

Minutes of an Public Meeting of the Amherstburg Municipal Council held September 19, 2005 at 7:10 p.m.

PRESENT; Mayor Wayne Hurst
Deputy Mayor Anthony Leardi
Councillor Robert Bailey
Councillor Gord Freeman
Councillor Carl Gibb
Councillor Paul Renaud
Councillor Rosa White

ALSO PRESENT; Frank Pizzuto, CAO
David Mailloux, Clerk
Lory Bratt, Planning Coordinator
Tony Marra, IT
Many residents of the area (see list attached)

Mayor Hurst opened the meeting and welcomed all present. He stated that this is a public meeting to consider the request from Amherst Quarries to close North Side Road between the 6th Concession and Howard Avenue.

He advised that Council would consider the comments received tonight and would formerly consider the By-law at the October 11th Council meeting (as opposed to the newspaper ads which said Sept. 26th).

Mayor Hurst then asked the CAO, Frank Pizzuto to review a report dated September 9, 2005 (copy attached).

One of the points made in the report is that the 2 bridges now closed (North Side Road between Concession 5 and Concession 6 and on Sixth Concession between North Side Road and Middle Side Road) would be back in service prior to the closing of North Side Road if Council decides to approve the closure.

The CAO then by way of PowerPoint displayed 2 maps of the area showing distances and number of homes and businesses in the area.

Mayor Hurst then read aloud the following letters:

- faxed letter dated Sept. 19 from Linda and Art Karpenko, 6885 Concession 6 North and Diana Giorgi of 6906 Concession 6 North.
- Letter dated Sept. 13 from Richard Laframboise, 5th Concession.
- Letter from Debbie Renaud, resident of 5th Concession.

Mayor Hurst then called upon Mr. Ed Smith of Amherst Quarries to make a presentation.

Mr. Smith stated that his family (he is the 3rd generation) has been operating the quarries in the area for many years. There were originally on Simcoe Street and are now in McGregor also. They employ 28 people, pay 2 million in wages and benefits per year and generate 8 million annually into the economy. They pay \$140,000 in annual municipal taxes. They own property on both sides of North Side Road and it would be a benefit to have the road between the two properties closed. The crushing equipment would be able to stay where it is now. There would be no jobs lost. The traffic study showed less than 100 cars per day using the North Side Road. They are offering \$100,000 plus a lot abutting the Town Soccer field as compensation.

Councillor Freeman asked if the traffic study included trucks. The response was "No".

Mayor Hurst recommended that the by-law be voted on at the October 11, 2005 Council meeting rather than September 26 as stated in the notice.

Don Regnier strongly felt that a tunnel should be constructed under Howard Avenue and the quarry expanded to east of Howard.

Ed Smith responded that the cost of a tunnel was prohibitive.

Darlene Helfrich has lived on the 6th Concession all here life. They have had problems with the blasting. They have had to pay for waterlines that should have been paid for by the quarry.

Sherry Shaw lives in proximity to quarry. Blasting has caused cracks in her home. Concerned about property values. How is she going to be compensated?

Phil Bondy lives at intersection of Howard and North Side Road. His home was built in 1950. Blasting was more severe when general Chemical blasted. The quarry has benefited the area. Council should consider closing North Side Road between the 5th and 6th Concessions also.

Lisa Gagnon disagreed with Phil Bondy. She feels that the area is forgotten since the amalgamation.

Ron Meloche resident of the 8th Concession and an Amherstburg Volunteer Firefighter disagrees with the Fire Chief that the closure is not a concern. The volunteers use North Side Road to respond to calls. The response time may be affected. He suggested that if North Side Road is closed that a new road be constructed at the north limit of the Smith property.

Bill Rankin stated that his son lives in the area. He has been following the BiNational crossing Studies. He suggested that the North Side Road could be a route and that Council should hold off on a decision to the end of 2005. If the route was to be North Side Road, Amherstburg would benefit tremendously by increased tourism and property values.

Kristine Lumb a mail carrier in the area stated that the closed bridges are causing a problem.

Deputy Mayor Leardi asked what the designation was of the 100 Acre property north of North Side Road. Response – designated Industrial Extraction, zoned Industrial Extraction.

Pat Lucier of Howard Avenue posed a number of questions to Mr. Smith.

- How much property is owned on the east side of Howard – response 246 acres.
- How much property is owned on the North side of North Side Road – response 100 acres plus the Taylor house.
- Would your quarry the lands north of North Side Road if road was not closed – Response “Yes”.

Questions regarding the bridges being closed – response the bridges were open when the original request was made.

Darlene Helfrich commented

- have known the Smith family for many years.
- They have done lots for Amherstburg – not much for Anderdon
- Years ago a Committee of residents called “CRUSH” was set up to oppose quarry initiatives. All the information is in the files. The Clerk was at the meeting. She does not know when the zoning of the property north of North Side Road was done. Smiths are not required to do anything unless Council puts in conditions. From previous blasting complaints seismographic equipment was placed in her home. Her home is the only one with solid cement foundation. The Company that should have paid compensation closed.
- She referred to the possibility of 401 being connected to the border through North Side Road. Amherstburg could lose out if North Side Road is closed. Her business has been there a long time – now it is cut off from Amherstburg Area – would like to sell sod to Amherstburg area. The CAO, previously tonight, said

that only the base of the North Side Road bridge is going to be repaired. The bridge should be enhanced for current needs.

- Mr. Smith says he is paying taxes. Mrs. Helfrich asked the clerk what his tax breakdown was.
- She feels that she could get her taxes lowered if blasting is a problem.
- Smith stated that they hired people, her company hires people also. Road should not be closed.
- If Council allows the closures, she begs and pleads that compensation for residents should be addressed.
- She thinks that Smith does not know of problems that came with the property.
- Quarry should be moved to east of Howard Ave.
- She was told that there was 30 – 50 years of stone at the present site. Where did it go?
- Would like Council to consider and meet with the people of Anderdon.
- Requirements are much different if the road is closed or not.
- She believes that it is going to take much longer than October 11th to deal with the matter.

Councillor Freeman stated that he had attended a meeting with the CRUSH Committee and the issue was the placement of a crusher at ground level on the east side of Howard Avenue.

Pat Lucier stated

- the concern of the Volunteer Firefighters response time is an issue.
- By closing off North Side Road we would be cutting off access to Smith Industrial Park and proposed industrial area.
- 100,000 seems like a lot of money but nothing when you look at what Amherstburg pays for parking lots.
- The 100,000 should be designated to the quarry area.
- Blasting is a concern.
- If property values fall – will have no choice but to appeal assessment.
- Farmers will be forced to use higher traveled roads.
- All who have businesses also employ people.

Ed Smith responded to questions about the amount of stone under North Side Road

- there was a study done by or for Peerless Cement in the North Side Road area.
- Estimated 25' to 30' of limestone – ¾ of a million tons.
-

Ed Smith offered to give a tour of the quarry to anyone interested.

Ed Smith response to questions about blasting

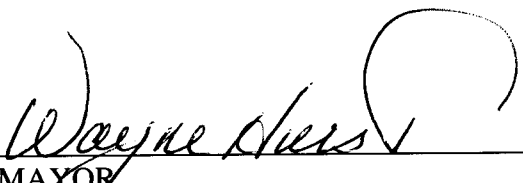
- advised that all blasts are checked.
- MOE sets standards
- Amherst Quarries is 25% to 30% of maximum
- They make sure they are well below the limit

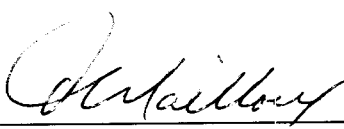
Lee Seguin

- stated that if road is closed traffic will increase on other roads.
- Requested that the bridge on North Side Road be widened and a tar and chip surface be applied to North Side Road.

Mayor Hurst thanked everyone for attending and for being courteous to others as they voiced their views and comments.

Council will be considering the by-law to close and sell the road on October 11, 2005 at the regular Council meeting which commences at 7 pm.


MAYOR

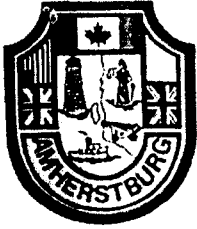

CLERK

PUBLIC MEETING

Date: Sept 19, 2005

Attendance Record

NAME	ADDRESS	SIGNATURE
Orlando Segatto	6111 MIDDLESIDE RR4	<i>[Signature]</i>
AGNES SMITH	567 SIMCOE ST	<i>[Signature]</i>
BILL SMITH	1227 FRONT Rd S.	<i>[Signature]</i>
Ed Smith	8400 Disputed Rd	<i>[Signature]</i>
Ed Hurst	192 Pointe W. DR	<i>[Signature]</i>
R.F. McLEAN	27 SAND STS. A'BORG	<i>[Signature]</i>
Dave Bailey	1040 Front Rd. N.	<i>[Signature]</i>
LAWRENCE COTE	43 WOOD BRIDGE DR	<i>[Signature]</i>
LOUIS MORIN	25 LAIRY AVE	<i>[Signature]</i>
W.M. G. RANKIN	2074 ARRAJ AVE	<i>[Signature]</i>
JARLENE HELFRICH	6864-6th CONC.	<i>[Signature]</i>
DON REGNIER	6802-6TH CON N	<i>[Signature]</i>
LARRY GIOVANATO	7767 HOWARD	<i>[Signature]</i>
GORD REAUD	8112 CON #	<i>[Signature]</i>
Don Coyle	7360 ALMA ST	<i>[Signature]</i>
LEE SEGUIN	5711 NORTH SD RD	<i>[Signature]</i>
Choir Lucier	5410 City Rd 10	<i>[Signature]</i>
Patricia Lucier	7812, 7805 Howard St 7826 Howard St 706 CONCESSION 2 ROUTE 3	<i>[Signature]</i>
DAVID LUMB	706 CONCESSION 2 ROUTE 3	<i>[Signature]</i>
KRISTINE LUMB	706 CONCESSION 2 ROUTE 3	<i>[Signature]</i>
Phil Beaudon	CON. SIX NORTH 6610	<i>[Signature]</i>
Rita Beaudon	CON 6 NORTH 6610	<i>[Signature]</i>
Dorothy Simone	CON 6 NORTH 6582	<i>[Signature]</i>
Debbie Renaud	5590 5590 5th CON N	<i>[Signature]</i>
Lisa Godder	6623 CONC.#6 N	<i>[Signature]</i>
BRUNIS GODDEN	6623 CONC #6 N	<i>[Signature]</i>
HARVEY DUFOUR	6617 CON 6 N	<i>[Signature]</i>
LINDA DUFOUR	6617 6th CON N R.R4	<i>[Signature]</i>
DAVID BRUSH	257 FRANK ST.	<i>[Signature]</i>
BON ALECOCHÉ	8616 8th conc. RR#1 MCGEE	<i>[Signature]</i>
Ryan Boudy	382 Thorsidiece	<i>[Signature]</i>
Phil BONDY	7751 Howard Ave	<i>[Signature]</i>
MARK RENE	5703 5th CON N RR4	<i>[Signature]</i>
DIANE RENE	5703 5th CON N RR4	<i>[Signature]</i>



Council Report

Report To: MAYOR & MEMBERS OF COUNCIL
Date of Meeting: Monday, September 19, 2005
Submitted By: Frank Pizzuto, Chief Administrative Officer
Prepared By: Frank Pizzuto, Chief Administrative Officer
Date of Report: September 9, 2005
File No.:
Subject: Road Closure; North Side Road

RECOMMENDATION:

For Council consideration

REPORT:

A request has been received from Amherst Quarries for the closure of North Side Road between 6th Concession and Howard Avenue. Staff have completed several tasks relative to this request all culminating to a public meeting which is being held on September 19, 2005. The tasks completed to date include:

Council Direction to Staff

In a report dated July 18, 2005 (copy attached) Council directed staff to follow necessary steps relating to the potential closure of North Side Road between Sixth Concession and Howard Avenue.

Discussion on the Request from Amherst Quarries

Amherst Quarries has requested that they be allowed to purchase this portion of road so that their quarry operations would form a continuous land mass. Currently the road separates two quarry properties. The road (North Side Road) would remain to be used as a road however it would be for the exclusive use of Amherst Quarries. As referenced in the letter received from Amherst Quarries this road purchase would allow for the expansion of the quarry site without major investment to move equipment and would allow for a continuation of a well established operation. This request would allow for a continuation of a significant economic development initiative in the Town which employs a significant number of residents and generates employment and tax revenues for the Town. (Letter from Amherst Quarries dated July 22, 2004 is attached).

A traffic count was completed by Landmark Engineering for the week of April 12 to April 19th, 2004. A total of 690 vehicles were recorded as using this road for a one week period. The Transportation Association of Canada designates roads with 200 vehicles per day or less as low volume roads. This indicates low usage and low impact on the potential closure of this road.

Public Meeting

As required by the Municipal Act and Town policy a public meeting on the potential closure of this road is required. The public meeting has been advertised and is occurring on Monday, September 19th at 7:00 p.m. Once the public meeting has occurred Council will consider this matter at a future Council meeting.

FINANCIAL CONSIDERATIONS:


The lands have been appraised and Amherst Quarries is responsible for the cost. Amherst Quarries is also responsible for all appraisal, legal and survey costs for this matter.

If approved the revenue of \$100,000 will be placed in a reserve fund for future use as determined by Council.

The lands acquired as a result of this potential transaction will form part of the Town inventory.

COMMUNICATIONS:

The closure process has been implemented and a public notice and public meeting are both scheduled.



Frank Pizzuto,

Chief Administrative Officer

Encls.



PRESENTED TO COUNCIL
MUN. OFFICER
ITEM REPORT 4
DATE JUL 18 2005

Council Report

Report To: MAYOR & MEMBERS OF COUNCIL
Date of Meeting: JULY 18, 2005
Submitted By: FRANK PIZZUTO, CHIEF ADMINISTRATIVE OFFICER
Prepared By: FRANK PIZZUTO, CHIEF ADMINISTRATIVE OFFICER
Date of Report: JULY 4, 2005
File No.:
Subject: ROAD CLOSURE; NORTH SIDE ROAD

RECOMMENDATION:

That the Town of Amherstburg give staff direction to follow necessary steps, as outlined in this report, relating to the potential closure of North Side Road between Sixth Concession and Howard Avenue.

REPORT:

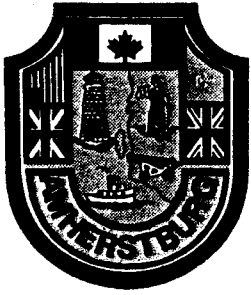
A request has been received from Amherst Quarries for the closure of North Side Road between Sixth Concession and Howard Avenue. The requested closure would allow Amherst Quarries to expand their quarry facilities to adjacent lands. Since that initial request in June 2004 Council has considered the matter on several occasions and input has been received from all affected agencies.

The closure of North Side Road requires public advertising and the passing of a by-law.

Complicating this matter is the closing of Sixth Concession at North Side Road due to the need to replace an unsafe bridge. A decision has now been made to re-construct the bridge. The bridge is currently undergoing detailed design and re-construction will commence in fall 2005 and be completed in fall 2006.

To date several activities have occurred in relation to the road closure. Those include:

- An appraisal of the lands has been completed;
- All affected agencies have been circulated – police, fire, ambulance, hydro One, union Gas, Bell Canada and Public Works. Utility companies require easements. Public Works recommends against road closure because of additional travel time requirements by staff to provide service. Fire Department requires the re-numbering of the Sixth Concession east of Howard Ave.



The Corporation of The
Town of Amherstburg

PRESENTED TO COUNCIL

ITEM REPORTS # 8

DATE JUL 26 2004

HILARY G. PAYNE, P. ENG
Chief Administrative Officer

Email: hpayne@amherstburg.ca

DAVID MAILLOUX, AMCT, B.Comm
Clerk

Email: dmailoux@amherstburg.ca

REPORT TO: MAYOR & COUNCIL

REPORT FROM: HILARY PAYNE

**SUBJECT: NORTH SIDEROAD – HOWARD AVE
6TH CONCESSION NORTH - CLOSING
REQUEST BY AMHERST QUARRIES (1969) LTD.**

DATE: JULY 12, 2004

Attached is a letter dated June 22nd 2004 received July 7th from Mr. Ed Smith of Amherst Quarries regarding the above matter. This matter was last before Council on February 9th 2004 at which time the following motion was passed:

“Moved by R. White, seconded by P. Renaud that the report from Hilary Payne, dated Feb. 4, 2004, regarding North Side Road Closing and the verbal presentation from Mr. Ed Smith be received.”

Attached also is the above noted report of February 4th 2004. In general the following is the present status:

- All three utilities have been contacted and would require easements in their favour if the road is closed.
- Fire, Police and Public Works have been circularized.
- Fire notes that renumbering East of Howard Avenue would be required. Police have no objection and Public Works is recommending against closure.
- Public advertisement of a by-law would be required if Council approved closure.
- The school boards will be contacted.

.../Pg. 2



Amherst Quarries (1969) Ltd.

QUALITY CRUSHED STONE
FOR HIGHWAY CONSTRUCTION
AND BUILDING PURPOSES
BOX 26
AMHERSTBURG, ONTARIO
N9V 2Z2

RECEIVED
JUL - 7 2004

PHONE 736-2136
736-5507
FAX 736-6112

June 22, 2004.

Town of Amherstburg
P. O. Box 159
271 Sandwich Street S.
Amherstburg, Ontario
N9V 2Z3

Attention: Mayor Wayne Hurst, Mr. Anthony Leardi, Mr. Robert Bailey,
Mr. Gord Freeman, Mr. Carl Gibb, Mr. Paul Renaud,
Ms. Rosa White and Mr. Hilary Payne

Dear Sirs/Madam:

Re: Purchase of North Side Road

At the request of several councillors, we conducted a road count on the North Side Road between Sixth Concession and Howard Avenue. We hired Dan Crutch of Landmark Engineers Inc. to review this count and enclosed you will find his report.

Once again, we would like to stress the importance of our purchasing the North Side Road for the future of the McGregor quarry.

Benefits of purchasing the North Side Road would be as follows:

- A) Truck traffic would not have to be re-routed as the scale, entrance and exit would all remain the same;
- B) All production equipment would stay where it is, well below ground level, so there would be less noise and dust;
- C) Major production would stay in McGregor and would not have to be moved to Amherstburg;

May 07 04 09:53p

519 972 8644

p. 1



May 6, 2004

File No: 04-013

Amherst Quarries (1969) Ltd.
 P.O. Box 26
 Amherstburg, ON
 N9V 2Z2

Attention: Mr. Ed Smith

Traffic Count Data - North Side Road
Town of Amherstburg, Ontario

Dear Mr. Smith:

As requested, I have evaluated the traffic count data you provided for the segment of North Side Road between Sixth Concession and Howard Avenue and I am pleased to provide this preliminary report thereon. I understand the data was recorded during the period from 2:00 PM, April 12, 2004 to 2:30 PM, April 19, 2004, using the County of Essex's traffic recording instrumentation.

A total of approximately 690 vehicles were recorded during the one week period, a daily average of approximately 100 vehicles per day. We note that the Transportation Association of Canada designates roads with 200 vehicles per day or less as Low Volume Roads. Based on the intervals of data recorded, I have calculated minimum and maximum average hourly rates of 2.2 and 9 vehicles per hour respectively.

The Roundhouse Centre

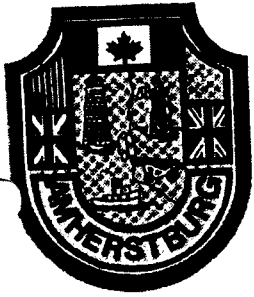
3155 Howard Avenue
 Suite 223
 Windsor, Ontario
 Canada
 N8X 4Y8

Phone:
 (519) 972-8052
 Fax:
 (519) 972-8644

www.landmarkengineers.ca



Professional Engineers Ontario



The Corporation of The
Town of Amherstburg

PRESENTED TO COUNCIL
FROM Reports #19
DATE EEB 9 2004

HILARY G. PAYNE, P. ENG
Chief Administrative Officer
Email: hpayne@amherstburg.ca

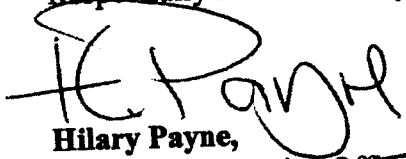
DAVID MAILLOUX, AMCT, B.Comm
Clerk
Email: dmailoux@amherstburg.ca

REPORT TO: MAYOR & COUNCIL
REPORT FROM: HILARY PAYNE
SUBJECT: NORTH SIDEROAD CLOSING
DATE: FEBRUARY 4, 2004

Attached is a report dated August 1st 2003 to the previous Council regarding the above matter. If Council wishes to proceed with the closing the next step would be the giving of public notice as per Section 34 of the Municipal Act but Council will presumably wish to review the issue before taking further action.

The applicant for the closure, Mr. Ed Smith will be in attendance to respond to questions.

Respectfully submitted for your information and consideration.


Hilary Payne,
Chief Administrative Officer

HP/gs



The Corporation of The
Town of Amherstburg

HILARY G. PAYNE, P. ENG
Chief Administrative Officer

Email: hpayne@town.amherstburg.on.ca

DAVID MAILLOUX, AMCT, B.Comm
Clerk

Email: dmailoux@town.amherstburg.on.ca

PRESENTED TO

PUBLIC SERVICES

REPORT

ITEM #17

DATE JULY 07 2003

TO: PUBLIC SERVICES COMMITTEE

FROM: HILARY PAYNE, CAO

**RE: NORTH SIDEROAD – HOWARD AVE. TO SIXTH CONC. –
REQUESTED CLOSING**

DATE: JULY 3, 2003

Attached is a letter dated May 22nd 2003 from Mr. Ed Smith of Amherst Quarries re the above. Following receipt of the latter the various utilities with a possible involvement were contacted and the following attached letters were received:

1. Union Gas
2. Bell Canada
3. Hydro One
4. Manager of Public Services

As will be noted, there is considerable utility plant on the subject road and furthermore the Manager of Public Services is recommending against the closure. (Normally the utilities could be taken care of by easements but this may not be feasible if the applicant proposes to quarry across the right of way)

Respectfully submitted,


Hilary

MEMO

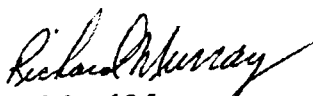
TO: Hilary Payne / Chief Administrative Officer
FROM: Fire Chief Richard Murray
DATE: July 18, 2003
SUBJECT: Road Closing

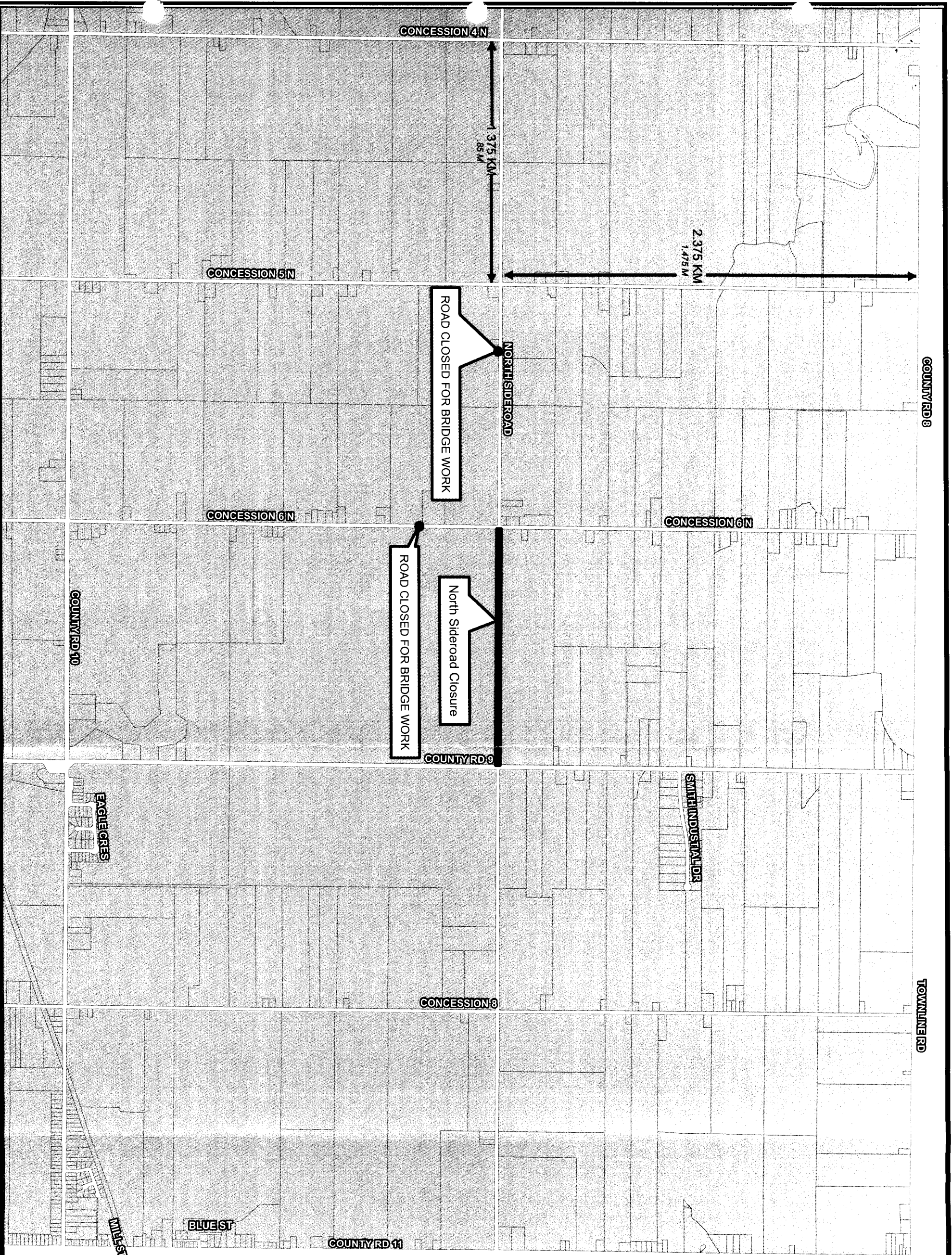
In regards to the possible closing of a section of the North Side Road the following should be noted:

1. The road is a link to Howard Ave. which is a major road.
2. There are no structures on the north side of the road at this time.
3. The road is not used by the fire department as a main route to fire calls.

Should it be decided that the road is closed the Fire Department has the following concern:

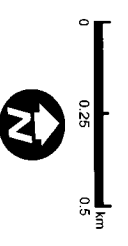
1. That the section of road East of Howard Ave. be renamed in order to take away any confusion as to the numbering range for North Side Road.


Richard Murray
Fire Chief



**NORTH SIDEROAD
PROPOSED CLOSURES,
CLOSURES & DISTANCES**

Map Legend
 North Side Closure
 Parcels





NORTH SIDEROAD CLOSURE AFFECTED DWELLINGS MAP

Map Legend

- Affected Dwellings**
- Vacant Residential
 - Farm Property - No Buildings
 - Farm With Residence
 - Farm Without Residence
 - Farm With Residence
 - Farm With Res./Comm./Indus
 - Farm With Non-Farm Residence
 - Single Family Detached
 - Single Family Detached + Buildings
 - Residence With Commercial Unit
 - Retail Use
 - Retail One Story
 - Golf Course
 - Communication Buildings
 - Industrial
 - Warehousing
 - Other Industrial
 - Transformer Building
 - School
 - Commercial Sports Complex
 - North Side Closure
 - Parcels

