilled.
3. That the Township direct the Township Solicitor to attend at the commencement of the LPAT hearing and provide this resolution and the associated documents to the Tribunal for filing as an exhibit(s).

At the request of Councillor Bouwmeester, a recorded vote on the amended main motion, was taken.

	Yea	Nay
BOUWMEESTER, M.	X	
DICKIESON, B.	X	
MARSHALL, L.	X	
WOODS, C.		X
WHITE, C.	X	
TOTAL	5	1

Carried

Mayor White called a recess at 2:30 p.m.

Mayor White reconvened the meeting at 2:40 p.m.

7. Delegations

None.

8. Regular Business

8.1 Public Works Department Report 19/09 re: Sixth and Seventh Line
Resurfacing Tender Results

2019-04-15-8.1 Moved by: Corey Woods
 Seconded by: Louise Marshall

Be it resolved that the Council of the Township of Guelph/Eramosa has received Water Waste Water Department Report 19/04 regarding Tender Results for the Milne Place Pumphouse; and

That the Council of the Township of Guelph/Eramosa accepts the Tender of Xterra Construction Inc. in the amount of \$1,263,454.72 including the HST.

Carried Unanimously

8.2 Water Waste Water Department Report 19/04 re: Milne Place
Pumphouse Tender Results

2019-04-15-8.2 Moved by: Bruce Dickieson
 Seconded by: Mark Bouwmeester

Be it resolved that the Council of the Township of Guelph/Eramosa has received Public Works Department Report 19/09 regarding Tender Results for Sixth and Seventh Line Resurfacing; and

That the Council of the Township of Guelph/Eramosa accepts the Tender of Cox Construction Limited in the amount of \$1,227,280.80 including the HST.

Carried Unanimously

8.3 Parks and Recreation Department Report 19/02 re: Wide Area Mower
RFQ Award

2019-04-15-8.3 Moved by: Mark Bouwmeester
 Seconded by: Bruce Dickieson

Be it resolved that the Council of the Township of Guelph/Eramosa has received Parks and Recreation Department Report 19/02

regarding the award of RFQ-201901 for a Wide Area Mower for information purposes only.

Carried Unanimously

8.4 Parks and Recreation Department 19-03 re: Fees and Charges By-law Schedule "E"

2019-04-15-8.4 Moved by: Louise Marshall
 Seconded by: Corey Woods

Be it resolved that the Council of the Township of Guelph/Eramosa has received Parks and Recreation Report 19-03 regarding Schedule "E" of the Fees and Charges by-law; and

That Council approve Schedule "E" of the Fees and Charges By-law 25/2018 as presented.

Carried Unanimously

9. Addendums

None.

10. By-laws

10.1 31/2019 A By-law to designate Community Improvement Project Areas

2019-04-15-10.1 Moved by: Bruce Dickieson
 Seconded by: Mark Bouwmeester

Be it resolved that By-law 31/2019, being a By-law to designate Community Improvement Project Areas, be read three times and finally passed in open session.

Carried Unanimously

10.2 32/2019 A By-law to to Adopt a Community Improvement Plan

2019-04-15-10.2 Moved by: Louise Marshall
 Seconded by: Corey Woods

Be it resolved that By-law 32/2019, being a By-law to adopt a Community Improvement Plan, be read three times and finally passed in open session.

Carried Unanimously

10.3 33/2019 A By-law to repeal and replace Schedule "E" relating to Parks and Recreation Department Fees and Schedule of By-law 78/2018, which amended By-law 25/2018, a By-law to establish rates, fees and charges for various services provided by the Corporation of the Township of Guelph/Eramosa

2019-04-15-10.3 Moved by: Corey Woods
Seconded by: Louise Marshall

Be it resolved that By-law 33/2019, being A By-law to repeal and replace Schedule "E" relating to Parks and Recreation Department Fees and Schedule of By-law 78/2018, which amended By-law 25/2018, a By-law to establish rates, fees and charges for various services provided by the Corporation of the Township of Guelph/Eramosa, be read three times and finally passed in open session.

Carried Unanimously

Councillor Woods left the room.

10.4 34/2019 A By-law to authorize the Mayor and Clerk to execute an agreement to enter into a Service Agreement with the Guelph Humane Society Incorporated.

2019-04-15-10.4 Moved by: Mark Bouwmeester
Seconded by: Bruce Dickieson

Be it resolved that By-law 34/2019, being a By-law to authorize the Mayor and Clerk to execute an agreement to enter into a Service Agreement with the Guelph Humane Society Incorporated, be read three times and finally passed in open session.

Carried

Councillor Woods returned.

10.5 35/2019 A By-law to authorize the Mayor and Clerk to execute an agreement to enter into a Service Agreement with the Guelph Humane Society Incorporated.

2019-04-15-10.5 Moved by: Corey Woods
 Seconded by: Louise Marshall

Be it resolved that By-law 35/2019, being a By-law to confirm the proceedings of the Council of the Corporation of the Township of Guelph/Eramosa at its Regular meeting held on the 15th of April, 2019, be read three times and finally passed in open session.

Carried Unanimously

11. Notices of Motion

None.

12. Closed Session Continued

None.

13. Adjournment

The Mayor adjourned the meeting at 3:12 p.m.

Chris White, Mayor

Meaghen Reid, Clerk