



If this information is required in an alternate format, please contact the  
Accessibility Co-ordinator at 905-623-3379 ext. 2131

## Planning and Development Committee

### Minutes

**Date:** April 6-7, 2021  
**Time:** 7:00 p.m.  
**Location:** Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

**Members Present:** Mayor A. Foster, Councillor G. Anderson, Councillor R. Hooper, Councillor J. Jones, Councillor J. Neal, Councillor C. Traill, Councillor M. Zwart

**Staff Present:** A. Allison, J. Newman, L. Patenaude, R. Windle, F. Langmaid, K. Richardson

**Other Staff Present:** A. Burke

---

#### 1. Call to Order

Councillor Anderson called the meeting to order at 7:00 p.m.

#### 2. Land Acknowledgment Statement

Councillor Jones led the meeting in the Land Acknowledgement Statement.

#### 3. New Business – Introduction

New business item(s) were added to the New Business - Consideration section of the agenda.

#### 4. Adopt the Agenda

##### Suspend the Rules

Resolution # PD-099-21

Moved by Councillor Hooper

Seconded by Councillor Traill

That the Rules of Procedure be suspended to add Wendy Bracken and Jonathan Cocker as a delegation to the Agenda.

**Carried**

Resolution # PD-100-21

Moved by Councillor Traill

Seconded by Mayor Foster

That the Agenda for the General Government Committee meeting of April 6, 2021, be adopted with the following additions:

- Delegation of Wendy Bracken, Regarding St. Marys Cement Alternative Low Carbon Fuel (ALCF) Approval;
- Delegation of Jonathan Cocker, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furan; and
- Additional Correspondence from Linda Gasser, Regarding Long-Term Sampling System Update for Dioxins and Furans

**Carried**

**5. Declaration of Interest**

There were no disclosures of interest stated at this meeting.

**6. Announcements**

Members of Committee announced upcoming community events and matters of community interest.

**7. Adoption of Minutes of Previous Meeting**

**7.1 Minutes of a Regular Meeting of March 15, 2021**

Resolution # PD-101-21

Moved by Mayor Foster

Seconded by Councillor Jones

That the minutes of the regular meeting of the Planning and Development Committee meeting held on March 15, 2021, be adopted.

**Carried**

**8. Public Meetings**

**9. Delegations**

**9.2 Linda Gasser, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans**

Note: Due to technical issues, Ms. Bracken's delegation was heard after Item 9.2.

Ms. Gasser questioned who defines what is "outlier" data or "system bias" and why they expect the two boilers to operate in identical fashion. She stated that AMESA is important because it collects data over all operating conditions and may collect data to confirm higher emissions at different times. Ms. Gasser stated that the Municipality of Clarington requires the tools, sampling data, and political will to protect the residents. She stated that Covanta has five years of data and should provide it to Clarington. Ms. Gasser requested that Council request the monthly (28 days) sampling data starting in 2015 to the present period. She answered questions from Members of Committee.

**Suspend the Rules**

Resolution # PD-103-21

Moved by Councillor Jones

Seconded by Councillor Hooper

That the Rules of Procedure be suspended to extend the Delegation for an additional 3 minutes.

**Carried**

She questioned who defines what is "outlier" data or "system bias" and why they expect the two boilers to operate in identical fashion. Ms. Gasser stated that AMESA is important because it collects data over all operating conditions and may collect data to confirm higher emissions at different times. She showed how Durham Region reviewed and the data and trends. Ms. Gasser stated that the Municipality of Clarington requires the tools, sampling data, and political will to protect the residents. She stated that Covanta has five years of data and should provide it to Clarington and Durham Region. Ms. Gasser requested that Council request the monthly (28 days) sampling data starting in 2015 to the present period and answered questions from Members of Committee.

**9.1 Wendy Bracken, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans**

Wendy Bracken was present via electronic means regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans. Ms. Bracken made a verbal presentation to accompany an electronic presentation. She thanked Councillor Neal and Councillor Anderson for their support motion at the Durham Region Council meeting. Ms. Bracken explained that AMESA data has been withheld since 2015 and added that it's paid for by the public, therefore it should be made available. She outlined her concerns regarding the inaccuracy of the WR-5 Report and requested that Council send a formal request to Durham Region to release all AMESA data, monthly (28-day period) including underlying reports. Ms. Bracken stated that dioxins and furans are extremely toxic. She noted that Durham Region Staff indicated that they are having the cartridge lab results sent directly to Covanta and not reviewing the monthly AMESA reports. She expressed her concerns regarding the HDR Report and the 2020 annual report, and displayed a graph outlining the AMESA results.

**Suspend the Rules**

Resolution # PD-102-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the Delegation for an additional 5 minutes.

**Carried**

Ms. Bracken stated that AMESA results are required monthly so they can be reviewed in a timely manner for actions to be made. She reviewed the Jahnke documents which outlined common problems to correlation issues and documentation on data from Europe showing success in monitoring emission levels. Ms. Bracken requested Council send a formal request to Durham Region for all AMESA data from 2015 to present and to post the results as they become available. She answered questions from Members of Committee.

**9.3 Kerry Meydam, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans**

Kerry Meydam was present via electronic means regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans. Ms. Meydam made a verbal presentation to accompany an electronic presentation. Ms. Meydam outlined why the sampling results are important and the health risks and exposure associated to dioxins and furans. She explained that the sampling results have not been released since 2015 when AMESA was installed. Ms. Meydam added that Clarington Council, Staff, and residents must have the opportunity to review the sampling data after the lab analyses becomes available and should be posted to the DYEC website routinely after each sample. She requested that Council advocate on their behalf to Durham Region to deliver the monitoring commitments made to Clarington Council and residents since before the EA Approval. Ms. Meydam requested that Council request the AMESA sampling results monthly (28 days) from 2015 to the present and that the results be posted on the DYEC website.

**9.4 Karrie Lynn Dymond and Jonathan Cocker, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans**

Karrie Lynn Dymond and Jonathan Cocker was present via electronic means regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans. They made a verbal presentation. Ms. Dymond provided a background on Clarington Clear and introduced Jonathan Cocker. Mr. Cocker provided an overview of the proposed EA facility that is integrated within the Energy Park and reviewed the environmental assessment process for the proposed anaerobic digester. He explained that they see opportunities and questions on how the proposal is going to work and how the environment and community will be impacted. Mr. Cocker explained the anaerobic digester technology and noted it will be the first in North America. He expressed his concerns regarding the contamination of waste and added that Europe waste streams can't be compared to Canada. Mr. Cocker questioned why Clarington is the guinea pig without having an environmental assessment completed first to make sure the process will work and be safe. He explained that the proposal imposes questions regarding environmental impacts and an environmental assessment from the Ministry. Mr. Cocker stated that they have a holding by-law that has been provided to the Municipal Solicitor which allows other processes and studies to be completed before further steps are taken to approve zoning.

**Suspend the Rules**

Resolution # PD-104-21

Moved by Councillor Traill

Seconded by Councillor Neal

That the Rules of Procedure be suspended to extend the meeting for an additional 2 minutes.

**Carried**

Mr. Cocker requested the following:

That Clarington Council reaffirm it is an unwilling host and that the Region stop budgeting for and proceeding with its plan to expand the incinerator site;

That Clarington adopt the draft by-law presented by the residents and ask Staff to report back to the next meeting on any minor changes or exemptions that might be needed;

That a full environmental assessment be requested by the Ministry before any additional garbage processing or burning is allowed at the incinerator site;

That a third party be retained to conduct random testing of the existing incinerator, so as to ensure it is operating within the current Provincial Guidelines; and

That a detailed letter of explanation, approved by Council, outlining Council's steps taken to oppose the AD in Clarington be mailed to all residents in Clarington, published in the local newspaper and online, advising residents of Council's actions and that Council review and approve same before publication/issuance.

**Alter the Agenda**

Resolution # PD-105-21

Moved by Councillor Neal

Seconded by Mayor Foster

That the Agenda be altered to consider Item 12.2, Presentation of Gioseph Anello, M. Eng., P. Eng., PMP, Director, Waste Management Services and Susan Siopis, P. Eng., Commissioner of Works, The Regional Municipality of Durham, at this time.

**Carried**

**12. Presentations**

**12.2 Gioseph Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services and Susan Siopis, P. Eng., Commissioner of Works, The Regional Municipality of Durham, Regarding Durham York Energy Centre Operations Long-Term Sampling System Update**

Gioseph Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services and Susan Siopis, P. Eng., Commissioner of Works, The Regional Municipality of Durham was present via electronic means regarding Durham York Energy Centre Operations Long-Term Sampling System Update. Mr. Anello and Ms. Siopis made a verbal presentation to accompany an electronic presentation. Ms. Siopis provided a background of the report and AMESA system. Mr. Anello outlined the various types of monitoring programs and how the sampling is analyzed and completed. He explained that they have confidence in the proposed long-term sampling system and noted that the monthly AMESA data is the actual results for the month not an average. Mr. Anello outlined the ambient air system and monitoring systems and how they analyze the data. He explained the AMESA process where data is collected over 28 days and taken to a Lab. He displayed a diagram of the AMESA cartridge case and probe assembly and explained how the contaminants are captured over a 28-day period. Mr. Anello provided an overview of how the dioxins and furans are destroyed through the boilers and of the DYEC waste flow. He explained that the waste processing continues to decline and answered questions from Members of Committee.

Resolution # PD-106-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Delegations of Kerry Maydem, Linda Gasser and Wendy Bracken, as well as the presentation of Gioseph Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services and Susan Siopis, P. Eng., Commissioner of Works, The Regional Municipality of Durham, be referred to Staff to report back to the April 12, 2021 Council meeting on a draft demand letter to be sent to Durham Region, by Clarington on the previous AMESA lab results since 2015 and the monthly AMESA reporting; including any obligations of the Region under the Host Community Agreement to provide maximum achievable technology.

Yes (7): Mayor Foster, Councillor Anderson, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

**Carried (7 to 0)**

**Recess**

Resolution # PD-107-21

Moved by Councillor Neal

Seconded by Councillor Traill

That the Committee recess for 10 minutes.

**Carried**

The meeting reconvened at 10:10 p.m. with Councillor Anderson in the Chair.

**9. Delegations**

**9.5 Jeff Mitchell, Port Darlington Community Association, Regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach - Property Loss Study**

Jeff Mitchell, Port Darlington Community Association, was present via electronic means regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach - Property Loss Study. Mr. Mitchell made a verbal presentation to accompany an electronic presentation. He provided an overview of the study and explained the following factors regarding property loss that are cited in the Zuzek Report:

- embayment shoreline features a natural long-term recession trend
- shoreline orientation not conducive to accumulation of sand and gravel
- homes constructed too close to the water's edge and on top of a dynamic receding low-lying barrier beach
- vertical shore-parallel protection structure was constructed on the beach that are not conducive to beach building; and
- a reduction in sediment supply to the Port Darlington West Embayment due to the St. Marys Cement (SMC) Headland.

Mr. Mitchell displayed photos of 43 and 55 Cedar Crest Beach Road and explained that the Zuzek report fails to address the quantum of property lost, fill impact of SMC headlands undermined and underweighted, and that the SMC headlands, in good conscience, must be viewed as the catalyst for and predominant on-going factor contributing to property loss in the Cedar Crest Beach zone.

**Suspend the Rules**

Resolution # PD-108-21

Moved by Councillor Traill

Seconded by Councillor Hooper

That the Rules of Procedure be suspended to extend the Delegation for an additional one minute.

**Carried**

He concluded by stating the Zuzek Report cannot be relied upon for purposes determining whether to pursue shoreline protection measures as set out in the Baird report. He stated they concur with recommendation 3 in Report PDS-007-21 and answered questioned from Members of Committee.



**9.6 Tom Kara, Regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach - Property Loss Study**

Tom Kara was present via electronic means regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach - Property Loss Study. Mr. Kara made a verbal presentation to accompany an electronic presentation. He explained how the wind has a major impact on the erosion of Lake Ontario. Mr. Kara provided an overview of the Port Darlington Harbour jetties and noted that the beach area slowly became stable since it was retaining the same or more sediment than it was losing from wave attack. He stated that the Zukek report failed to recognize that prior to the construction of the St. Marys Cement jetty, there were no shoreline rock walls built nor needed to be built by any cottage owner to prevent erosion. Mr. Kara explained that the Zukek report didn't reference the extension of the pier and resulting negative effects. He stated that cottage owners were forced to build rock walls after the pier was built then erosion intensified. Mr. Kara added that the walls now stop further erosion taking place but require ongoing maintenance and high costs. He outlined the study by Zukek expressing his comments regarding the history and dynamics of the beach.

**Suspend the Rules**

Resolution # PD-109-21

Moved by Councillor Traill

Seconded by Councillor Hooper

That the Rules of Procedure be suspended to extend the delegation for an additional 2 minutes.

**Carried**

He stated that he believes the Zukek report failed to recognize the relevant issues and falsely portrayed a net benefit to the SMC pier toward survival of the beach. Mr. Kara added that the pier has negatively impacted the nourishment of the Cedar Crest Beaches by not eroding enough. He recommended that, Staff return the Report to Zukek for revision to provide value engineering with respect to the study mandate, conclusions and recommendations considering all available relevant reports and studies. Mr. Kara answered questions from Members of Committee.

**Alter the Agenda**

Resolution # PD-110-21

Moved by Councillor Traill

Seconded by Mayor Foster

That the Agenda be altered to consider Item 12.1 Presentation from Pete Zukek, MES, CFM ,P. Geo., President, Zukek Inc., Regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach – Property Loss Study, at this time.

**Carried**

### **Suspend the Rules**

Resolution # PD-111-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the meeting for one hour until 12:00 a.m.

### **Carried**

## **12. Presentations**

### **12.1 Pete Zuzek, MES, CFM, P. Geo., President, Zuzek Inc., Regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach – Property Loss Study**

Resolution # PD-112-21

Moved by Councillor Traill

Seconded by Councillor Neal

That the presentation not be heard and the Committee proceed with questions to the presenter.

Yes (3): Councillor Jones, Councillor Neal, and Councillor Traill

No (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

### **Motion Lost on a recorded vote (3 to 4)**

Pete Zuzek, MES, CFM, P. Geo., President, Zuzek Inc., was present via electronic means regarding Unfinished Business Item 15.1, Report PDS-007-21 Cedar Crest Beach – Property Loss Study. Mr. Zuzek made a verbal presentation to accompany an electronic presentation. He provided an overview of the investigation and presentation outline. Mr. Zuzek displayed diagrams of the Port Darlington jetties, shoreline change rates and bluff erosion from 1954-2018, shoreline change at Carr's Marsh and Lynde Shores. He provided an overview of the bathymetric survey and sonar collection. Mr. Zuzek explained that the sonar imaging of the bottom of the lake showed little sand and cobble stone west of St. Marys. He added that the southwest corner of St. Marys headland shows no evidence of a pathway for sediment. Mr. Zuzek stated that the west side of the Darlington jetties has the sediment being trapped at west beach. He explained the numerical numbering of the waves and sediment transport and provided the benefits and impact of littoral barriers, history, and the factors contributing to the erosion hazards along Cedar Crest Beach. Mr. Zuzek answered questions from Members of Committee.

Resolution # PD-113-21

Moved by Councillor Traill

Seconded by Councillor Hooper

That Item 12.1, Presentation of Pete Zuzek, MES, CFM, P. GEO, President, Zuzek Inc. and Item 15.1 Report PDS-007-21 Cedar Crest Beach - Property Loss Study, be referred to the April 26, 2021 Planning and Development Committee meeting.

**Carried**

**9. Delegations**

**9.7 Wendy Bracken, Regarding St. Marys Cement Alternative Low Carbon Fuels Approval**

Wendy Bracken was present via electronic means regarding St. Marys Cement Alternative Low Carbon Fuels (ALCF) Approval. Ms. Bracken noted that she received notice on April 1, 2021 that, St. Marys application to burn more garbage has been approved. She explained that the ECA amendment does not address the recommendations and concerns that Clarington put forward regarding emission limits, ambient air monitoring or concerns from residents. Ms. Bracken added that they are going from burning 96 tons per day to 400 tons per day and can burn a vast majority of items. She expressed her concerns regarding the approval and requested Committee to ask Staff to prepare a report that reviews what was approved, what Clarington asked for and what is protecting Clarington residents. Ms. Bracken noted that she feels that it is not protective and encouraged Committee to review the issuance and consider an appeal. She stated that she is sad to see Clarington waterfront filled with garbage and waste proposals. She answered questions from Members of Committee.

Resolution # PD-114-21

Moved by Mayor Foster

Seconded by Councillor Neal

That Item 9.7, Delegation of Wendy Bracken, Regarding St. Marys Cement Alternative Low Carbon Fuels Approval, be referred to Staff to report back at the April 12, 2021 Council Meeting.

**Carried**

**10. Communications – Receive for Information**

Resolution # PD-115-21

Moved by Mayor Foster

Seconded by Councillor Hooper

That Communication Items 10.1 and 10.2 with the exception of item 10.3, be received for information.

**Carried**

**10.1 Chris Jones, MCIP, RPP, Director of Planning and Regulation, Regarding CLOCA Comments for Proposed Changes to Ministers' Zoning Orders and the Planning Act (Schedule 3 to Bill 257)**

Resolution # PD-116-21

That Communication Item 10.1, Chris Jones, MCIP, RPP, Director of Planning and Regulation, Regarding CLOCA Comments for Proposed Changes to Ministers' Zoning Orders and the Planning Act (Schedule 3 to Bill 257), be received for information.

**10.2 Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Resolution Adopted by Regional Council on February 24, 2021 about Lake Simcoe**

Resolution # PD-117-21

That Communication Item 10.2, Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Resolution Adopted by Regional Council on February 24, 2021 about Lake Simcoe, be received for information.

**10.3 Debbie France, Resident of Norfolk County, Regarding Health Canada Cannabis Consultation Open for Comments until May 7, 2021**

Resolution # PD-118-21

Moved by Mayor Foster

Seconded by Councillor Zwart

That Communication Item 10.3, Debbie France, Resident of Norfolk County, Regarding Health Canada Cannabis Consultation Open for Comments until May 7, 2021, be referred to Staff.

**Carried**

**11. Communications – Direction**

**12. Presentations**

Item 12.1 was considered earlier in the meeting after item 9.6.

Item 12.2 was considered earlier in the meeting after item 9.4.

**13. Planning and Development Department Reports**

**13.1 PDS-022-21 Graham and Wilmot Creek Flood Plain Mapping Update Study**

Resolution # PD-119-21

Moved by Mayor Foster

Seconded by Councillor Hooper

That Report PDS-022-21 be received;

That Council approve the Municipal contribution of \$30,000 from the Tax Rate Stabilization Reserve Fund to undertake the Graham and Wilmot Creek Flood Plain Mapping Update Study, in partnership with the Ganaraska Region Conservation Authority, the Region of Durham, and the National Disaster Mitigation Program;

That the Mayor and Clerk be authorized to execute the necessary agreements; and

That all interested parties listed in Report PDS-022-21 and any delegations be advised of Council's decision.

Yes (4): Mayor Foster, Councillor Anderson, Councillor Hooper, and Councillor Zwart

No (3): Councillor Jones, Councillor Neal, and Councillor Traill

**Carried on a recorded vote (4 to 3)**

**14. New Business – Consideration**

**14.1 Start Time for May 17, 2021 Planning and Development Committee Meeting (Mayor Foster)**

Resolution # PD-120-21

Moved by Mayor Foster

Seconded by Councillor Traill

That the start time for the May 17, 2021 Planning and Development Committee meeting be changed to 4:00 p.m. so that the following items can be discussed at a specific time, followed by the regular Agenda:

- 4:00 p.m. – South West Courtice Secondary Plan
- 7:00 p.m. – Brookhill Secondary Plan

**Carried**

**15. Unfinished Business**

**15.1 PDS-007-21 Cedar Crest Beach – Property Loss Study**

This matter was considered earlier in the meeting during Item 12.1.

**15.2 Resolution #GG-113-20, Regarding, Report EGD-006-20 - Cedar Crest Beach Rd and West Beach Rd Berm Review and Estimates (Referred from the January 4, 2021 General Government Committee Meeting)**

Resolution # PD-121-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Report EGD-006-20 be received;

That no further flood mitigation work be undertaken on West Beach Rd at this time; and

That all interested parties listed in Report EGD-006-20 and any delegations be advised of Council's decision.

Yes (4): Councillor Hooper, Councillor Jones, Councillor Neal, and Councillor Zwart

No (3): Mayor Foster, Councillor Anderson, and Councillor Traill

**Carried on a recorded vote (4 to 3)**

**Suspend the Rules**

Resolution # PD-122-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the meeting for one hour until 1:00 a.m.

**Carried**

**Closed Session**

Resolution # PD-123-21

Moved by Councillor Hooper

Seconded by Councillor Traill

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing matters that deal with:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Motion Withdrawn**

**Alter the Agenda**

Resolution # PD-124-21

Moved by Councillor Traill

Seconded by Councillor Neal

That the Agenda be altered to consider Item 9.4, Delegation of Karrie Lynn Dymond and Jonathan Cocker, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans, at this time.

**Carried**

**15.3 Item 9.4, Karrie Lynn Dymond and Jonathan Cocker, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans**

Resolution # PD-125-21

Moved by Councillor Traill

Seconded by Councillor Neal

That the Delegation of Karrie Lynn Dymond and Jonathan Cocker, Regarding Staff Comments/Responses at Works Committee and Report 2021-WR-5 DYEC Operations, Long-Term Sampling System Update for Dioxins and Furans, be received;

That Council re affirm it is an unwilling host and demand that the Region stop budgeting for and proceeding with its plan to expand the incinerator site;

That Council adopt the draft by-law presented by the residents and ask staff to report back to the next meeting on any minor changes or exemptions that might be needed;

That Council agree to retain the services of Jonathan Cocker to ensure that a full Environmental Assessment is required by the Ministry of Environment before any additional garbage processing or burning is allowed at the Incinerator site;

That Council, through its legal representative ensure that a third party be retained to conduct random testing of the existing incinerator, so as to ensure it is operating within the current Provincial Guidelines; and

That a detailed letter of explanation, approved by Council, outlining Council's steps taken to oppose the AD in Clarington be mailed to all residents in Clarington, published in the local newspaper and online, advising residents of Councils actions and that Council review and approve same before publication/issuance.

**Referred**

Resolution # PD-126-21  
Moved by Councillor Traill  
Seconded by Councillor Neal

That the foregoing Resolution #PD-125-21, be referred to the April 26, 2021 Planning and Development Committee meeting.

**Carried**

**16. Confidential Reports**

**Closed Session**

Resolution # PD-127-21  
Moved by Councillor Hooper  
Seconded by Councillor Traill

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing matters that deal with:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

**Rise and Report**

The meeting resumed in open session at 1:23 a.m.

Councillor Anderson advised that two items were discussed in “closed” session in accordance with Section 239(2) of the *Municipal Act, 2001* and no resolutions were passed.

**16.1 PDS-012-21 Confidential Land Acquisition Matter**

Resolution # PD-128-21  
Moved by Mayor Foster  
Seconded by Councillor Hooper

That Report PDS-021-21 be received; and

That Councillor Zwart as the Ward 4 representative be appointed as Council Liaison to the Port Granby Nature Reserve ongoing stakeholder discussions.

**Carried**



**16.2 Memo from Rob Maciver, Director of Legislative Services/ Municipal Solicitor, Regarding Anaerobic Digester – Host Community Agreement Dispute**

**17. Adjournment**

Resolution # PD-129-21

Moved by Councillor Neal

Seconded by Councillor Hooper

That the meeting adjourn at 1:25 a.m.

**Carried**