



Special Meeting Minutes  
Tuesday, March 3, 2009  
7:00 p.m.  
Caledon Community Complex

Mayor M. Morrison  
D. Beffort  
N. deBoer (Absent – Family Emergency)  
A. Groves  
G. McClure  
R. Paterak  
J. Payne  
A. Thompson  
R. Whitehead

Chief Administrative Officer: D. Barnes  
Director of Administration/Town Clerk: Karen Landry  
Deputy CAO/Director of Corporate Services/Treasurer: R. Kaufman  
Fire Chief: B. Bigrigg  
Director of Legal Services: N. Koltun  
Director of Planning & Development: M. Hall  
Manager of Policy: T. Salter  
Acting Director of Public Works: B. Baird  
Manager of Economic Development/Communications: N. Lingard  
Director of Recreation and Property Services: E. Eglite  
Manager of Building: M. Schofield  
Legislative Services Supervisor/Deputy Clerk: D. Thompson  
Administrative Assistant: B. Karrandjas  
GIS Analyst/Project Manager: D. Jones

**1. CALL TO ORDER**

The Mayor called the meeting to order at 7:00 p.m. Councillor Whitehead opened the meeting with a prayer.

**2. APPROVAL OF AGENDA**

Moved by R. Paterak – Seconded by A. Thompson 099-2009

That the agenda for the March 3, 2009 Special Council Meeting be approved. Carried.

**3. DISCLOSURE OF PECUNIARY INTEREST - None stated.**

**4. DELEGATIONS**

1. James Parkin, Planner, MHBC Planning on behalf of James Dick Construction Limited re: Rockfort Quarry.

Moved by A. Thompson – Seconded by R. Paterak 100-2009

That the delegation of James Parkin, Planner, MHBC Planning on behalf of James Dick Construction Limited regarding Rockfort Quarry, be received. Carried.

2. Penny Richardson, President, Coalition of Concerned Citizens re: Rockfort Quarry.

Moved by R. Paterak – Seconded by D. Beffort 101-2009

That the delegation of Penny Richardson, President, Coalition of Concerned Citizens regarding Rockfort Quarry, be received. Carried.

**5. REGULAR BUSINESS**

1. CAO-2009-001 re: Town of Caledon Position Regarding: Rockfort Quarry Official Plan amendment and Zoning By-law Amendment Applications (Town of Caledon File Numbers: POPA 98-05 & RZ 98-08); The Rockfort Quarry Category 2 License

Application; and The Comprehensive Broader Scale Environmental Study for Town of Caledon Aggregate Resource Area 9-A.

Moved by A. Thompson – Seconded by R. Whitehead

102-2009

That paragraph 15 be amended to read “That the applications be referred to a Joint Board in that the haul routes will require a 4 lane road on Olde Base Line Road from Winston Churchill Boulevard to Mississauga Road, Mississauga Road to King Street, King Street from Mississauga Road to Highway 10, approximately 12.8 km, much of which will require a Development Permit under the NEPDA; And further that this application be referred a Joint Board because the grout curtain has the potential to upset, disturb or destroy water features and habitat that exist totally within an area of the NEP under development control”.

A recorded vote was requested and taken as follows:

<b>RECORDED VOTE</b>	<b>YES</b>	<b>NO</b>	<b>CONFLICT</b>	<b>ABSENT</b>
Councillor Beffort		X		
Councillor deBoer				X
Councillor Groves		X		
Councillor McClure		X		
Mayor Morrison	X			
Councillor Paterak		X		
Councillor Payne	X			
Councillor Thompson	X			
Councillor Whitehead	X			
<b>TOTAL</b>	4	4	---	1

Lost.

Moved by R. Paterak – Seconded by D. Beffort

103-2009

To add to paragraph 9 “That should assurances not be provided by JDCL, that the Province of Ontario as the licensing authority fully underwrite all costs required to remediate any environmental damage and the costs incurred by private downstream water systems, and further that the Province will continue to fund all remediative measures required until groundwater stasis is restored for however long that is required”; and

To add the following paragraph “9a. That if approved rather than wait for failure of the groundwater system, either by flow conditions or through pollution, in the interest of public health, that JDCL will fund the Region of Peel to develop Regional wells and the pipelines required to deliver water to all potentially affected residences; And that JDCL will also fund all of the connections and plumbing costs on private property required for the continuous deliver of potable water; And that JDCL will fund the decommissioning of all private wells that are abandoned as a result of the Rockfort Quarry”; and

To add the following paragraph 15 “That the applications be referred to a Joint Board in that the haul routes will require widening to accommodate full shoulders and a climbing lane on Mississauga Road, and intersection improvements at Mississauga Road and Olde Base Line Road, all of which will require a Development Permit under the NEPDA; And further that this application be referred to a Joint Board because the grout curtain has the potential to upset, disturb or destroy water features and habitat that exist totally within an area of the NEP under development control”; and

To add the following paragraph 16 “That should the quarry be approved, all road improvements will be funded 100% by the proponent”; and

To add the following paragraph 17 “That should the application be denied the Board require JDCL to refund all costs incurred in defending their respective interests and the costs incurred in preparation of the respective defenses of the Town of Caledon, the Region of Peel, the CVC, the NEC and the CCC”.

A recorded vote was requested and taken as follows:

<b>RECORDED VOTE</b>	<b>YES</b>	<b>NO</b>	<b>CONFLICT</b>	<b>ABSENT</b>
Councillor Beffort	X			
Councillor deBoer				X
Councillor Groves	X			
Councillor McClure	X			
Mayor Morrison	X			

Councillor Paterak	X			
Councillor Payne	X			
Councillor Thompson	X			
Councillor Whitehead	X			
<b>TOTAL</b>	<b>8</b>	---	---	<b>1</b>

Carried.

Moved by D. Beffort – Seconded by R. Paterak

104-2009

1. That Report CAO-2009-001 regarding Town of Caledon Position Regarding: Rockfort Quarry Official Plan Amendment and Zoning By-law Amendment Applications (Town of Caledon File Numbers: POPA 98-05 & RZ 98-08); The Rockfort Quarry Category 2 License Application; and, The Comprehensive Broader Scale Environmental Study for Town of Caledon Aggregate Resource Area 9-A, be received;
2. That the Town of Caledon join Credit Valley Conservation in opposing the Rockfort Quarry Official Plan Amendment, Zoning By-law Amendment and Category 2 License applications, for the reasons outlined in Report CAO-2009-001, including, but not limited to:
  - a. Insufficient characterization of the highly complex groundwater system necessary to design effective mitigation prior to planning approvals;
  - b. Complete reliance on a large-scale engineered grout curtain structure and recharge wells to mitigate against unacceptable environmental, social and fiscal impacts, and associated uncertainties, risks, cost effectiveness questions, as identified by Credit Valley Conservation and the agency peer reviewers;
  - c. The magnitude of potential financial risks to landowners and public agencies and the absence of legally binding financial assurances to mitigate against these risks;
  - d. Technical deficiencies in the supporting studies submitted by JDCL, as identified by Credit Valley Conservation and the agency peer reviewers;
  - e. Policy conformity issues as identified by Credit Valley Conservation and the Town of Caledon;
  - f. Concerns that key elements of the proposed mitigation system are separate from the current approvals being sought by JDCL and over which the Town of Caledon has no regulatory control, including the Permit to Take Water and Certificates of Approval that will be required from the Ministry of the Environment at some future date;
  - g. Concerns that the *Aggregate Resources Act* licensing system administered by the Ministry of Natural Resources does not protect the financial position of host municipalities;
  - h. Concerns regarding the self-policing nature of operator compliance with conditions of an aggregate license, and the lack of any direct local municipal authority to enforce/address compliance concerns; and,
  - i. Concerns that there is no statutory basis under the *Aggregate Resources Act* and other provincial legislation to ensure that the licensed operator of a quarry is accountable and responsible to the local municipal authority for the long term operation and management of the quarry in the interest of the municipality and the public and the fulfillment of mitigation measures and monitoring mechanisms to deal with local and area-wide impacts, according to conditions, permits, and approvals governing the quarry and associated structures and functions.
3. That Council authorize the Mayor to communicate with the Minister of the Environment to request that the Province of Ontario designate, by regulation, that the proposed Rockfort Quarry be subject to an environmental assessment under the Environmental Assessment Act and to request that a Director of the Ministry of the Environment require the Environmental Review Tribunal hold a hearing into whether the Rockfort Quarry area should be declared an area of public water service under the Ontario Water Resources Act.
4. That Council confirm the retainer of legal counsel experienced in environmental law to bring a report to Council about any appropriate legal proceeding that is available so that a hearing in respect of Rockfort Quarry might take place before a joint board of the Ontario Municipal Board and the Environmental Review Tribunal, or in the alternative before the Environmental Review Tribunal.
5. That Council instruct staff to review the provisions of the *Clean Water Act* and the applicability of the *Act* to the area to be occupied and affected by the Rockfort Quarry.
6. That the cost of engaging the appropriate legal counsel and consultants to prepare for the Ontario Municipal Board hearing be funded from the Working Fund Reserve to an upset limit of \$500,000.

7. That the estimated cost of \$1.3 million for appropriate legal counsel and consultants in regard to the matters before the Ontario Municipal Board, and any additional costs related to the retainer of environmental law counsel, be referred to the 2009 budget to consider an appropriate funding source for these estimated Town costs.
8. That the Town of Caledon support and maintain a revenue neutral position whereby estimated net costs to the Town and Region of Peel and estimated loss of property values to property owners be fully compensated by JDCL.
9. That financial assurances be provided by JDCL to a yet to be determined level sufficient to completely offset the potential impacts should mitigation measures designed to protect the ground water supply fail, with such assurances to be maintained for the duration of the operation and rehabilitation period.
10. That the Town of Caledon maintain its position that Caledon High Potential Mineral Aggregate Resource Area 9-A as identified on Schedule L to the Caledon Official Plan is appropriately identified as "Aggregate Reserve Lands".
11. That the Town of Caledon remains concerned with certain policy aspects of the final CBSES submitted by JDCL on March 31, 2008, while acknowledging that many aspects of the Study are acceptable, and accepting the position taken by Credit Valley Conservation through its report dated February 20, 2009, that CVC is generally satisfied that the CBSES has been completed within the OMB party process, save except for the items that were intended to be addressed as part of the site specific application.
12. That the Town of Caledon oppose the Rockfort Quarry applications at the Ontario Municipal Board hearing scheduled to commence on May 25, 2009.
13. That the Town inform JDCL that a building permit application will be required for the grout wall.
14. That Report CAO-2009-001 be circulated to all parties and participants to this matter.

A recorded vote was requested and taken as follows:

<b>RECORDED VOTE</b>	<b>YES</b>	<b>NO</b>	<b>CONFLICT</b>	<b>ABSENT</b>
Councillor Beffort	X			
Councillor deBoer				X
Councillor Groves	X			
Councillor McClure	X			
Mayor Morrison	X			
Councillor Paterak	X			
Councillor Payne	X			
Councillor Thompson	X			
Councillor Whitehead	X			
<b>TOTAL</b>	<b>8</b>	---	---	<b>1</b>

Carried.

6. **OTHER BUSINESS** – None.

7. **PUBLIC QUESTION PERIOD** – None.

8. **BY-LAWS**

Moved by D. Beffort – Seconded by R. Paterak

105-2009

That the following by-law be taken as read three times and finally passed in open council:

2009-019                      To confirm the proceedings of the March 3, 2009 Special Council Meeting.

Carried.

9. **ADJOURNMENT**

On verbal motion moved by Councillor Groves and seconded by Councillor Paterak, Council adjourned at 9:10 p.m.

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 Marolyn Morrison, Mayor

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 Karen Landry, Clerk