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New Tecumseth to request soil test results for Tottenham aerodrome

Alliston Herald

By [Brad Pritchard](#)

ALLISTON - New Tecumseth is piecing together a road map on how to regulate the fill activity at the Tottenham aerodrome.

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At Monday's committee of the whole meeting, council voted in favour of a motion presented by Ward 7 Coun. Shira Harrison McIntyre aimed at addressing the issues at the property located on Highway 9 east of Tottenham Road.

The first part of the motion will see the town request the owner of the Tottenham Airfield Corporation (TAC), John Bailey, provide all the documentation related to the soil testing that's been performed at the site over the past three years by the company's engineering firm. The results would then be reviewed by the town and an outside consultant to see if there are any deficiencies that need to be resolved.

If the town is not satisfied with the reports, then council would have to decide if the owner should be required to pay for additional bore hole testing to determine if there is any contaminated fill at the property.

"We (the town) need to be seen as being reasonable and in that way working with the TAC owner," she said of the action plan.

Council also still has the option to force the owner to enter into a site plan agreement with the town, which would give the municipality more control over the fill operation.

The town's solicitor Jay Feehley said the prospects are "reasonable" to get the owner to comply with these requests.

"Going forward, if it's council's wish to enter into agreement, they (TAC) have indicated they are prepared to do that," he said.

He said the town has a good shot at getting the owner to pay for additional testing costs, since a provision for this exists under the town's previous fill bylaw.

"They have always indicated they would allow to have their records reviewed so I think we could make a strong argument in just discussing it with them that they should pay those costs, especially since that's taking a very reasonable approach," he said.

The town has struggled with how to regulate the fill operation since the work to redevelop the airfield began in 2012, and the issue is further complicated due to aerodromes being a federal jurisdiction.

However, recent court rulings, including a case in Burlington, have determined that the regulation of fill operations is ultimately a municipal jurisdiction.

Before voting on the motion, council heard from a handful of speakers, including Toronto lawyer Michael Fleischmann, who has been working with local residents opposed to the operation.

He told council that reviewing the company's soil testing results may not be sufficient. He referenced a similar fill operation in the Township of Scugog, which he said had more stringent controls in place than the Tottenham aerodrome.

While the soil test results that were given to the township came back looking good, he said Scugog council decided to do additional tests anyways.

Fleischmann said the testing found contaminated soil up to 17 metres deep throughout the property.

"The mayor was quoted in the paper, saying they came as a complete surprise, those bore hole tests," he said.

The vote whether to ratify Harrison McIntyre's motion will take place at next week's regular meeting.

Council has also agreed to have staff review the town's current fill regulation bylaw to see if it can be strengthened to give the municipality more control over these operations.

A report on the bylaw is expected to be brought back to the Sept. 21 council meeting.