

TOWNSHIP OF TYENDINAGA
Minutes of the Regular Council Meeting - NO. 2007-04

Municipal Council Chambers, 859 Melrose Road, Shannonville
Monday, February 5, 2007 at 7:00 pm

Meeting was called to order at 7:15 p.m. Reeve Margaret Walsh presided.

PRESENT:	Margaret Walsh	Reeve
	Fred Lang	Deputy Reeve
	Iain Gardiner	Councillor
	Chris Brady	Councillor
	Rick Phillips	Councillor
	Steve Mercer	Clerk-Treasurer

Lord's Prayer was said by all

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips
THAT the Agenda of February 5, 2007 be adopted

CARRIED

Declaration of Pecuniary Interest – None was declared at this time

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Iain Gardiner
THAT the minutes of the Regular Council Meeting of Monday January 15, 2007 and the Special Meeting of January 25, 2007 be approved as corrected.

CARRIED

The following declarations were provided for items to be added to the agenda under 'New Business':

Reeve Margaret Walsh	0 items	Councillor Rick Phillips	0 items
Deputy Reeve Fred Lang	0 item	Councillor Chris Brady	0 items
Councillor Iain Gardiner	0 item	Clerk Steve Mercer	0 item

DEPUTATIONS

Bart Walsh – Weese Rd

- Mr. Walsh indicated that this is his third time attending Council regarding the Weese Rd
- The road is in very poor condition and would like to see something done
- Inquired about the Township's plans in relation to this road
- Told Council he would be back again and again until something is done
- Feels that if there were some sort of plan then Weese would be on it somewhere, but without a plan, Weese Rd is not scheduled for any maintenance or upgrades
- Council indicated that we have retained an Engineer to complete a Roads study
- This study will give a condition rating of all roads and a list of priorities
- It is expected that Council will take this Study and with some minor modifications at Council's discretion, it will become the planning guide for the next few years
- Study will be complete by March 31, 2007

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- Mr. Walsh indicated that he will attend Council after they have time to review the document so that he can get some indication of where Weese Rd sits

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Rick Phillips

THAT the following accounts be approved as presented:

General Government	79608.24
Roads Department	39255.82
Recreation Department	6142.27
Fire Department	7940.89

CARRIED

STAFF REPORTS

John Farrell, Road Supervisor

Provided written report

Highlights

- Plowing and sanding has been the number 1 priority given the very poor weather the past week
- The railway crossing on Blessington, east of Whalen may be becoming a safety issue. Two cars left the road at this crossing the past week
- Tabled two documents from County of Lennox & Addington and City of Belleville concerning proposed work on two shared (boundary roads). Council will deliberate these requests come budget sessions

CORRESPONDENCE

The following correspondence was read, noted and filed:

- Hastings County Information/Orientation meeting – Madoc – February 13th @ 10a.m.
- EMC meeting February 22nd, @ 2p.m.
- 2007 Policing Estimates
- 2007 OMPF Allocation
- By-law 07-05 “Application for Infrastructure Funding” – Approved January 25, Submitted Jan 30
- Culbertson Tract Sketch

NEW BUSINESS

Severance Applications

Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Rick Phillips

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B186/06 (Vos) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga)
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller’s report or if existing well, a sworn affidavit to the existence of the well

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- A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

CARRIED

Moved by: Councillor Iain Gardiner

Seconded by: Councillor Chris Brady

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B187/06 (Vos) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. As the description of the property to be severed is less than the 15 acres required in Marginal Agriculture, the parcel of land therefore must be rezoned to Rural Residential. Zoning Amendment application forms can be obtained at the Municipal office, and the application fee of \$525.00 per application (made payable to the Township of Tyendinaga);
4. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

CARRIED

Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Rick Phillips

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B157/06 (Tucker) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. As the description of the property to be severed is less than the 15 acres required in Marginal Agriculture, the parcel of land therefore must be rezoned to Rural Residential. Zoning Amendment application forms can be obtained at the Municipal office, and the application fee of \$525.00 per application (made payable to the Township of Tyendinaga);
4. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

CARRIED

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Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Rick Phillips

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B198/06 (Vos) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. As the description of the property to be severed is less than the 15 acres required in Marginal Agriculture, the parcel of land therefore must be rezoned to Rural Residential. Zoning Amendment application forms can be obtained at the Municipal office, and the application fee of \$525.00 per application (made payable to the Township of Tyendinaga);
4. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

CARRIED

Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Iain Gardiner

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B199/06 (Vos) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. As the description of the property to be severed is less than the 15 acres required in Marginal Agriculture, the parcel of land therefore must be rezoned to Rural Residential. Zoning Amendment application forms can be obtained at the Municipal office, and the application fee of \$525.00 per application (made payable to the Township of Tyendinaga);
4. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

CARRIED

Moved by: Councillor Rick Phillips

Seconded by: Councillor Chris Brady

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B191/06 (Hart) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:

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- A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. As the description of the property to be severed is less than the 15 acres required in Marginal Agriculture, the parcel of land therefore must be rezoned to Rural Residential. Zoning Amendment application forms can be obtained at the Municipal office, and the application fee of \$525.00 per application (made payable to the Township of Tyendinaga);
 4. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.
 5. That a Minimum Distance Separation Calculation be conducted due to the location of a neighboring barn.

CARRIED

Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Chris Brady

THAT the Township of Tyendinaga at the Regular Council Meeting of February 5th, 2007 approves Consent Application B202/06 (Phillips) as submitted with the following conditions:

1. Payment of Grant in Lieu of Parkland of \$750.00 per new lot created (made payable to the Township of Tyendinaga);
2. Establishment of a well on property with a minimum flow of 3 ½ gallons per minute and proof that water is potable. The applicant must provide the Township with:
 - A copy of the well driller's report or if existing well, a sworn affidavit to the existence of the well
 - A copy of the bacterial report re: potability of water
 - A sworn affidavit that there is a well on the severed lot which has a minimum flow of 3 ½ gallons per minute of potable water (form available at the Township office)
3. Entrance to the lot is acceptable to the Road Supervisor and that an approved entrance permit is obtained before a building permit is approved.

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

THAT the Livestock Valuer Reports for the following be approved as presented:

Rob Smith	Limo X Bull Calf	455.00
William Hinchey	Heifer Calf	367.50
William Hinchey	Limo/ Char X Cow	560.00

CARRIED

Moved by: Councillor Chris Brady

Seconded by: Councillor Rick Phillips

WHEREAS, in accordance with Section 283(5) and (7) of the Municipal Act, 2001, S.O. 2001, c.25 as amended Council is required to review its resolution concerning the 1/3 tax free allowance.

AND WHEREAS Council has reviewed said resolution

NOW THEREFORE BE IT RESOLVED that 1/3 of the remuneration paid to the elected members of Council be deemed as expenses incident to the discharge of their duties as members of the Council

CARRIED

Moved: Councillor Iain Gardiner

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Second: Councillor Rick Phillips

THAT this Council extends the contract dated December 14 2005, with Davies & Elliot Animal Control for 2007, on the same terms and conditions as original contract. This extension is in relation to Section 3 of the contract.

CARRIED

Moved by: Deputy Reeve Fred Lang

Seconded by: Councillor Chris Brady

THAT this Council adopts the new fee schedule as presented for Youth Soccer. For 2007, player fees will be \$30 and sponsorship fees are \$150. The family rate will be \$70 (three or more).

CARRIED

OLD BUSINESS

Above Ground Inflatable Pools

- Tyendinaga needs to make a clear statement regarding these pools
- Are they in or out of the Building Code by-law?
- Should they be addressed in a separate by-law?
- Discussion ensued regarding our responsibility and liability as a Municipality
- If there is agreement on the above between the four BISC (Building Inspection Services Committee) municipalities, these pools can be covered under the building by-law.
- If the member Municipalities decide to take different approaches, these pools will require individual Municipal by-laws.
- We are asked to take our position to the next BISC meeting February 14 in Tweed
- Clerk and Deputy Reeve Lang will attend BISC meeting in Tweed February 14, 2007
- Township's position is that inflatable pools be treated as a separate pool category with a lessened permit fee (perhaps \$10 versus \$75). This would be a one time fee and there would be a fencing requirement

BY-LAWS

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Chris Brady

THAT By-law 07-02 Being a by-law to amend by-law 03-19 regarding Concession 2, Part Lot 12, Lazier Rd. be approved as presented, passed this 5th day of February 2007 and its short title shall be 'Jamieson's Zoning By-law Amendment'.

CARRIED

MOVED BY: Councillor Rick Phillips

SECONDED BY: Deputy Reeve Fred Lang

THAT By-law 07-03 being a by-law to amend by-law 03-19 regarding Concession 4, Part Lot 10, Blessington Road be approved as presented, passed this 5th day of February, 2007 and its short title shall be 'Kariamis' Zoning By-law Amendment'.

CARRIED

MOVED BY: Councillor Iain Gardiner

SECONDED BY: Councillor Rick Phillips

THAT By-law 07-04 Being a by-law to amend by-law 03-19 Concession 6, Part Lot 15, Enright Road be approved as presented, passed this 5th day of February, 2007 and its short title shall be 'McKenny's Zoning By-law Amendment'.

CARRIED

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MOVED BY: Councillor Chris Brady
SECONDED BY: Deputy Reeve Fred Lang
THAT By-law 07-06 A By-law to Authorize the Borrowing of Money To Meet 2007 Current Expenditures, be approved as presented, passed this 5th day of February, 2007

CARRIED

MOVED BY: Councillor Rick Phillips
SECONDED BY: Councillor Iain Gardiner

THAT By-law 07-08 being a by-law to appoint Stan Laton as Deputy Fire Chief for the Township of Tyendinaga be approved as presented, passed this 5th day of February 2007

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady

THAT By-law 07-09 Being a by-law to appoint Steve Mercer as Community Emergency Management Coordinator for the Township of Tyendinaga, pursuant to the Standards established by Regulation under the Emergency Management Act, R.S.O., 1990, Ch. E 9, as amended.

CARRIED

In Camera

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady

THAT Council agreed to continue with the Council Meeting in camera as the subject matters deals with matters about identifiable individuals including municipal employees, financial discussions and ongoing legal matters where Township of Tyendinaga is a party to the proceedings.

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady

THAT as Council has completed the discussion on matters about identifiable individuals including municipal employees, financial discussions ongoing legal matters where Township of Tyendinaga is a party to the proceedings it was agreed that the Council Meeting would now continue in open meeting format.

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Chris Brady

THAT this Council confirms the discussion of the in-camera portion of the open meeting

CARRIED

MOVED BY: Councillor Iain Gardiner
SECONDED BY: Councillor Rick Phillips.

THAT This Council accepts the 6-month non-employment contract with Steve Mercer as presented. Be it further moved that Council go to competition for the position in April with an anticipated start date of July 1, 2007

MOVED BY: Councillor Iain Gardiner

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SECONDED BY: Councillor Rick Phillips.

THAT this Council accepts the Clerks recommendation to do a book transfer of \$43,000 and \$5,612.80 towards unfinanced capital. These are monies connected to budgeted uncharged interest and an overestimate on last year's backhoe purchase. This book entry will reduce overall capital debt by said amount.

CARRIED

With no further business to discuss, Council agreed to adjourn and the next scheduled meeting of Council will be Monday, February 19, 2007 at 7:00 pm or at the call of the Reeve.

MOVED BY: Councillor Chris Brady

SECONDED BY: Councillor Iain Gardiner

That this Regular Council Meeting be adjourned 10:20 pm.

CARRIED

Margaret Walsh, Reeve

Steve Mercer, Clerk-Treasurer